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JUL 17 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-9405 SF
JASON DANIEL LUCEY,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On December 21, 2005, 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 January 11, 2006, and Respondent has operated as a restricted licensee since that time.

On January 2, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker 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

1 my satisfaction that Respondent meets the requirements of law for
2 the issuance to Respondent of an unrestricted real estate broker
3 license and that it would not be against the public interest to
4 issue said license to Respondent.

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

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

11 (b) Submit evidence of having, since the most recent
12 issuance of an original or renewal real estate license, taken and
13 successfully completed the continuing education requirements of
14 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
15 real estate license.

16 This Order shall become effective immediately.

17 IT IS SO ORDERED 7-2-08, 2008.

18 JEFF DAVIS
19 Real Estate Commissioner
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1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007

6 Telephone: (916) 227-0781

FILED
JAN 08 2006

DEPARTMENT OF REAL ESTATE

By Anna Shuman

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Application of)
11 JASON DANIEL LUCEY,) No. H-9405 SF
12 Respondent.) STIPULATION AND WAIVER
13

14
15 It is hereby stipulated by and between JASON DANIEL
16 LUCEY (hereafter Respondent), and Respondent's attorney Charles
17 J. Smith, and the Complainant, acting by and through Truly
18 Sughrue, Counsel for the Department of Real Estate, as follows
19 for the purpose of settling and disposing of the Statement of
20 Issues filed on October 7, 2005 in this matter:

21 Respondent acknowledges that Respondent has received
22 and read the Statement of Issues and the Statement to Respondent
23 filed by the Department of Real Estate in connection with
24 Respondent's application for a real estate broker license.
25 Respondent understands that the Real Estate Commissioner may hold
26 a hearing on this Statement of Issues for the purpose of
27 requiring further proof of Respondent's honesty and truthfulness

1 and to prove other allegations therein, or that he may in his
2 discretion waive the hearing and grant Respondent a restricted
3 real estate broker license based upon this Stipulation and
4 Waiver. Respondent also understands that by filing the Statement
5 of Issues in this matter the Real Estate Commissioner is shifting
6 the burden to Respondent to make a satisfactory showing that
7 Respondent meets all the requirements for issuance of a real
8 estate broker license. Respondent further understands that by
9 entering into this stipulation and waiver Respondent will be
10 stipulating that the Real Estate Commissioner has found that
11 Respondent has failed to make such a showing, thereby justifying
12 the denial of the issuance to Respondent of an unrestricted real
13 estate broker license.

14 Respondent hereby admits that the allegations of the
15 Statement of Issues filed against Respondent are true and correct
16 and requests that the Real Estate Commissioner in his discretion
17 issue a restricted real estate broker license to Respondent under
18 the authority of Section 10156.5 of the Business and Professions
19 Code. Respondent understands that any such restricted license
20 will be issued subject to and be limited by Section 10153.4 of
21 the Business and Professions Code.

22 Respondent is aware that by signing this Stipulation
23 and Waiver, Respondent is waiving Respondent's right to a hearing
24 and the opportunity to present evidence at the hearing to
25 establish Respondent's rehabilitation in order to obtain an
26 unrestricted real estate broker license if this Stipulation and
27 Waiver is accepted by the Real Estate Commissioner. However,

1 Respondent is not waiving Respondent's right to a hearing and to
2 further proceedings to obtain a restricted or unrestricted
3 license if this Stipulation and Waiver is not accepted by the
4 Commissioner.

5 Respondent further understands that the following
6 conditions, limitations, and restrictions will attach to a
7 restricted license issued by the Department of Real Estate
8 pursuant hereto:

9 1. The license shall not confer any property right in the
10 privileges to be exercised including the right of renewal,
11 and the Real Estate Commissioner may by appropriate order
12 suspend the right to exercise any privileges under this
13 restricted license in the event of:

- 14 a. The conviction of Respondent (including a plea of nolo
15 contendere) to a crime which bears a substantial
16 relationship to Respondent's fitness or capacity as a
17 real estate licensee; or
18 b. The receipt of evidence that Respondent has violated
19 provisions of the California Real Estate Law, the
20 Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner or conditions attaching to this restricted
22 license.

23 2. Respondent shall not be eligible to apply for the issuance
24 of an unrestricted real estate license nor the removal of
25 any of the conditions, limitations or restrictions
26 attaching to the restricted license, until two (2) years
27

1 have elapsed from the date of issuance of the restricted
2 license to Respondent.

3 3. Respondent shall regularly attend an alcohol abuse
4 treatment or recovery program, such as Alcoholics
5 Anonymous or other formal program, at least once a week
6 during the term(s) of the restricted license.

