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DEPARTMENT OF REAL ESTATE

By K. Max

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
NATHAN R. PIPER,  
Respondent.

No. H-9331 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 9, 2006, an Order Accepting Voluntary Surrender was rendered herein accepting the surrender of the real estate salesperson license of Respondent.

On February 1, 2007, Respondent petitioned for reinstatement of said license. On April 17, 2007, an Order Denying Reinstatement of License was rendered denying Respondent's petition but granting Respondent the right to the issuance of a restricted real estate salesperson license. On June 1, 2007, a restricted real estate salesperson license was issued to Respondent and Respondent has been so licensed since that time.

On April 15, 2009, Respondent again petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

1 requirements of law for the issuance to Respondent of an unrestricted real estate salesperson  
2 license and that it would not be against the public interest to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
4 reinstatement be and hereby is granted and that an unrestricted real estate salesperson license be  
5 issued to Respondent if Respondent satisfies the following conditions within twelve (12) months  
6 from the date of this order:

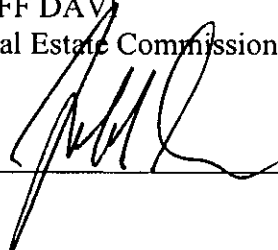
7 1. Submittal of a completed application and payment of the fee for a real  
8 estate salesperson license.

9 2. Submittal of evidence of having, since the most recent issuance of an  
10 original or renewal real estate license, taken and successfully completed the continuing education  
11 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate  
12 license.

13 This Order shall become effective immediately.

14 IT IS SO ORDERED 8-25-09

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16 JEFF DAVIS  
Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

By *Jan Bruno*

BEFORE THE DEPARTMENT OF REAL ESTATE  
OF THE STATE OF CALIFORNIA

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|                                      |               |
|--------------------------------------|---------------|
| In the Matter of the Accusation of ) |               |
| NATHAN R. PIPER,                     | No. H-9331 SF |
| Respondent.                          |               |

ORDER DENYING REINSTATEMENT OF LICENSE

On January 9, 2006, an Order was entered accepting the voluntary surrender of Respondent's real estate salesperson license. The Order became effective January 26, 2006.

On February 1, 2007, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real estate salesperson license.

1           The burden of proving rehabilitation rests with the  
2 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A  
3 petitioner is required to show greater proof of honesty and  
4 integrity than an applicant for first time licensure. The proof  
5 must be sufficient to overcome the prior adverse judgment on the  
6 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d  
7 395).

8           The Department has developed criteria in Section 2911  
9 of Title 10, California Code of Regulations (Regulations) to  
10 assist in evaluating the rehabilitation of an applicant for  
11 reinstatement of a license. Among the criteria relevant in this  
12 proceeding are:

13           Section 2911(a). The passage of not less than two years  
14 since the most recent criminal conviction or act of the applicant  
15 that is a basis to deny the departmental action sought. (A longer  
16 period will be required if there is a history of acts or conduct  
17 substantially related to the qualifications, functions or duties  
18 of a licensee of the department.)

19           Until the Order Accepting Voluntary Surrender was  
20 entered herein an Accusation filed herein August 3, 2005 was  
21 pending herein alleging cause to suspend or revoke Respondent's  
22 real estate salesperson license pursuant to the provisions of  
23 Sections 490 and 10177(b) of the Code on the grounds, among  
24 others, that:

25           (a) On January 13, 2004, Respondent was convicted of  
26 the crime of Driving With Blood Alcohol Over .08% in violation of  
27 Vehicle Code Section 23152(b), a misdemeanor;

1           (b) On May 14, 2004, Respondent was convicted of the  
2 crime of Driving With Blood Alcohol Over .08% in violation of  
3 Vehicle Code Section 23152(b), and of the crime of Driving With  
4 Suspended License in violation of Vehicle Code Section 14601.5,  
5 each a misdemeanor;

6           The Accusation also alleged in aggravation that:

7           (a) On April 18, 1995, Respondent was convicted of the  
8 crime of Driving With Suspended License in violation of Vehicle  
9 Code Section 14601(a), a misdemeanor;

10           (b) On March 16, 1998, Respondent was convicted of the  
11 crime of Driving Under The Influence Of Alcohol in violation of  
12 Vehicle Code Section 23152(a), a misdemeanor;

13           (c) On March 28, 2000, Respondent was convicted of the  
14 crime of Carrying A Concealed Firearm in violation of Penal Code  
15 Section 12025(a)(2), a misdemeanor.

