

FILED

FEB 10 2009

BEFORE THE DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By K. Mar

\* \* \*

In the Matter of the Accusation of

RYAN R. BERNARD,

Respondent.

NO. H-10472 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on December 19, 2008, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On July 1, 2008, Charles W. Koenig made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on July 1, 2008.

On December 19, 2008, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

At all times mentioned herein, Respondent has been licensed by the Department under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a restricted real estate salesperson.

On or about June 27, 2008, in the Santa Clara County Superior Court (case number CC762731), Respondent was convicted of a violation of Section 23152(b) of the California Vehicle Code (driving with a blood alcohol level of 0.08% or higher) with two prior convictions, a misdemeanor which is substantially related under Section 2910, Title 10, California Code of Regulations (hereinafter "Regulations") to the qualifications, functions or duties of a real estate licensee.

On or about September 25, 2005, in the Santa Clara County Superior Court, State of California (case number 320505), Respondent was convicted of a violation of California Vehicle Code Section 23152(b) (driving with a blood alcohol level of 0.08% or higher), a misdemeanor involving moral turpitude which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

Further, matters in aggravation include the following criminal conviction: a January 6, 2003 Superior Court of California, County of Santa Clara conviction (case number CC271906) for violation of California Vehicle Code Section 23152(a) (driving under the influence of alcohol or drugs), a misdemeanor involving moral turpitude which bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions, or duties of a real estate licensee.

#### DETERMINATION OF ISSUES

The findings above constitute cause for the suspension or revocation of the licenses and license rights of Respondent under Sections 490 and/or 10177(b) of the Code.

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

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ORDER

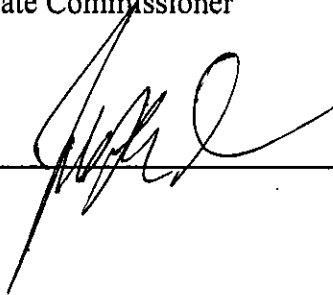
All licenses and licensing rights of Respondent, RYAN R. BERNARD, under the provisions of Part I of Division 4 of the Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on  
MAR - 3 2009

DATED: \_\_\_\_\_

1-7-09

JEFF DAVI  
Real Estate Commissioner



1 Department of Real Estate  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

DEC 19 2008

DEPARTMENT OF REAL ESTATE

By R. Henry

6 BEFORE THE DEPARTMENT OF REAL ESTATE  
7 STATE OF CALIFORNIA  
8

9 \* \* \*

10 In the Matter of the Accusation of )

Case No. H-10472 SF

11 RYAN R. BERNARD, )

12 Respondent. )

DEFAULT ORDER

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14  
15 Respondent, RYAN R. BERNARD, having failed to file a Notice of Defense  
16 within the time required by Section 11506 of the Government Code, is now in default. It is,  
17 therefore, ordered that a default be entered on the record in this matter.

18  
19 IT IS SO ORDERED December 19, 2008

20 Real Estate Commissioner

21  
22 By:

Charles W. Koenig  
23 CHARLES W. KOENIG  
24 Regional Manager  
25  
26  
27

1 DAVID B. SEALS, Counsel (SBN 69378)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0792 (Direct)

FILED

JUL -1 2008

DEPARTMENT OF REAL ESTATE

By A. Zin

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-10472 SF

12 RYAN R. BERNARD, )

ACCUSATION

13 . Respondent. )

14  
15 The Complainant, Charles W. Koenig, a Deputy Real  
16 Estate Commissioner of the State of California, for Accusation  
17 against RYAN R. BERNARD (hereinafter "Respondent") alleges as  
18 follows:

19 I

20 The Complainant makes this Accusation in his official  
21 capacity.

22 II

23 Respondent is licensed and/or has license rights under  
24 the Real Estate Law, Part 1 of Division 4 of the California  
25 Business and Professions Code (hereinafter "Code") as a real  
26 estate salesperson.

27 ///

1 III

2 On or about June 27, 2007, in the Superior Court of  
3 California, County of Santa Clara, Respondent was convicted of  
4 violation of California Vehicle Code Section 23152(b) with two  
5 priors (Driving With a Blood Alcohol Level of 0.08% of Higher),  
6 a misdemeanor and a crime involving moral turpitude which bears  
7 a substantial relationship under Section 2910, Title 10,  
8 California Code of Regulations (herein "the Regulations"), to  
9 the qualifications, functions or duties of a real estate  
10 licensee.

11 MATTERS IN AGGRAVATION

12 IV

13 On or about January 6, 2003, in the Superior Court of  
14 California, County of Santa Clara, Respondent was convicted of  
15 violation of California Vehicle Code Section 23152(a) (Driving  
16 While Under the Influence of Alcohol or Drugs), a misdemeanor  
17 and a crime involving moral turpitude which bears a substantial  
18 relationship under Section 2910 of the Regulations to the  
19 qualifications, functions or duties of a real estate licensee.

20 V

21 On or about September 25, 2003, in the Superior Court  
22 of California, County of Santa Clara, Respondent was convicted  
23 of violation of California Vehicle Code Section 23152(b) with a  
24 prior (Driving With a Blood Alcohol Level of 0.08% of Higher), a  
25 misdemeanor and a crime involving moral turpitude which bears a  
26 substantial relationship under Section 2910 of the Regulations

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

3 VI

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

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

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16   
17 CHARLES W. KOENIG  
18 Deputy Real Estate Commissioner

19 Dated at Sacramento, California,  
20 this 1<sup>st</sup> day of July, 2008.  
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