7
8 28-Nov-05

DATED

Truly S
TRULY SUGHRUE,

Counsel, Department of Real Estate

9
10 * * *

11 I have read the Stipulation and Waiver, have discussed
12 it with my counsel, and its terms are understood by me and are
13 agreeable and acceptable to me. I understand that I am waiving
14 rights given to me by the California Administrative Procedure Act
15 (including but not limited to Section 11506, 11508, 11509, and
16 11513 of the Government Code), and I willingly, intelligently,
17 and voluntarily waive those rights, including the right of a
18 hearing on the Statement of Issues at which I would have the
19 right to cross-examine witnesses against me and to present
20 evidence in defense and mitigation of the charges.

21
22 11/21/05 Redwood City, CA

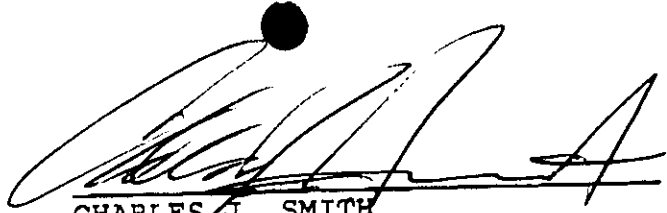
DATED

Jason Daniel Lucey
JASON DANIEL LUCEY
Respondent

24 I have reviewed the Stipulation and Waiver as to form
25 and content and have advised my client accordingly.
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11/25/05
DATED


CHARLES J. SMITH
Attorney for Respondent

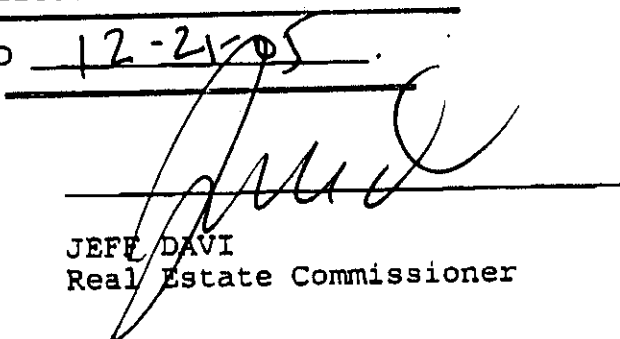
* * *

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

Therefor, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirement for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED


JEFF DAVI
Real Estate Commissioner

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED

OCT 07 2005

DEPARTMENT OF REAL ESTATE

By Jean Arment

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JASON DANIEL LUCEY,)
13 Respondent.)

No. H- 9405 SF

STATEMENT OF ISSUES

14
15 The Complainant, E. J. HABERER II, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against JASON DANIEL LUCEY (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate broker
22 license on or about June 3, 2004.

23 II

24 Complainant, E. J. HABERER II, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity and not otherwise.

27 \\\

1 III

2 On or about November 20, 2003, in the Superior Court,
3 County of San Mateo, Respondent was convicted of a violation of
4 Section 23152(A) of the California Vehicle Code (Driving Under
5 the Influence), a crime involving moral turpitude which bears a
6 substantial relationship under Section 2910, Title 10, California
7 Code of Regulations, to the qualifications, functions, or duties
8 of a real estate licensee.

9 IV

10 On or about May 13, 2002, in the Superior Court, County
11 of Alameda, Respondent was convicted of a violation of Section
12 23152(B) of the California Vehicle Code (Driving With a 0.08 or
13 Higher Blood Alcohol Level), a crime involving moral turpitude
14 which bears a substantial relationship under Section 2910, Title
15 10, California Code of Regulations, to the qualifications,
16 functions, or duties of a real estate licensee.

17 V

18 On or about November 15, 2000, in the Superior Court,
19 County of Alameda, Respondent was convicted of a violation of
20 Section 23152(B) of the California Vehicle Code (Driving With a
21 0.08 or Higher Blood Alcohol Level), a crime involving moral
22 turpitude which bears a substantial relationship under Section
23 2910, Title 10, California Code of Regulations, to the
24 qualifications, functions, or duties of a real estate licensee.

25 \\\

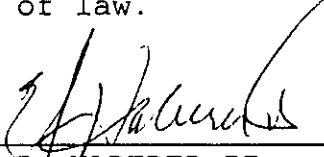
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IV

The crimes of which Respondent was convicted, as above, constitute 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.

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 broker license to Respondent, and for such other and further relief as may be proper under other provisions of law.


E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 29th day of September, 2005.