

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789
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FILED

APR 17 2007

DEPARTMENT OF REAL ESTATE

By S. Kelly

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-9515 SF
13 STEVE DWAYNE LARSON,) STIPULATION AND AGREEMENT
14 Respondent.)
15

16 It is hereby stipulated by and between Respondent
17 STEVE DWAYNE LARSON, acting by and through his counsel of
18 record, J. Byron Fleck, and the Complainant, acting by and
19 through Michael B. Rich, Counsel for the Department of Real
20 Estate, as follows for the purpose of settling and disposing of
21 the Accusation filed on February 10, 2006, in this matter ("the
22 Accusation"):

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On January 23, 2007, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that Respondent
12 understands that by withdrawing said Notice of Defense
13 Respondent will thereby waive Respondent's right to require the
14 Commissioner to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that Respondent will waive other rights afforded to
17 Respondent in connection with the hearing such as the right to
18 present evidence in defense of the allegations in the Accusation
19 and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations in the
22 Accusation pertaining to Respondent are true and correct and
23 stipulates and agrees that the Real Estate Commissioner shall
24 not be required to provide further evidence of such allegations.

25 5. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement as
27 his decision in this matter, thereby imposing the penalty and

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Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision.

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

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and,

(b) 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.

5. Respondent shall, within nine months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of

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an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

March 4, 2007
DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

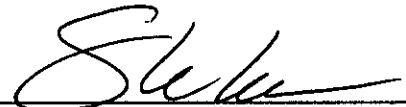
* * *

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine

1 witnesses against me and to present evidence in defense and
2 mitigation of the charges.

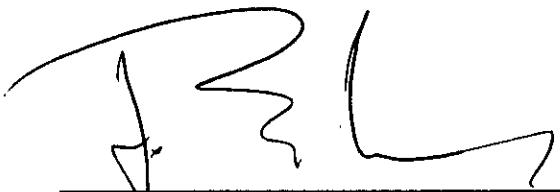
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2/26/07
DATED


STEVE DWAYNE LARSON
Respondent

Approved as to form and content by counsel for
Respondent.

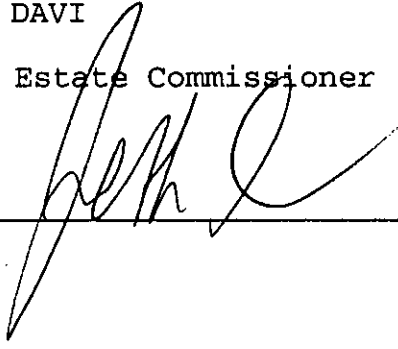
2/26/07
DATED


J. BYRON FLECK
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted by as my Decision in this matter as to Respondent STEVE
DWAYNE LARSON and shall become effective at 12 o'clock noon on
MAY 07, 2007.

IT IS SO ORDERED 3-27, 2007.

JEFF DAVI
Real Estate Commissioner


1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
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5 Telephone: (916) 227-0789
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FILED
FEB 01 2007
DEPARTMENT OF REAL ESTATE
By A. E. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-9515 SF
13)
14 STEVE DWAYNE LARSON,)
15 Respondent.)

16 ORDER VACATING DEFAULT DECISION

17 The original Accusation in these proceedings was filed
18 on February 10, 2006. On February 10, 2006, the Accusation,
19 together with an RE 505 "Statement To Respondent" form, an
20 uncompleted RE 503 "Notice Of Defense On Accusation" form, and
21 an RE 505A "Discovery Provisions" form were duly served upon
22 Respondent at the latest address for Respondent on file with the
23 Department by certified mail, return receipt requested.

24 Respondent failed, within the time prescribed by
25 Government Code Section 11506(a), to file a Notice of Defense or
26 to otherwise request a hearing. On September 14, 2006, no
27

1 Notice of Defense having been filed herein within the time
2 prescribed by Section 11506 of the Government Code, Respondent's
3 default was entered herein. On December 6, 2006, the Real
4 Estate Commissioner issued a Decision herein revoking all
5 licenses and licensing rights of Respondent. The Decision of
6 December 6, 2006, was to become effective on January 3, 2007.

