

FLAG

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

FILED

JUN 25 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-8808 SF
	)	
DOUGLAS PAUL BOYENGA,	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING UNRESTRICTED LICENSE

On July 16, 2004, a Decision was rendered herein denying Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on August 17, 2004 and Respondent has operated as a restricted licensee since that time.

On August 9, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license.

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

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 Petition for removal of restrictions is granted and that a real  
10 estate broker license be issued to Respondent if, within nine  
11 (9) months from the date of this order, Respondent shall:

12 (a) Submit a completed application and pay the  
13 appropriate fee for a real estate broker license, and

14 (b) Submit evidence of having taken and successfully  
15 completed the continuing education requirements of Article 2.5  
16 of Chapter 3 of the Real Estate Law for renewal of a real estate  
17 license.

18 This Order shall become effective immediately.

19 IT IS SO ORDERED 6-24-08, 2008.

20 JEFF DAVIS  
21 Real Estate Commissioner  
22  
23  
24  
25  
26  
27

1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED  
JUL 23 2004

DEPARTMENT OF REAL ESTATE

By Lauriel Ziri

7 DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

9  
10 *In the Matter of the Application of*

11 DOUGLAS PAUL BOYENGA,

12  
13 Respondent

)  
) No. H- 8808 SF  
)  
)

)  
) **STIPULATION AND**  
) **WAIVER**  
)  
)

14  
15 I, DOUGLAS PAUL BOYENGA, respondent herein, do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate broker license and that to the best of my knowledge I have  
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee  
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
20 filed by the Department of Real Estate on JUNE 28, 2004, in connection with my application for a real  
21 estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement  
22 of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other  
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate  
24 broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of  
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory  
26 showing that I meet all the requirements for issuance of a real estate broker license. I further understand that

1 by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has  
2 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an  
3 unrestricted real estate broker license.

4 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
5 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me  
6 under the authority of Section 10156.5 of the Business and Professions Code.

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

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

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

25 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
26 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
27 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending

1 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt  
2 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received  
3 the original signed Stipulation and Waiver.

4  
5 6/30/2004  
6 Dated

Douglas Paul Boyenga  
7 DOUGLAS PAUL BOYENGA, Respondent

8 \* \* \*

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

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to  
14 respondent DOUGLAS PAUL BOYENGA if respondent has otherwise fulfilled all of the statutory  
15 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
16 the foregoing Stipulation and Waiver.

17 This Order is effective immediately.

18 IT IS SO ORDERED July 16, 2004.

John R. Liberator  
19 JOHN R. LIBERATOR  
20 ACTING REAL ESTATE COMMISSIONER  
21  
22  
23  
24  
25  
26  
27

1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)

FILED

JUN 28 2004

DEPARTMENT OF REAL ESTATE

By Laurie J. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 DOUGLAS PAUL BOYENGA, )  
13 Respondent. )

No. H-8808 SF

STATEMENT OF ISSUES

14  
15 The Complainant, Les R. Bettencourt, a Deputy Real  
16 Estate Commissioner of the State of California, for Statement of  
17 Issues against DOUGLAS PAUL BOYENGA (hereinafter "Respondent"),  
18 alleges as follows:

19 I

20 Complainant, Les R. Bettencourt, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues in his official capacity.

23 II

24 On or about March 24, 2004, Respondent made  
25 application to the Department of Real Estate of the State of  
26 California (herein "the Department") for a real estate broker  
27 license.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

III

On or about May 18, 1999, in the Superior Court of the State of California, County of Alameda, Respondent was convicted of the crime of Unauthorized Cultivation, Harvesting, Or Processing Of Marijuana in violation of Health and Safety Code Section 11358, a felony and a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

Respondent's criminal conviction described in Paragraph III, above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

PRIOR ADMINISTRATIVE PROCEEDINGS

V

Effective October 23, 2000, in Case No. H-7840 SF before the Department, Respondent's application for a real estate salesperson license was denied by the Real Estate Commissioner pursuant to the provisions of Sections 480(a) and 10177(b) of the Code.

VI

Effective August 7, 2003, in Case No. H-8319 SF before the Department, Respondent's application for a real estate salesperson license was denied by the Real Estate Commissioner

1 pursuant to the provisions of Sections 480(a) and 10177(b) of  
2 the Code, but Respondent was granted the right to the issuance  
3 of a restricted real estate salesperson license pursuant to  
4 Section 10156.5 of the Code.

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

11  
12 

13 LES R. BETTENCOURT  
14 Deputy Real Estate Commissioner

14 Dated at Oakland, California,  
15 this 18<sup>th</sup> day of June, 2004.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27