16           Thus, Respondent has a lengthy history of convictions  
17 for crimes that are substantially related to the qualifications,  
18 functions or duties of a real estate licensee. It has been  
19 approximately three years since Respondent's most recent  
20 conviction. Respondent remained on probation incident to  
21 Respondent's January 13, 2004 conviction until January 13, 2007.  
22 Respondent's January 13, 2004 and May 14, 2004 convictions have  
23 not been expunged. Respondent is due little credit for good  
24 behavior while on probation, because persons under judicial  
25 supervision are expected to behave in an exemplary manner. A  
26 longer period is required to determine whether Respondent is  
27 fully rehabilitated.

1           Consequently, I am not satisfied that Respondent is  
2 sufficiently rehabilitated to receive an unrestricted real estate  
3 salesperson license. Additional time and evidence of correction  
4 as a restricted real estate salesperson is necessary to establish  
5 that Respondent is rehabilitated.

6           I am satisfied, therefore, that it will not be against  
7 the public interest to issue a restricted real estate salesperson  
8 license to Respondent.

9           NOW, THEREFORE, IT IS ORDERED that Respondent's  
10 petition for reinstatement of Respondent's real estate  
11 salesperson license is denied.

12           A restricted real estate salesperson license shall be  
13 issued to Respondent pursuant to Section 10156.5 of the Business  
14 and Professions Code, if Respondent satisfies the following  
15 conditions prior to and as a condition of obtaining a restricted  
16 real estate salesperson license within nine (9) months from the  
17 date of this Order:

18           1. Submittal of a completed application and payment of  
19 the fee for a real estate salesperson license.

20           2. Submittal of evidence of having, since the most  
21 recent issuance of an original or renewal real estate license,  
22 taken and successfully completed the continuing education  
23 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
24 for renewal of a real estate license.

25           The restricted license issued to Respondent shall be  
26 subject to all of the provisions of Section 10156.7 of the  
27 Business and Professions Code and to the following limitations,

1 conditions and restrictions imposed under authority of Section  
2 10156.6 of that Code:

3           A. The restricted license issued to Respondent may be  
4 suspended prior to hearing by Order of the Real Estate  
5 Commissioner in the event of Respondent's conviction or plea of  
6 nolo contendere to a crime which is substantially related to  
7 Respondent's fitness or capacity as a real estate licensee.

8           B. The restricted license issued to Respondent may be  
9 suspended prior to hearing by Order of the Real Estate  
10 Commissioner on evidence satisfactory to the Commissioner that  
11 Respondent has violated provisions of the California Real Estate  
12 Law, the Subdivided Lands Law, Regulations of the Real Estate  
13 Commissioner or conditions attaching to the restricted license.

14           C. Respondent shall not be eligible to apply for the  
15 issuance of an unrestricted real estate license nor the removal  
16 of any of the limitations, conditions or restrictions of a  
17 restricted license until two (2) years have elapsed from the date  
18 of the issuance of the restricted license to respondent.

19           D. Respondent shall submit with any application for  
20 license under an employing broker, or any application for  
21 transfer to a new employing broker, a statement signed by the  
22 prospective employing real estate broker on a form approved by  
23 the Department of Real Estate which shall certify:

24           1. That the employing broker has read the Decision of  
25 the Commissioner which granted the right to a restricted license;  
26 and

27 ///

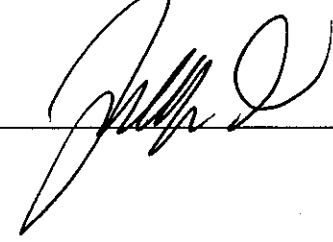
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2. That the employing broker will exercise close  
supervision over the performance by the restricted licensee  
relating to activities for which a real estate license is  
required.

