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FILED
NOV 01 2011
DEPARTMENT OF REAL ESTATE
By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

YOHANNES NEGGA,

Respondent.

No. H-10551 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 6, 2009, in Case No. H-10551 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective May 28, 2009, 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 May 28, 2009, and Respondent has operated as a restricted licensee since that time.

On May 19, 2011, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

///

1 requirements of law for the issuance to Respondent of an unrestricted real estate salesperson
2 license and that it would not be against the public interest to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement is granted and that a real estate salesperson license be issued to Respondent if
5 Respondent satisfies the following requirements:

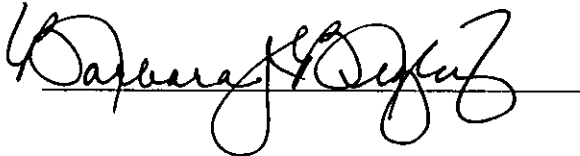
6 1. Submits a completed application and pays the fee for a real estate
7 salesperson license within the 12 month period following the date of this Order; and

8 2: Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application; or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 DATED: 9/8/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

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FILED

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

MAY - 7 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

In the Matter of the Accusation of)
)
YOHANNES NEGGA,)
)
Respondent.)
_____)

NO. H-10551 SF
OAH NO. 2009010054

DECISION

The Proposed Decision dated April 6, 2009, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime, but also grants the right to a restricted real estate salesperson license to respondent.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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.

This Decision shall become effective at 12 o'clock noon on MAY 28 2009

IT IS SO ORDERED 5/6/09.

JEFF DAVI
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

YOHANNES NEGGA,

Respondent.

Case No. H-10551 SF

OAH No. 2009010054

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on March 9, 2009.

Richard K. Uno, Counsel, represented complainant.

Respondent Yohannes Negga was present and unrepresented.

Submission of the matter was deferred to March 23, 2009 for receipt of further evidence and argument. Further evidence and argument were received, marked for the record and considered. The matter was submitted on March 23, 2009.

FACTUAL FINDINGS

1. Joe M. Carrillo made the statement of issues in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Respondent is presently licensed and has license rights under the Real Estate Law as a real estate salesperson. He was licensed September 12, 2007.
3. On January 23, 2007, in the Superior Court of the State of California, County of Santa Clara, respondent was convicted of the crime of driving under the influence of alcohol in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor, which in conjunction with two additional convictions for alcohol-related offenses (set forth below) is substantially related to the duties, qualifications and functions of a real estate licensee.

Respondent was driving a vehicle with 0.12 percent blood alcohol level.

Imposition of sentence was suspended and respondent was placed on court probation for a period of three years on terms and conditions that included completion of a first offender program and a fine of more than \$1,200.

4. On June 23, 2008, in the Superior Court of the State of California, County of Santa Clara, respondent was convicted of the crime of driving under the influence of alcohol in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor. This conviction is substantially related to the duties, qualifications, and functions of a real estate licensee in conjunction with two additional convictions involving the use of alcohol.

Respondent was driving with a vehicle with a 0.18 percent blood alcohol level.

Imposition of sentence was suspended and respondent was placed on three years formal probation on terms and conditions that included he serve 150 days in jail, which he served in an employment release program.

5. In aggravation on August 24, 2004, in the Superior Court of the State of California, County of Santa Clara, respondent was convicted of driving under the influence of alcohol in violation of Vehicle Code section 23152, subdivision (b). The Department was aware of this conviction when they issued him his original real estate salesperson's license.

6. Respondent has recognized that he has a problem with the abuse of alcohol. He has been sober since October 27, 2007. He has successfully completed a Day Reporting Substance Abuse Education Program (DRP) as of October 28, 2008. He also received a perfect attendance award for completing forty days of DRP with no absences. Respondent presented a letter from his rehabilitation officer stating that respondent is in good standing with his program. He is required to undergo urinalysis testing and to attend six 12-step meetings out in the community each week. Respondent also presented proof of enrollment in an 18 month second offender program. Respondent is still active in AA.

