

FILED

JUN 20 2010

DEPARTMENT OF REAL ESTATE



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

BRADLEY JAY LETOURNEAU,

No. H-8502 SF

Respondent.

ORDER GRANTING UNRESTRICTED LICENSE

On December 5, 2003, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on January 13, 2004, and Respondent has operated as a restricted licensee since that time.

On June 24, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
2 restrictions is granted and that a real estate salesperson license be issued to Respondent if
3 Respondent satisfies the following requirements:

4 1. Submits a completed application and pays the fee for a real estate
5 salesperson license within the 12 month period following the date of this Order; and

6 2. Submits proof that Respondent has completed the continuing education
7 requirements for renewal of the license sought. The continuing education courses must be
8 completed either (i) within the 12 month period preceding the filing of the completed
9 application, or (ii) within the 12 month period following the date of this Order.

10 This Order shall become effective immediately.

11 IT IS SO ORDERED

6/8/2010

12 JEFF DAYI
13 Real Estate Commissioner

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DEC 11 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

BRADLEY JAY LETOURNEAU

Respondent

No. H- 8502 SF

**STIPULATION AND
WAIVER**

I, BRADLEY JAY LETOURNEAU, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on August 28, 2003, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
26
27

- 1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:
- 4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and
- 6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.
- 9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of two of the courses listed in Section
13 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real
14 estate finance, or advanced real estate appraisal. If I fail to timely present to the Department
15 satisfactory evidence of successful completion of the two required courses, the restricted license
16 shall be automatically suspended effective eighteen (18) months after the date of its issuance.
17 Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have
18 submitted the required evidence of course completion and the Commissioner has given written
19 notice to me of the lifting of the suspension.
- 20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
22 entitled to the issuance of another license which is subject to Section 10153.4 until four years
23 after the date of the issuance of the preceding restricted license.

24 DATED this 19TH day of November, 2003.

25 Bradley Jay Letourneau
26 BRADLEY JAY LETOURNEAU, Respondent
27

1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to respondent.

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent BRADLEY JAY LETOURNEAU if respondent has otherwise fulfilled all of the statutory
7 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
8 the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 5th day of December, 2003.

11
12 Paula Reddish Zinnemann

13 Paula Reddish Zinnemann
14 Real Estate Commissioner

15 by John R. Liberator
16 Chief Deputy Commissioner

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18 BY: John R. Liberator
19 Chief Deputy Commissioner
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**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

SEP 24 2003

DEPARTMENT OF REAL ESTATE

Theresa Contreras

In the Matter of the Application of

BRADLEY JAY LeTOURNEAU,

Respondent

Case No. H-8502 SF

OAH No.

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at

**OFFICE OF ADMINISTRATIVE HEARING
THE ELIHU HARRIS STATE BUILDING
1515 CLAY STREET, SUITE 206
OAKLAND, CALIFORNIA 94612**

on **NOVEMBER 19, 2003**, at the hour of **1:30 PM**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: SEPTEMBER 23, 2003

By

Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

1 DEIDRE L. JOHNSON, Counsel
SBN 66322
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789
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FILED
AUG 28 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 BRADLEY JAY LeTOURNEAU,) NO. H-8502 SF
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, LES R. BETTENCOURT, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Statement of Issues against BRADLEY JAY LeTOURNEAU, alleges as
18 follows:

19 I

20 BRADLEY JAY LeTOURNEAU (hereafter Respondent), pursuant
21 to the provisions of Section 10153.3 of the Business and
22 Professions Code, made application to the Department of Real
23 Estate of the State of California for a real estate salesperson
24 license on or about October 22, 2002, with the knowledge and
25 understanding that any license issued as a result of said
26 application would be subject to the conditions of Section 10153.4
27 of the Business and Professions Code.

1 II

2 The Complainant, LES R. BETTENCOURT, a Deputy Real
3 Estate Commissioner of the State of California, makes this
4 Statement of Issues in his official capacity and not otherwise.

5 III

6 In response to Question 25 of said application, to
7 wit: "Have you ever been convicted of any violation of law?",
8 Respondent answered "Yes," and disclosed three driving under the
9 influence convictions in Minnesota, including the convictions
10 alleged in Paragraphs IV and V below. Respondent failed to
11 disclose the conviction alleged in Paragraph VI below.

12 IV

13 On or about July 12, 1985, in the District Court of
14 the State of Minnesota, County of Washington, Tenth Judicial
15 District, Respondent was convicted of violation of Minnesota
16 Statute Section 169.121 Subd. 3(b) (GROSS DWI OVER 10% WITHIN
17 TWO HOURS OF DRIVING), a crime involving moral turpitude,
18 and/or a crime which bears a substantial relationship under
19 Section 2910, Title 10, California Code of Regulations, to the
20 qualifications, functions, or duties of a real estate licensee.

21 V

22 On or about March 14, 1991, in the District Court of
23 the State of Minnesota, County of Ramsey, Second Judicial
24 District, Respondent was convicted of violation of Minnesota
25 Statute Section 169.121 Subd. 3(b) (GROSS DWI OVER 10% WITHIN
26 TWO HOURS OF DRIVING), a crime involving moral turpitude,
27 and/or a crime which bears a substantial relationship under

1 Section 2910, Title 10, California Code of Regulations, to the
2 qualifications, functions, or duties of a real estate licensee.

3 VI

4 On or about January 31, 1995, in the Circuit Court of
5 the State of Wisconsin, County of Eau Claire, Tenth Judicial
6 District, Respondent was convicted of violation of Wisconsin
7 Statute Section 946.41(1) (OBSTRUCTING AN OFFICER), a crime
8 involving moral turpitude, and/or a crime which bears a
9 substantial relationship under Section 2910, Title 10, California
10 Code of Regulations, to the qualifications, functions, or duties
11 of a real estate licensee.

12 VII

13 Respondent's failure in the application for licensure
14 to disclose the conviction alleged in Paragraph VI above
15 constitutes the attempt to procure a real estate license by
16 fraud, misrepresentation or deceit, and/or by a making material
17 misstatement of fact in said application, and/or by knowingly
18 making a false statement in said application, which is cause for
19 denial of Respondent's application for a real estate license
20 under Sections 480(c) and/or 10177(a) of the Business and
21 Professions Code.

22 VIII

23 The crimes of which Respondent was convicted as alleged
24 in Paragraphs IV, V, and VI above constitute cause, jointly or
25 severally, for denial of Respondent's application for a real
26 estate license under Sections 480(a) and/or 10177(b) of the
27 California Business and Professions Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper in the premises.

Les R. Bettencourt
LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Oakland, California
this 22nd day of August, 2003