This Order shall become effective at 12 o'clock  
noon on MAY 18 2007, 2007.

DATED: \_\_\_\_\_ *4/17* 2007.

JEFF DAVI  
Real Estate Commissioner

  
\_\_\_\_\_

FILED  
JAN 10 2006

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

|                                    |   |               |
|------------------------------------|---|---------------|
| In the Matter of the Accusation of | ) |               |
|                                    | ) |               |
| NATHAN R. PIPER,                   | ) | No. H-9331 SF |
|                                    | ) |               |
| Respondent.                        | ) |               |

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On August 3, 2005, an Accusation was filed in this matter against Respondent NATHAN R. PIPER.

On December 8, 2005, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent NATHAN R. PIPER's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated December 8, 2005, (attached as Exhibit "A" hereto). Respondent's license

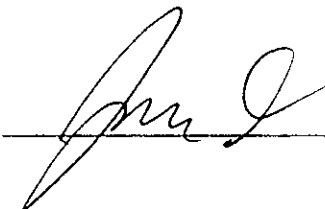
1 certificate and pocket card shall be sent to the below listed  
2 address so that they reach the Department on or before the  
3 effective date of this Order:

4 DEPARTMENT OF REAL ESTATE  
5 Attn: Licensing Flag Section  
6 P. O. Box 187000  
7 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock noon  
9 on JAN 26, 2006.

10 DATED: 1-9, 2006

11 JEFF DAVI  
12 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

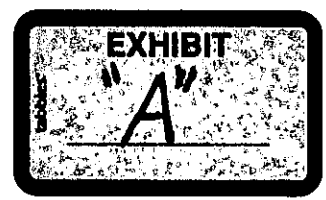
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|                                    |   |               |
|------------------------------------|---|---------------|
| In the Matter of the Accusation of | ) | No. H-9331 SF |
|                                    | ) |               |
| NATHAN R. PIPER,                   | ) |               |
|                                    | ) |               |
| Respondent.                        | ) |               |

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DECLARATION

My name is NATHAN R. PIPER and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am represented by MAXINE MONAGHAN, Attorney at Law. In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions Code) I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.



1 I understand that by so voluntarily surrendering my  
2 license(s), that it can only be reinstated in accordance with the  
3 provisions of Section 11522 of the Government Code. I also  
4 understand that by so voluntarily surrendering my license(s), I  
5 agree to the following:

6 The filing of this Declaration shall be deemed as my  
7 petition for voluntary surrender. It shall also be deemed to be  
8 an understanding and agreement by me that, I waive all rights I  
9 have to require the Commissioner to prove the allegations  
10 contained in the Accusation filed in this matter at a hearing  
11 held in accordance with the provisions of the Administrative  
12 Procedure Act (Government Code Sections 11400 et seq.), and that  
13 I also waive other rights afforded to me in connection with the  
14 hearing such as the right to discovery, the right to present  
15 evidence in defense of the allegations in the Accusation and the  
16 right to cross-examine witnesses. I further agree that upon  
17 acceptance by the Commissioner, as evidenced by an appropriate  
18 order, all affidavits and all relevant evidence obtained by the  
19 Department in this matter prior to the Commissioner's acceptance,  
20 and all allegations contained in the Accusation filed in the  
21 Department Case No. H-9331 SF, may be considered by the  
22 Department to be true and correct for the purpose of deciding  
23 whether or not to grant reinstatement of my license(s) pursuant  
24 to Government Code Section 11522.

25 I declare under penalty of perjury under the laws of  
26 the State of California that the above is true and correct and

27 ///

1 that I freely and voluntarily surrender my license(s) and all  
2 license rights attached thereto.

