

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED

NOV 15 1977

DEPARTMENT OF REAL ESTATE  
BY *[Signature]*

In the Matter of the Application of

MARK ANDREW COFFMAN,

Respondent.

No. H-19963 LA

L- 14714

DECISION

The Proposed Decision dated October 18, 1977  
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 application for a real estate salesman  
license is denied, but the right to a restricted real estate  
salesman license is granted to respondent.  
There is no statutory restriction on when a new application may  
be made for an unrestricted license. Petition for the removal  
of restrictions from a restricted license is controlled by  
Section 11522 of the Government Code. A copy of Section 11522  
is attached hereto for the information of respondent.

If and when application is made for a real estate  
salesman license through a new application or  
through a petition for removal of restrictions, all competent  
evidence of rehabilitation presented by the respondent will  
be considered by the Real Estate Commissioner. A copy of the  
Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at 12 o'clock  
noon on December 6, 1977.

IT IS SO ORDERED 11/18, 1977.

*[Signature]*  
DAVID H. FOX  
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE  
OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
MARK ANDREW COFFMAN, )  
Respondent. )

NO. H-19963 LA  
L-14714

PROPOSED DECISION

This matter came on regularly for hearing before Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on September 15, 1977. James Peel, Counsel, appeared on behalf of the complainant. The respondent appeared in person and was represented by Brian R. Meek, Attorney at Law. Oral and documentary evidence was received and the matter submitted subject to the right of respondent to submit additional evidence. No additional evidence was introduced. The matter is now submitted, and the Administrative Law Judge finds the following facts:

I

Respondent Mark Andrew Coffman on April 11, 1977 filed an application for a real estate salesman license, which is presently pending before the Department of Real Estate.

II

On January 31, 1975, in the Municipal Court of the Central Judicial District, Orange County, State of California, respondent pleaded guilty to and was convicted of the crime of violating Unemployment Insurance Code Section 2101 (making a false statement). On January 31, 1975, respondent was placed on three years summary probation; said probation is still in effect.

IV

Respondent has made full restitution of the monies he was overpaid for unemployment insurance benefits. Additionally, he paid a fine in punishment for his conviction.

V

In November of 1973, respondent was laid off his job as an automobile salesman and remained unemployed until February of 1974. During this time he had no income, although his monthly obligations were in excess of \$500.00, including payments for shelter, transportation

and food for himself and his family.

VI

The circumstances of the conviction were that, during the above period of unemployment, respondent applied for unemployment insurance benefits to cover a period in which he had secured employment, but had not yet been paid for such employment. In applying for such benefits, he realized that he might not be entitled to them.

VII

Respondent is now thirty years old, married with two children. Since February of 1974 he has worked at various jobs to support his family, and has not applied for unemployment benefits for the short periods in which he has been without work. He continues to have a license issued by the Department of Motor Vehicles to sell automobiles and motor homes.

VIII

The sponsoring real estate broker is aware of respondent's conviction, and remains willing to hire him and give him close supervision.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Cause exists for the denial of the application under Sections 480 and 10177(b) of the Business and Professions Code, in that the conviction of respondent is a crime within the meaning of Section 10177(b) and said crime substantially relates to his qualifications, duties and functions as a real estate salesman.

II

All competent evidence relevant to respondent's rehabilitation was considered, and cause exists for granting a restricted real estate salesman license under Sections 10156.5 et seq. of the Business and Professions Code.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. The application of respondent for a real estate salesman's license is denied.
2. However, upon proper application made within one (1) year from the effective date hereof, a restricted real estate salesman's

license shall be issued to respondent under the provisions and subject to the conditions of Section 10156.5 through 10156.8 of the Business and Professions Code and the following additional specific conditions:

A. The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code.

B. The restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction of, or plea of nolo contendere to, a crime which bears a significant relation to respondent's fitness or capacity as a real estate salesman.

C. The restricted license may be suspended prior to hearing by order of the Commissioner on evidence satisfactory to him that respondent has violated any of the provisions of the California Real Estate Law, the Subdivided Lands Law, the Regulations of the Commissioner, or any of the conditions attached to this restricted license.

D. Respondent shall submit to the Commissioner as a condition to employment by or transfer to a new employing broker with any and all applications for license or transfer, a statement signed by the employing broker which shall certify:

- (1) That the prospective employing broker has read the decision of the Commissioner granting the right to apply for a restricted license; and
- (2) That as employing broker, he will carefully review all transactions and documents prepared by, and otherwise exercise close supervision over the activities of the restricted licensee.

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

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on September 15, 1977, at Los Angeles, California,

and recommend its adoption as the  
decision of the Real Estate  
Commissioner.

DATED: October 18, 1977

*Rosalyn M. Chapman*

ROSALYN M. CHAPMAN  
Administrative Law Judge  
Office of Administrative Hearings.

RMC:mh

*File by DUNAJ*

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

AUG-9 1977

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
BY *R. K. ...*

In the Matter of the Application of )

MARK ANDREW COFFMAN, )  
Respondent )

No. H-19963 LA

L-14714

NOTICE OF HEARING ON APPLICATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at 314 West First Street, Los Angeles, California 90012 on the 15th day of September, 1977, at the hour of 9 a.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that no notice of defense has been filed by you, upon affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the agency action sought and if you are not present nor represented at the hearing, the agency may act upon your application without taking evidence.

You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

Dated: August 9, 1977

cc: Mark Andrew Coffman  
David Bruce Connelly  
Brian R. Meek, Esq.  
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OAH  
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DAVID H. FOX  
REAL ESTATE COMMISSIONER  
BY *James R. Peel*  
Attorney

*facto  
DUNN*

FILED

JUN 27 1977

JAMES R. PEEL, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, California 90012

DEPARTMENT OF REAL ESTATE  
BY K. K. K. K.

(213) 620-4790

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Application of )  
MARK ANDREW COFFMAN,  
Respondent.

No. H-19963 LA  
STATEMENT OF ISSUES

The Real Estate Commissioner, in conformity with Section 10152, Division 4, Business and Professions Code of the State of California, requires further proof of the honesty and truthfulness of MARK ANDREW COFFMAN in connection with his application for a real estate salesman license filed on April 11, 1977, and in relation thereto will consider the following:

I

On or about January 31, 1975, in the Municipal Court of Central Orange County Judicial District, County of Orange, State of California, respondent pled guilty to and was convicted of the crime of violating Unemployment Insurance Code Section 2101 (False Statement), a crime involving moral turpitude and

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

3 II

4 Respondent's criminal conviction as alleged above is  
5 grounds to deny his application for a real estate license under  
6 Sections 480 and 10177(b) of the Business and Professions Code  
7 of the State of California.

8  
9 These proceedings are brought under the provisions of  
10 Section 10100, Division 4 of the Business and Professions Code of  
11 the State of California and Sections 11500 through 11528 of the  
12 Government Code.

13 Dated at Los Angeles, California  
14 this 27th day of June, 1977.

15  
16 *William H. Hall*  
17 Deputy Real Estate Commissioner

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23  
24  
25 cc: Mark Andrew Coffman  
26 David Bruce Connelly  
27 ~~Sacto.~~  
OAH  
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