

On June 28, 2010, E. J. HABERER II made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, Notice of Defense and Discovery Provisions (APA) were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on July 20, 2010.

On October 4, 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.

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

3

On or about March 9, 2009, in the Superior Court of the State of California, County of San Mateo, in Case No. SM360887A, Respondent was convicted of violating Section 23152(a) of the California Vehicle Code (DUI), a misdemeanor, and Section 273A(b) of the California Penal Code (Child Endangerment), a misdemeanor, both 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.

DETERMINATION OF ISSUES

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Cause for disciplinary action against Respondent exists with reference to the conviction set out in Paragraph 3, above, pursuant to Sections 490 and 10177(b) of the Code.

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

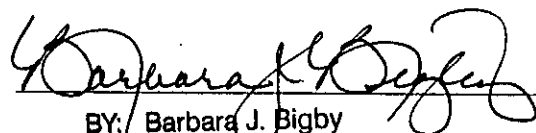
ORDER

All licenses and licensing rights of Respondent SCOTT PHILIP under the provisions of Part 1 of Division 4 of the Code are revoked.

This Decision shall become effective at 12 o'clock noon on
November 15, 2010.

DATED: 10/19, 2010.

JEFF DAVI
Real Estate Commissioner


BY: Barbara J. Bigby
Chief Deputy Commissioner

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

FILED

OCT - 4 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Accusation of)

13 SCOTT PHILIP,)

14 Respondent.)

NO. H-10967 SF

DEFAULT ORDER

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

19
20 IT IS SO ORDERED September 30, 2010.

21 JEFF DAVI
22 Real Estate Commissioner

23
24 By:

Charles W. Koenig
25 CHARLES W. KOENIG
26 Northern Regional Manager
27

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED

JUL 20 2010

DEPARTMENT OF REAL ESTATE

By H. Contreras

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

11 * * *

12 In the Matter of the Accusation of)
13 SCOTT PHILIP,) H-10967 SF
14 Respondent.) ACCUSATION
15 _____)

16 The Complainant, E. J. HABERER II, in his official capacity as a Deputy Real
17 Estate Commissioner of the State of California, for cause of Accusation against SCOTT PHILIP
18 (hereinafter "Respondent"), is informed and alleges as follows:

19 1

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

23 2

24 On or about March 9, 2009, in the Superior Court of the State of California,
25 County of San Mateo, in Case No. SM360887A, Respondent was convicted of violating Section
26 23152(a) of the California Vehicle Code (DUI), a misdemeanor, and Section 273A(b) of the
27 California Penal Code (Child Endangerment), a misdemeanor, both crimes which bear a

1 substantial relationship under Section 2910, Title 10, California Code of Regulations, to the
2 qualifications, functions, or duties of a real estate licensee.

3 3

4 The facts alleged in Paragraph 2, above, constitute cause under Sections 490
5 (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to
6 Qualifications, Functions or Duties of Real Estate Licensee) of the Code for suspension or
7 revocation of all licenses and license rights of Respondent under the Real Estate Law.

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

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16 
17 E. J. HABERER, II
18 Deputy Real Estate Commissioner
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20 Dated at Oakland, California,
21 this 28th day of June, 2010.
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