7. Respondent volunteered at the Salvation Army Emmanuel House from December 22, 2008 to February 24, 2009, as part of his community service requirement set by the court. The Deskman wrote a character letter for respondent stating that respondent was helpful and respectful.

8. Respondent also presented a letter from a friend who is a senior scientist and engineer. He finds respondent to be motivated and knowledgeable.

9. Respondent has a Bachelor of Science degree in Material Engineering from San Jose State University. He received his degree on December 18, 2006. Respondent is self-employed as a semi conductor broker. He buys and sells testing equipment.

10. Respondent has demonstrated sufficient rehabilitation to warrant a restricted license. He has never been convicted of a crime involving dishonesty, fraud, or theft. He is dedicated to remaining sober. It would not be against the public interest to allow respondent to continue to be licensed as a real estate salesperson on a restricted license.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 3, and 4, cause for disciplinary action exists pursuant to Business and Professions Code sections 490 and 10177, subdivision (b) (conviction of substantially related crimes).

2. The matters in aggravation as set forth in Finding 5 has been considered in making the following order.

3. The matters in mitigation, extenuation and rehabilitation set forth in the Findings 6 through 10, above have been considered in making the following order:

ORDER

All licenses and licensing rights of respondent Yohannes Negga under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the 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 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 this Decision,
present evidence satisfactory to the Real Estate Commissioner that respondent
has, since the most recent issuance of 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 respondent presents such
evidence. The Commissioner shall afford respondent the opportunity for a
hearing pursuant to the Administrative Procedure Act to present such
evidence.

DATED: April 6, 2009

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

1 RICHARD K. UNO, Counsel (SBN 98275)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-2380

FILED

DEC - 3 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

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

10 * * *

11 In the Matter of the Accusation of)
12) H-10551 SF
13 YOHANNES NEGGA,)
14 Respondent.) ACCUSATION

15 The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of
16 the State of California, for cause of Accusation against YOHANNES NEGGA, (hereinafter
17 "Respondent"), is informed and alleges as follows:

18 1

19 Complainant makes this Accusation against Respondent in his official capacity.

20 2

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

24 3

25 On or about January 23, 2007, in the Superior Court of the State of California,
26 County of Santa Clara, Case No. BB624538, Respondent was convicted of violating Section
27 23152(b) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug),

1 a misdemeanor and a crime involving moral turpitude which bears a substantial relationship
2 under Section 2910 of the Regulations to the qualifications, functions, or duties of a real estate
3 licensee.

4 4

5 On or about June 23, 2008, in the Superior Court of the State of California,
6 County of Santa Clara, Case No.BB730719, Respondent was convicted of violating Section
7 23152(b) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a
8 crime which bears a substantial relationship under Section 2910 of the Regulations to the
9 qualifications, functions, or duties of a real estate licensee.

10 5

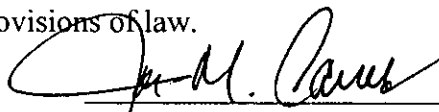
11 FACTORS IN AGGRAVATION

12 On or about August 24, 2004, in the Superior Court of the State of California,
13 County of Santa Clara, Case No.CC503674, Respondent was convicted of violating Section
14 23152(b) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug).

15 6

16 The facts alleged above constitute cause under Sections 490 and 10177(b) of the
17 Business and Professions Code for suspension or revocation of Respondent's license under the
18 Real Estate Law.

19 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
20 of this Accusation and that upon proof thereof, a Decision be rendered imposing disciplinary
21 action against all licenses and license rights of Respondent under the Code, and for such other
22 and further relief as may be proper under provisions of law.

23 
24 _____
25 JOE M. CARRILLO
26 Deputy Real Estate Commissioner

26 Dated at Sacramento, California

27 this 21 day of November, 2008.