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FILED
SEP 11 2008
DEPARTMENT OF REAL ESTATE

K. Neubergh

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-21945 LA
))
GENE G. SAIS,)
))
Respondent.)
))

ORDER DENYING UNRESTRICTED LICENSE

On January 17, 1984, a Decision was rendered herein denying Respondent's real estate salesperson license, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 2, 1984.

On or about March 17, 2005, Respondent petitioned for removal of restrictions attaching to Respondent's real estate salesperson license.

///
///

1 I have considered Respondent's petition and
2 the evidence submitted in support thereof. Respondent
3 has failed to demonstrate to my satisfaction that it
4 would be in the public interest to issue an unrestricted
5 real estate salesperson license to Respondent, in that:
6

7 I

8 Respondent applied to the Department of Real Estate
9 ("Department") for a real estate salesperson license on or
10 about August 5, 1983.

11 On or about May 16, 1979, Respondent was convicted
12 Violating Health and Safety Code Section 11360 (possession of
13 marijuana for sale).
14

15 On January 4, 1984, the Department of Real Estate
16 filed a Statement of Issues alleging that said crime involved
17 moral turpitude, was substantially related to the
18 qualifications, functions and duties of a real estate licensee
19 and that there were grounds to deny Respondent's license
20 application pursuant to Business and Professions Code ("Code")
21 Sections 480 and 10177(b).
22

23 Respondent executed a Stipulation and Waiver
24 ("Stipulation") admitting to the allegations in the Statement
25 of Issues. Said Stipulation was adopted by the Commissioner
26 as his Decision.
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II

The burden of proving rehabilitation rests with the petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).

A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d 395).

The Department has developed criteria in Title 10, Chapter 6, California Code of Regulations ("Regulation") 2911 to assist in evaluating the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

2911(j) - Respondent did not provide proof that he has discharged or made bona fide efforts toward discharging a 1996 civil judgment against him in the amount of \$1,785.

2911(n)(1) - Respondent has not provided proof that he has had a change in attitude from that which existed at the time of the conduct in question. Respondent failed to reveal the 1996 civil judgment against him, on his Petition Application.

This was a material misstatement. The failure to disclose relevant information in the Petition Application prevents or hinders a full investigation into the extent of rehabilitation. Information regarding civil law suits and judgments reflect on Respondent's business practices and qualifications for a real estate license. A failure to

1 disclose material facts shows a lack of candor and diligence
2 expected of a licensee, is a dishonest act and is additional
3 cause pursuant to Code Section 10177(a) to deny Respondent's
4 petition application.


5 Given the fact that Respondent has not established
6 that Respondent has complied with Regulations 2911(j) and
7 2911(n)(1) and is in violation of Code Section 10177(a), I am
8 not satisfied that Respondent is sufficiently rehabilitated to
9 receive an unrestricted real estate salesperson license.

10 NOW, THEREFORE, IT IS ORDERED that Respondent's
11 petition for the issuance to Respondent of an unrestricted
12 salesperson license is denied.

13
14 This Order shall become effective at 12 o'clock noon
15 Oct - 1 2008
16 on _____.

17 DATED: 8/20/08

18 JEFF DAVI
19 Real Estate Commissioner

20 
21 _____

22 BY: Barbara J. Bigby
23 Chief Deputy Commissioner
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FILED

FEB - 1 1989

DEPARTMENT OF REAL ESTATE
BY C. Seay

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	NO. H-21945 LA
)
GENE G. SAIS,)
)
)
)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On January 17, 1984, pursuant to a Stipulation and Waiver of a hearing, an Order was issued denying the respondent's application for a real estate salesperson license, 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 February 2, 1984, and respondent has operated as a restricted licensee without cause for disciplinary action against respondent since that time.

On April 7, 1988, respondent petitioned for the removal of restrictions attaching to respondent's real estate salesperson license.

1 I have considered the petition of respondent and the
2 evidence submitted in support thereof, including respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that respondent meets the requirements of law for
5 the issuance to respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to respondent.

8 NOW, THEREFORE, IT IS ORDERED that respondent's petition
9 for removal of restrictions is granted and that an unrestricted
10 real estate salesperson license be issued to respondent after
11 respondent satisfies the following conditions within one (1) year
12 from the date of this Order:

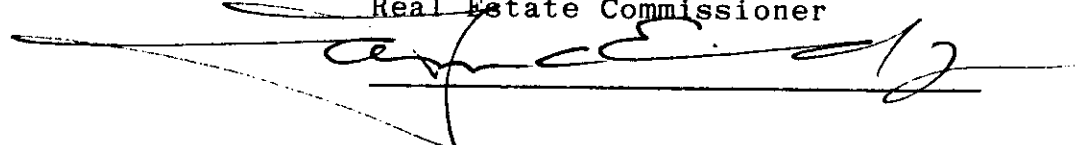
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence satisfactory to the Real
16 Estate Commissioner that respondent has taken and successfully
17 completed the continuing education requirements of Article 2.5 of
18 Chapter 3 of the Real Estate Law for renewal of a real estate
19 license within the four-year period immediately preceding the
20 date on which the evidence of completion is submitted to the
21 Department.

