

FLAG

FILED
JAN 08 2006

DEPARTMENT OF REAL ESTATE

By Anne Shaver

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JASON DANIEL LUCEY,) No. H-9406 SF
Respondent.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 7, 2005, an Accusation was filed in this matter against Respondent JASON DANIEL LUCEY.

On November 21, 2005, Respondent JASON DANIEL LUCEY petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

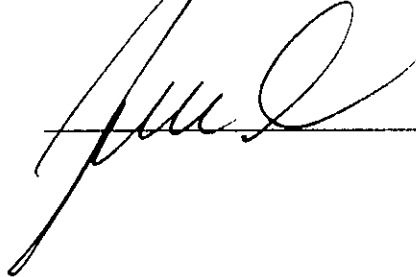
IT IS HEREBY ORDERED that Respondent JASON DANIEL LUCEY's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent JASON DANIEL LUCEY on November 21, 2005 (attached as Exhibit "A" hereto).

1 Respondent JASON DANIEL LUCEY's license certificate
2 and pocket card shall be sent to the below-listed address so
3 that they reach the Department on or before the effective date
4 of this Order:

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

9 This Order shall become effective at 12 o'clock
10 noon on January 26 2006 .

11 DATED: 1-21-05

12 JEFF DAVE
13 Real Estate Commissioner
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7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) No. H-9406 SF
11 JASON DANIEL LUCEY,)
12 Respondent.)

13 DECLARATION

14 My name is JASON DANIEL LUCEY and that I am currently
15 licensed as a real estate salesperson and have license rights
16 with respect to said license. I am represented by Charles J.
17 Smith in this matter.

18 In lieu of proceeding in this matter in accordance with
19 the provisions of the Administrative Procedures Act (Sections
20 11400 et seq., of the Business and Professions Code) I wish to
21 voluntarily surrender my real estate license issued by the
22 Department of Real Estate ("Department"), pursuant to Business
23 and Professions Code Section 10100.2.

24 I understand that by so voluntarily surrendering my
25 license, that it can only be reinstated in accordance with the
26 provisions of Section 11522 of the Government Code. I also
27

EXHIBIT
A

1 understand that by so voluntarily surrendering my license(s), I
2 agree to the following:

3 The filing of this Declaration shall be deemed as my
4 petition for voluntary surrender. It shall also be deemed to be
5 an understanding and agreement by me that, I waive all rights I
6 have to require the Commissioner to prove the allegations
7 contained in the Accusation filed in this matter at a hearing
8 held in accordance with the provisions of the Administrative
9 Procedures Act (Government Code Sections 11400 et seq.), and that
10 I also waive other rights afforded to me in connection with the
11 hearing such as the right to discovery, the right to present
12 evidence in defense of the allegations in the Accusation and the
13 right to cross examine witnesses. I further agree that upon
14 acceptance by the Commissioner, as evidenced by an appropriate
15 order, all affidavits and all relevant evidence obtained by the
16 Department in this matter prior to the Commissioner's acceptance,
17 and all allegations contained in the Accusation filed in the
18 Department Case No. H-9406 SF, may be considered by the
19 Department to be true and correct for the purpose of deciding
20 whether or not to grant reinstatement of my license pursuant to
21 Government Code Section 11522.

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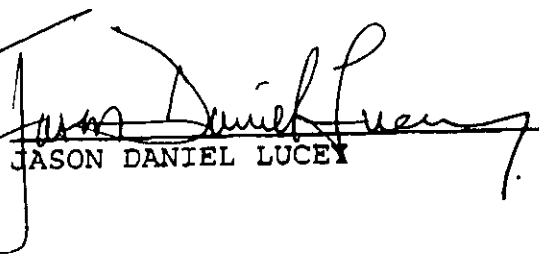
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1 I declare under penalty of perjury under the laws of
2 the State of California that the above is true and correct and
3 that I freely and voluntarily surrender my license and all
4 license rights attached thereto.

5 11/21/05, REDWOOD CITY, CA
6 Date and Place


JASON DANIEL LUCEY

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 Brunet

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

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

No. H- 9406 SF

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 JASON DANIEL LUCEY (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

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

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II

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

III

On or about November 20, 2003, in the Superior Court, County of San Mateo, Respondent was convicted of a violation of Section 23152(A) of the California Vehicle Code (Driving Under the Influence), a crime involving moral turpitude 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.

MATTERS IN AGGREGATION

IV

On or about May 13, 2002, in the Superior Court, County of Alameda, Respondent was convicted of a violation of Section 23152(B) of the California Vehicle Code (Driving With a 0.08 or Higher Blood Alcohol Level), a crime involving moral turpitude 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.

V

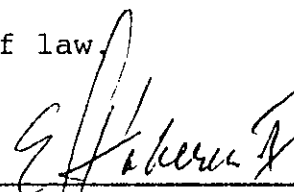
On or about November 15, 2000, in the Superior Court, County of Alameda, Respondent was convicted of a violation of Section 23152(B) of the California Vehicle Code (Driving With a 0.08 or Higher Blood Alcohol Level), a crime involving moral

1 turpitude which bears a substantial relationship under Section
2 2910, Title 10, California Code of Regulations, to the
3 qualifications, functions, or duties of a real estate licensee.

4 VI

5 The facts alleged above constitute cause under Sections
6 490 and 10177(b) of the Code for suspension or revocation of all
7 licenses and license rights of Respondent under the Real Estate
8 Law.

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

16
17 
18 E. J. HABERER II
Deputy Real Estate Commissioner

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