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FILED

JUN 22 2011

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

JASON ROSS BLEIER,

Respondent.

No. H-9429 SF

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On May 1, 2006, 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 July 5, 2006, and Respondent has operated as a restricted licensee since that time.

On June 29, 2010, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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

1 I have considered Respondent's petition and the evidence and arguments in
2 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has
3 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
4 estate salesperson license at this time.

5 The Department has developed criteria in Section 2911 of Title 10, California
6 Code of Regulations ("Regulations") to assist in evaluating the rehabilitation of an applicant for
7 issuance or reinstatement of a license. Among the criteria relevant in this proceeding are:

8 Regulation 2911(k) Correction of business practices resulting in injury to others
9 or with the potential to cause such injury. Regulation 2911(n) Change in attitude from that
10 which existed at the time of the conduct in question.

11 In the Department's Desist & Refrain Order in case number H-11018 SF, it was
12 alleged that, on or about January 26, 2010, Respondent, acting on behalf of Of Lending Group
13 Inc., and/or William Richard Hogarty, solicited Brian J. to provide services concerning the short
14 sale of Brian J.'s property located at 5450 Concord Blvd., Concord, CA, and requested that Brian
15 J. pay an advance fee for those services. In response to Respondent's solicitation, it is alleged
16 that Brian J. paid an advance fee of \$8,000 to Respondent or his employer, Of Lending Group
17 Inc. and/or William Richard Hogarty. At the time of Respondent's solicitation of Brian J.,
18 Respondent was licensed as a restricted salesperson under Gold Star Realty & Investment, Inc., a
19 licensed corporate broker. Respondent could not legally be employed by, or receive
20 compensation for, any acts requiring a real estate license from any entity other than Gold Star
21 Realty & Investment, Inc. while he was licensed to Gold Star. Respondent's activities in
22 connection with the Brian J. transaction violated Sections 10130 and 10137 of the Business &
23 Professions Code.

24 Given the fact that Respondent has not established that Respondent has complied
25 with Regulations 2911(k) and (n), I am not satisfied that Respondent is sufficiently rehabilitated
26 to receive an unrestricted salesperson license.

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NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
restrictions on Respondent's real estate salesperson license is denied.

This Order shall become effective at 12 o'clock noon on JUL 12 2011

DATED 6/22/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



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

FILED
MAY - 2 2006

DEPARTMENT OF REAL ESTATE

By *H. Contreras*

8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 *In the Matter of the Application of*

11 JASON ROSS BLEIER,

12 Respondent.

)
) No. H- 9429 SF
)
)

) **STIPULATION AND WAIVER**
)

14 It is hereby stipulated by and between JASON ROSS BLEIER (hereinafter "Respondent").
15 and Respondent's attorney, Scott G. Lyon, and the Complainant, acting by and through Daniel E. Kehew,
16 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the
17 Statement of Issues filed on October 26, 2005, in this matter:

18 Respondent acknowledges that Respondent has received and read the Statement of Issues
19 and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
20 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
21 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
22 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
23 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
24 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
25 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
26 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by
27 entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner

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

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

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

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

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

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

3 3. With the application for license, or with the application for transfer to a new
4 employing broker, Respondent shall submit a statement signed by the prospective
5 employing broker on a form approved by the Department of Real Estate wherein the
6 employing broker shall certify as follows:

7 a. That broker has read the Statement of Issues which is the basis for the issuance
8 of the restricted license; and

9 b. That broker will carefully review all transaction documents prepared by the
10 restricted licensee and otherwise exercise close supervision over the licensee's
11 performance of acts for which a license is required.

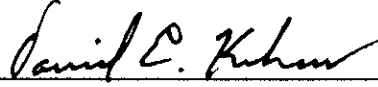
12 4. Respondent's restricted real estate salesperson license is issued subject to the
13 requirements of Section 10153.4 of the Business and Professions Code, to wit:
14 Respondent is required, within eighteen (18) months of the issuance of the restricted
15 license, to submit evidence satisfactory to the Commissioner of successful completion,
16 at an accredited institution, of a course in real estate practices and one of the courses
17 listed in Section 10153.2, other than real estate principles, advanced legal aspects of
18 real estate, advanced real estate finance, or advanced real estate appraisal. If
19 Respondent fails to timely present to the Department satisfactory evidence of
20 successful completion of the two required courses, the restricted license shall be
21 automatically suspended effective eighteen (18) months after the date of its issuance.
22 Said suspension shall not be lifted unless, prior to the expiration of the restricted
23 license, Respondent has submitted the required evidence of course completion and the
24 Commissioner has given written notice to Respondent of the lifting of the suspension.

