

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

JAN 20 1982

DEPARTMENT OF REAL ESTATE
BY G. D. Dusenberry

In the Matter of the Application of

VICTOR E. OWENS,

Respondent.

No. H- 21368 LA

L- 25355

DECISION

The Proposed Decision dated January 8, 1982 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 salesperson license is denied. There is no statutory restriction on when application may again be made for this license. If and when application is again made for this license, all competent evidence of rehabilitation presented by respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on February 9, 1982.

IT IS SO ORDERED

1-14-82

William A. Wiggins
DEPARTMENT OF REAL ESTATE
By: William A. Wiggins
Chief Executive Officer

STATE OF CALIFORNIA

Respondent.

L-25355

I

II

III

- 1 -

IV

A. On May 27, 1981, in the Municipal Court of Southeast Judicial District in the County of Los Angeles, State of California, respondent was convicted, upon a plea of guilty, of the crime of violating Penal Code Section 496 (Receiving Stolen Property), a crime involving moral turpitude.

B. As a result of said conviction, respondent was placed on summary probation for one year and paid a fine of \$195, including penalty assessments.

C. The circumstances surrounding said conviction were that respondent found a wallet containing an endorsed payroll check for \$212.00 which he attempted to cash in a bank. He was unsuccessful in this attempt.

V

The crime of which respondent was convicted, as set forth in Finding IV above, bears a substantial relationship to the functions, qualifications, or duties of a real estate licensee.

VI

A. At the time of attempting to cash the payroll check which he found, respondent was attending Pierce College as a student, was unemployed and needed money. He is still attending college and working towards a Bachelor of Arts degree; he has two years left to complete this goal. While attending college he has lived with his grandmother who assists him financially.

B. Respondent is now 23 years of age, is unmarried and has no dependents. He was employed for three years as a computer clerk and a computer operator for Rockwell International. He wishes to finish his college education and at the same time to pursue a career in selling real estate. He did not use his license during the short time it was in effect and did not tell his sponsoring broker of his criminal conviction.

* * * * *

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

I

Grounds exist to deny respondent's application for a real estate salesperson's license pursuant to Sections 480(c) and 10177(a) of the Business and Professions Code in that respondent knowingly procured a real estate license by fraud, misrepresentation or deceit or by making a material misstatement of fact in an application for a real estate license.

II

Grounds exist to deny respondent's application for a real estate salesperson's license pursuant to Sections 480(a) and 10177(b) of the Business and Professions Code in that the crime of which he has been convicted involves moral turpitude and substantially relates to the qualifications, functions and duties of a real estate licensee.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of respondent Victor E. Owens for a real estate salesperson license is hereby denied.

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 January 4, 1982, at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: Jan. 8, 1982

Marilyn L. Nelson

MARILYN L. NELSON
Administrative Law Judge
Office of Administrative Hearings

MLN:ss

OCT-1 1981

RECEIVED
BY JAMES B. OWENS

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of) No. H-21368 LA
VICTOR E. OWENS,)
Respondent.)

ORDER SUSPENDING REAL ESTATE LICENSE

TO: VICTOR E. OWENS, Respondent
1436 W. 27th Street
Los Angeles, CA 90007

On July 13, 1981, the above-named respondent filed with the Department of Real Estate of the State of California (hereinafter referred to as the Department) an application for a real estate salesperson license. In response to a question in said application, to wit: "Have you ever been convicted of any violation of law? (Excluding non-moving traffic violations)", respondent answered "Yes" but did not list his criminal conviction

On August 3, 1, 1981, the Department issued a real estate salesperson license to respondent in reliance upon the aforesaid answer of respondent.

1 On September 28, 1981, in Case No. H-21368 LA, a
2 Statement of Issues signed by a Deputy Real Estate Commissioner
3 of the State of California was filed charging respondent with
4 having procured a real estate license by fraud, misrepresentation
5 or deceit and with knowingly having made a false statement of
6 fact required to be revealed in the application for such license.
7

8 NOW, THEREFORE, IT IS ORDERED under authority of
9 Section 10177.1 of the Business and Professions Code of the
10 State of California that the real estate salesperson license
11 heretofore issued to respondent and the exercise of any privileges
12 thereunder are hereby suspended pending final determination made
13 after a hearing on the aforesaid Statement of Issues, a copy of
14 which is attached hereto.

15 IT IS FURTHER ORDERED that all license certificates
16 and identification cards issued by the Department which are in
17 the possession of respondent be immediately surrendered by
18 personal delivery or by mailing in the enclosed self-addressed
19 envelope to:

20 Department of Real Estate
21 107 South Broadway, Room 8107
22 Los Angeles, California 90012

23 This Order shall be effective immediately.

24 DATED: September 30, 1981

25 David H. Fox
26 DAVID H. FOX
27 Real Estate Commissioner by
Richard D. Carlson
Asst. Real Estate Commissioner

SEP 23 1981

W. B. Friedman

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-21368 LA
VICTOR E. OWENS,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

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 VICTOR E. OWENS in connection with his application for a real estate salesperson license filed on July 13, 1981, and in relation thereto will consider the following:

I

VICTOR E. OWENS, hereinafter referred to as respondent, was issued a real estate salesperson license on or about August 3, 1981, following respondent's application therefor on or about July 13, 1981.

/

/

1 II

2 In response to Question 21 of said application, to
3 wit: "Have you ever been convicted of any violation of law?
4 (Excluding non-moving traffic violations)", respondent answered
5 "Yes" but did not list his criminal conviction.

6 III

7 On or about May 27, 1981, in the Municipal Court
8 of Southeast Judicial District in the County of Los Angeles,
9 State of California, respondent was convicted of the crime of
10 violating Penal Code 496 (Receiving Stolen Property), a crime
11 involving moral turpitude.

12 IV

13 The crime of which respondent was convicted, as
14 alleged in Paragraph III above, bears a substantial relationship
15 to the qualifications, functions or duties of a real estate
16 licensee.

17 V

18 Respondent's failure to reveal the conviction set
19 forth in Paragraph III above in said application constitutes
20 the procurement of a real estate license by fraud, misrepresenta-
21 tion or deceit, or by making a material misstatement of fact in
22 said application, which failure is cause for denial of
23 respondent's application for a real estate license under Section
24 480(c) and 10177(a) of the Business and Professions Code of the
25 State of California.

26 /

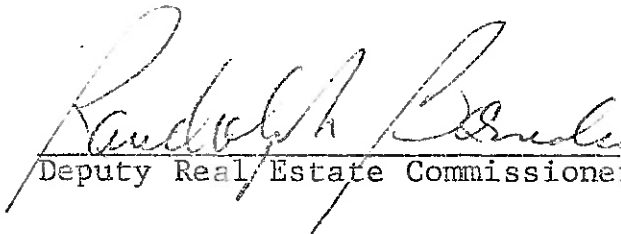
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VI

Respondent's criminal conviction, as alleged in Paragraph III above, warrants denial of respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Business and Professions Code of the State of California.

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

Dated at Los Angeles, California
this 28th day of September, 1981.


Deputy Real Estate Commissioner

cc: Victor E. Owens
James Hobby
Sacto.
OAH
TCD