

FILED

AUG 18 2010

DEPARTMENT OF REAL ESTATE

By L. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

ANDREW J. GALE,

Respondent.

H-10896 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 August 2, 2010, 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 and/or license rights on grounds of the conviction of crimes.

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 March 26, 2010, Tricia D. Sommers made the Accusation in her 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, return receipt requested, to Respondent's last known mailing address on file with the Department on March 29, 2010.

On August 2, 2010, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

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

3

On or about September 9, 2008, in the Superior Court of the State of California, County of Sonoma, Case No. SCR-536615, Respondent was convicted of violating Section 594(a) of the California Penal Code (Vandalism), a misdemeanor and 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.

4

On or about September 9, 2008, in the Superior Court of the State of California, County of Sonoma, Case No. SCR-536615, Respondent was convicted of violating Sections 23152(a) (Driving Under the Influence With Priors) and 23152(b) (Driving Under the Influence With Blood Alcohol Level Greater Than 0.08% With Priors) of the California Vehicle Code, felonies and crimes which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

5

As a matter in aggravation, on or about November 23, 2005, in the Superior Court of the State of California, County of Sonoma, Case No. SCR-468173, Respondent was convicted of violating Section 23152(b) of the California Vehicle Code (Driving Under the Influence), a misdemeanor.

6

As a matter in aggravation, on or about March 22, 2004, in the Superior Court of the State of California, County of Sonoma, Case No. TCR-435593, Respondent was convicted of violating Section 23152(b) of the California Vehicle Code (Driving Under the Influence), a misdemeanor.

7

As a matter in aggravation, on or about September 21, 1998, in the Superior Court of the State of California, County of Sonoma, Case No. TCR-322738, Respondent was convicted of violating Section 23152(b) of the California Vehicle Code (Driving Under the Influence), a misdemeanor.

DETERMINATION OF ISSUES

1

Cause of disciplinary action against Respondent exists with reference to the convictions set out in Paragraphs 3 and 4, above, pursuant to Business and Professions Code Sections 490 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to Qualifications, Functions or Duties of Real Estate Licensee).

2

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

ORDER

All licenses and licensing rights of Respondent ANDREW J. GALE under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

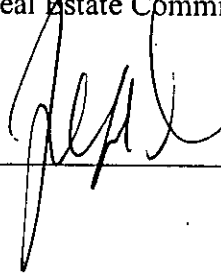
This Decision shall become effective at 12 o'clock noon on

SEP - 8 2010

DATED: _____

8/16/2010

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

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DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)

12 ANDREW J. GALE,)

13 Respondent.)

) H-10896 SF

) DEFAULT ORDER

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

18 IT IS SO ORDERED August 2, 2010.

19
20 JEFF DAVI
Real Estate Commissioner

21
22
23 By:

Charles W. Koenig
CHARLES W. KOENIG
Northern Regional Manager

1 JOHN W. BARRON, Counsel (SBN 171246)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-0792

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MAR 29 2010
DEPARTMENT OF REAL ESTATE
By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)
12) No. H-10896 SF
13 ANDREW J. GALE,)
14 Respondent.) ACCUSATION

15
16 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
17 of the State of California, for cause of Accusation against ANDREW J. GALE, (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in her official capacity.

21 2

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

25 3

26 On or about September 9, 2008, in the Superior Court of California, County of
27 Sonoma, Case No. SCR-536615, Respondent was convicted of violating Section 594(a) of

1 the California Penal Code (Vandalism), a misdemeanor and a crime which bears a substantial
2 relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications,
3 functions or duties of a real estate licensee.

4 4

5 On or about September 9, 2008, in the Superior Court of the State of California,
6 County of Sonoma, Case No. SCR-536615, Respondent was convicted of violating Sections
7 23152(a) (Driving Under the Influence With Priors) and 23152(b) (Driving Under the Influence
8 With Blood Alcohol Level Greater Than 0.08% With Priors) of the California Vehicle Code,
9 felonies and crimes which bear a substantial relationship under Section 2910, Title 10, California
10 Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

11 MATTERS IN AGGRAVATION

12 5

13 On or about November 23, 2005, in the Superior Court of the State of California,
14 County of Sonoma, Case No. SCR-468173, Respondent was convicted of violating Section
15 23152(b) of the California Vehicle Code, a misdemeanor.

16 6

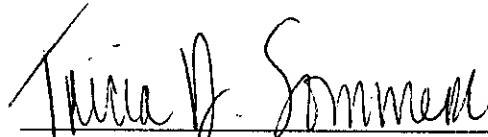
17 On or about March 22, 2004, in the Superior Court of the State of California,
18 County of Sonoma, Case No. TCR-435593, Respondent was convicted of violating Section
19 23152(b) of the California Vehicle Code, a misdemeanor.

20 7

21 On or about September 21, 1998, in the Superior Court of the State of California,
22 County of Sonoma, Case No. TCR-322738, Respondent was convicted of violating Section
23 23152(b) of the California Vehicle Code, a misdemeanor.

24 The facts alleged in Paragraphs 3 and 4, above, constitute a cause under Sections
25 490 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to
26 Qualifications, Functions or Duties of Real Estate Licensee) of the Code for suspension or
27 revocation of all licenses and license rights of Respondent under the Real Estate Law.

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Code, and for such other
4 and further relief as may be proper under the provisions of law.
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7 
8 TRICIA D. SOMMERS
Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 26th day of March, 2010.
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