3 12/8/05 San Francisco  
4 Date and Place

Nathan Piper  
NATHAN PIPER

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1 MICHAEL B. RICH, Counsel  
2 State Bar No. 84257  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6 Telephone: (916) 227-0789

FILED  
AUG 03 2005

DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 NATHAN RANDOLPH PIPER, ) H-9331 SF  
13 Respondent. ) ACCUSATION  
14 )

15 The Complainant, E.J. HABERER II, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against NATHAN RANDOLPH PIPER (hereinafter referred to as  
18 Respondent), is informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has  
21 license rights under the Real Estate Law (Part 1 of Division 4  
22 of the Business and Professions Code) (Code) as a real estate  
23 salesperson.

24 II

25 The Complainant, E.J. HABERER II, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Accusation  
27 in his official capacity.

1 III

2 On or about January 13, 2004, in the Superior Court,  
3 County of San Francisco, State of California, in case number  
4 NM330860, Respondent was convicted of a violation of Section  
5 23152(b) of the California Vehicle Code (Driving under the  
6 influence while having a blood alcohol level of .08% or more), a  
7 crime involving moral turpitude and/or which bears a substantial  
8 relationship under Section 2910, Title 10, California Code of  
9 Regulations, to the qualifications, functions, or duties of a  
10 real estate licensee.

11 IV

12 On or about May 14, 2004, in the Superior Court,  
13 County of San Mateo, State of California, in case number  
14 337700A, Respondent was convicted of a violation of Section  
15 23152(b) of the California Vehicle Code (Driving under the  
16 influence while having a blood alcohol level of .08% or more)  
17 pursuant to Section 23540 of the California Vehicle Code  
18 (Mandatory jail sentence for violating § 23152 with prior  
19 conviction for violating §§ 23103.5, 23152, or 23153 within  
20 seven years) and Section 14601.5 of the California Vehicle Code  
21 (Knowingly driving while driver's license suspended or revoked  
22 for having been convicted of driving under the influence),  
23 crimes involving moral turpitude and/or crimes which bear a  
24 substantial relationship under Section 2910, Title 10,  
25 California Code of Regulations, to the qualifications,  
26 functions, or duties of a real estate licensee.

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V

The convictions alleged in Paragraphs III and IV, above, individually and/or collectively, constitute cause under Sections 490 and/or 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

MATTERS IN AGGRAVATION

VI

On or about April 18, 1995, in the Municipal Court, County of San Mateo, State of California, in case number NM254103A, Respondent was convicted of a violation of Section 14601(a) of the California Vehicle Code (Unlawful driving while license suspended or revoked for reckless driving, negligent/incompetent operation, or alcoholism or drug addiction), a crime involving moral turpitude and/or a crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

VII

On or about March 16, 1998, in the Municipal Court, County of San Mateo, State of California, in case number NM280844A, Respondent was convicted of a violation of Section 23152(a) of the California Vehicle Code (Unlawfully driving a vehicle while under the influence of alcohol), a crime involving moral turpitude and/or a crime which bears a substantial relationship under Section 2910, Title 10, California Code of


///

1 Regulations, to the qualifications, functions, or duties of a  
2 real estate licensee.

3 VIII

4 On or about March 28, 2000, in the Superior Court,  
5 County of San Mateo, State of California, in case number  
6 NM301839A, Respondent was convicted of a violation of Section  
7 12025(a)(2) of the California Penal Code (Carry concealed upon  
8 his person any pistol or firearm capable of concealment upon the  
9 person), a crime involving moral turpitude and/or a crime which  
10 bears a substantial relationship under Section 2910, Title 10,  
11 California Code of Regulations, to the qualifications,  
12 functions, or duties of a real estate licensee.

13 WHEREFORE, Complainant prays that a hearing be  
14 conducted on the allegations of this Accusation and that upon  
15 proof thereof, a decision be rendered imposing disciplinary  
16 action against all licenses and license rights of Respondent  
17 under the Real Estate Law (Part 1 of Division 4 of the Business  
18 and Professions Code), and for such other and further relief as  
19 may be proper under the provisions of law.

20  
21   
22 E.J. HABERER II  
23 Deputy Real Estate Commissioner

24 Dated at Oakland, California,  
25 this 11 day of July, 2005.