22 This Order is effective immediately.

23 DATED: 1-27-89

24 JAMES A. EDMONDS, JR.
25 Real Estate Commissioner

26 

27 cc: Gene G. Sais
12931 Morning Avenue
Downey, CA 90242

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FILED 1984

K. H. ...

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
GENE G. SAIS,)
Respondent.)

NO. H-21945 LA
STIPULATION AND WAIVER

I, GENE G. SAIS, respondent herein,
do hereby affirm that I have applied to the Department of Real
Estate for a real estate salesperson license and that to the best
of my knowledge I have satisfied all of the statutory requirements
for the issuance of the license, including the payment of the
license fee.

I acknowledge that I have received and read the
Statement of Issues and the Statement to Respondent filed by the
Department of Real Estate on January 4, 1984, in
connection with my application for license. I understand that
the Real Estate Commissioner may hold a hearing on this Statement
of Issues for the purpose of requiring further proof of my

1 honesty and truthfulness and to prove other allegations therein,
2 or that he may in his discretion waive the hearing and grant me
3 a restricted real estate salesperson license based upon this
4 Stipulation and Waiver.

5 I hereby admit that the allegations of the Statement
6 of Issues filed against me are true and correct and request that
7 the Real Estate Commissioner in his discretion issue a restricted
8 real estate salesperson license to me under the authority of
9 Section 10156.5 of the Business and Professions Code.

10 I am aware that by signing this Stipulation and Waiver,
11 I am waiving my right to a hearing and the opportunity through
12 a hearing to obtain an unrestricted real estate license at this
13 time if this Stipulation and Waiver is accepted by the Real
14 Estate Commissioner. However, I am not waiving my right to a
15 hearing and to further proceedings to obtain a restricted or
16 unrestricted license if this Stipulation and Waiver is not
17 accepted by the Commissioner.

18 I further understand that the following conditions,
19 limitations and restrictions will attach to a restricted license
20 issued by the Department of Real Estate pursuant hereto:

- 21 1. The license shall not confer any property right
22 in the privileges to be exercised, and the Real
23 Estate Commissioner may by appropriate order
24 suspend the right to exercise any privileges
25 granted under this restricted license in the
26 event of:

- 27 a. The conviction of respondent (including a

1 plea of nolo contendere) to a crime which bears
2 a significant relation to respondent's fitness
3 or capacity as a real estate licensee; or
4 b. The receipt of evidence that respondent has
5 violated provisions of the California Real
6 Estate Law, the Subdivided Lands Law,
7 regulations of the Real Estate Commissioner
8 or conditions attaching to this restricted
9 license.

10 2. Respondent shall not be eligible to apply for the
11 issuance of an unrestricted real estate license nor
12 the removal of any of the conditions, limitations
13 or restrictions attaching to the restricted license
14 until one year has elapsed from the date of
15 issuance of the restricted license to respondent.

16 3. With the application for license, or with the
17 application for transfer to a new employing broker,
18 respondent shall submit a statement signed by the
19 prospective employing broker on a form approved by
20 the Department of Real Estate wherein the
21 employing broker shall certify as follows:

- 22 a. That broker has read the Statement of Issues
23 which is the basis for the issuance of
24 the restricted license; and
25 b. That broker will carefully review all trans-
26 action documents prepared by the restricted
27 licensee and otherwise exercise close

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supervision over the licensee's performance
of acts for which a license is required.

DATED this 10 day of Jan, 1984.

Gene G. Sais
Respondent, GENE G. SAIS

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent GENE G. SAIS if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted as specified in the foregoing Stipulation and Waiver

DATED this 17th day of January, 1984.

James A. Edmonds, Jr.
JAMES A. EDMONDS, JR.
Real Estate Commissioner

1 JAMES R. PEEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8 (213) 620-4790

JAN -4 1984

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * *

12 In the Matter of the Application of)
13 GENE G. SAIS,)
14 Respondent.)

NO. H-21945 LA

STATEMENT OF ISSUES

15 The Real Estate Commissioner, in conformity with Section
16 10152, Division 4, Business and Professions Code of the State of
17 California, requires further proof of the honesty and truthfulness
18 of GENE G. SAIS in connection with his application for a real
19 estate salesperson license, filed on August 5, 1983, and in relation
20 thereto, will consider the following:

21 I

22 On or about May 16, 1979, in the Superior Court of
23 California, County of Los Angeles, respondent was convicted of
24 the crime of violating Health and Safety Code Section 11360, a
25 crime involving moral turpitude.

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II

The crime of which respondent was convicted bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

III

Respondent's conviction, as alleged above, is grounds for denying his application for a real estate license under Sections 480 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 4th day of January, 1984.


Deputy Real Estate Commissioner

cc: Gene G. Sais
John Gilbert Sais
Sacto
TCD