7 On December 20, 2006, Respondent timely served upon
8 the Department a written motion pursuant to Government Code
9 Section 11520(c) requesting, upon grounds of mistake,
10 inadvertence, surprise, and/or excusable neglect, that the
11 Decision of December 6, 2006, be vacated, and that Respondent be
12 granted a hearing. The Order Staying Effective Date was filed
13 December 20, 2006, staying the effective date until twelve
14 o'clock noon on February 2, 2007.

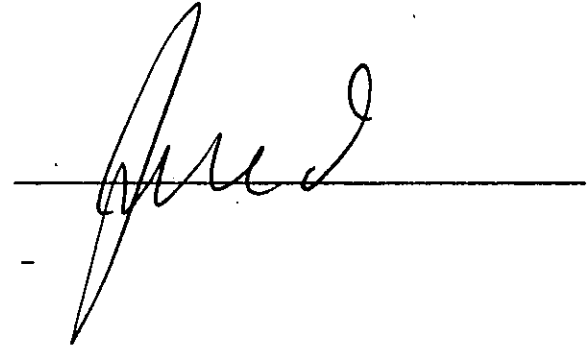
15 I have read and considered Respondent's request that
16 the Decision of December 6, 2006, be vacated and determined that
17 said motion shows good cause to grant the relief requested.

18 NOW THEREFORE, IT IS HEREBY ORDERED, that the Decision
19 of December 6, 2006, be, and hereby is, vacated.

20 This Order shall be effective immediately.

21 DATED: 1-31-07

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23 JEFF DAVI
24 Real Estate Commissioner

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was convicted of Violating Section 502(c)(4) of the California Penal Code (Knowing unauthorized computer access to delete data), 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.

LEGAL CONCLUSIONS

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490 and/or 10177(b).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

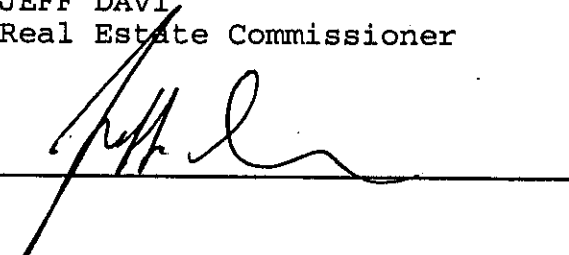
ORDER

All licenses and licensing rights of STEVE DWAYNE LARSON, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on JAN 03 2007.

DATED: 12/6, 2006

JEFF DAVIS
Real Estate Commissioner



FILED
SEP 14 2006

DEPARTMENT OF REAL ESTATE

By: *[Signature]*

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

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11	In the Matter of the Accusation of)	
12	STEVE DWAYNE LARSON,)	NO. H-9515 SF
13	Respondent.)	<u>DEFAULT ORDER</u>
14	_____)	

15 Respondent, STEVE DWAYNE LARSON, having failed to file
16 a Notice of Defense within the time required by Section 11506 of
17 the Government Code, is now in default. It is, therefore,
18 ordered that a default be entered on the record in this matter.

19 IT IS SO ORDERED September 14, 2006.

21 JEFF DAVI
22 Real Estate Commissioner

23 By: *[Signature]*
24 STEVEN J. ELLIS
25 Regional Manager

26
27

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
FEB 10 2006

DEPARTMENT OF REAL ESTATE

By J. Ee

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 STEVE DWAYNE LARSON,) No. H-9515 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 STEVE DWAYNE LARSON (hereinafter referred to as
18 Respondent), is informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law (Part 1 of Division 4 of the
22 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.

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III

On or about March 11, 2005, in the Superior Court, County of Santa Clara, State of California, in case number CC449804, Respondent was convicted of Violating Section 502(c)(4) of the California Penal Code (Knowing unauthorized computer access to delete data), 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.

IV

The facts alleged above 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.

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



E.J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 20th day of February, 2006.