25 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an
26 unqualified license under Section 10153.4, Respondent shall not be entitled to renew
27 the restricted license, and shall not be entitled to the issuance of another license which

1 is subject to Section 10153.4 until four years after the date of the issuance of the
2 preceding restricted license.

3
4 2/23/06

5 Dated



DANIEL E. KEHEW, Counsel, Department of Real Estate

6 * * *

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

13 Respondent can signify acceptance and approval of the terms and conditions of this
14 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the
15 Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by
16 electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation
17 and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the
18 Department had received the original signed Stipulation and Waiver.

19 3/9/06

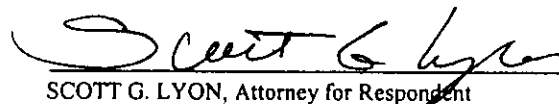
20 Dated


JASON ROSS BLEIER, Respondent

21 *I have reviewed the Stipulation and Waiver as to form and content and have advised my*
22 *client accordingly.*

23 3/10/06

24 Dated


SCOTT G. LYON, Attorney for Respondent

25 * * *

26 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver
27 signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the

1 honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public
2 interest to issue a restricted real estate salesperson license to Respondent.

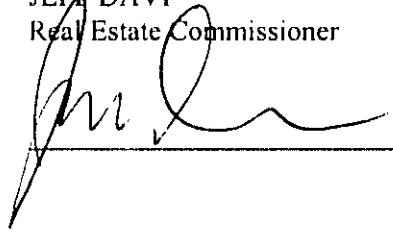
3 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be
4 issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure.

5 The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation
6 and Waiver.

7 This Order is effective immediately.

8 IT IS SO ORDERED 5-1-06
9 _____

10 JEFF DAVI
11 Real Estate Commissioner

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1 DANIEL E. KEHEW, Counsel (SBN 231550)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0425 (Direct)

FILED
OCT 26 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

7
8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13 JASON ROSS BLEIER) H-9429 SF
14 Respondent.) STATEMENT OF ISSUES
15)

16 The Complainant, CHARLES W. KOENIG, a Deputy Real
17 Estate Commissioner of the State of California, for Statement of
18 Issues against JASON ROSS BLEIER (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 I

21 Complainant, CHARLES W. KOENIG, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues against Respondent in his official capacity.

24 II

25 Respondent made application to the Department of Real
26 Estate of the State of California for a real estate salesperson
27 license on or about March 2, 2005, with the knowledge and

1 understanding that any license issued as a result of said
2 application would be subject to the conditions of Section 10153.4
3 of the Business and Professions Code (hereinafter "Code").

4 III

5 On or about March 8, 2001, in the Superior Court of
6 the State of California, County of Santa Barbara, Respondent was
7 convicted of Driving Under the Influence of Alcohol in violation
8 of Vehicle Code Section 23152(a), a misdemeanor and crime
9 involving moral turpitude that bears a substantial relationship
10 under Section 2910, Title 10, California Code of Regulations
11 (hereinafter "Regulations"), to the qualifications, functions,
12 or duties of a real estate licensee.

13 IV

14 On or about December 3, 2002, in the Superior Court of
15 the State of California, County of Contra Costa, Respondent was
16 again convicted of Driving Under the Influence of Alcohol in
17 violation of Vehicle Code Section 23152(b), a misdemeanor and
18 crime involving moral turpitude that bears a substantial
19 relationship under Section 2910 of the Regulations, to the
20 qualifications, functions, or duties of a real estate licensee.

21 V

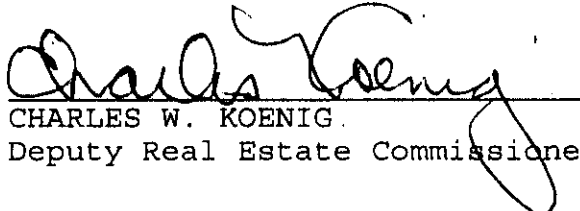
22 The facts alleged in Paragraphs III and IV, above,
23 constitute cause for denial of Respondent's application for a
24 real estate license under Sections 480(a) and 10177(b) of the
25 Code.

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WHEREFORE, Complainant prays that 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 under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 16th day of October, 2005.