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AUG 17 1989

DEPARTMENT OF REAL ESTATE  
BY *Arnold Springs*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of )  
DAVID LINCOLN HOCHMAN, )  
Respondent. )  
No. H-22673 LA  
L-38336

ORDER DENYING REINSTATEMENT OF LICENSE

On December 23, 1986, a Decision was rendered herein, effective January 27, 1987, revoking the real estate salesperson license of DAVID LINCOLN HOCHMAN (hereinafter Respondent).

On December 7, 1988, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate sufficient rehabilitation to warrant the reinstatement of his real estate salesperson license at this time.

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1 This determination has been made upon the basis of the  
2 following factors and considerations:

3 1. The Decision revoking Respondent's real estate  
4 salesperson license made a Determination of Issues that there was  
5 cause to revoke the license of Respondent under Sections 490 and  
6 10177(b) of the Business and Professions Code of the State of  
7 California (hereinafter Code) based on the following Findings of  
8 Fact:

9 "IV

10 "A. On July 1, 1986, in the Superior Court  
11 of the State of California, for the County of  
12 Los Angeles, respondent was convicted of the  
13 crime of violating Health and Safety Code  
14 Section 11351 (possession of cocaine for sale),  
15 a felony and a crime involving moral turpitude.  
16 Imposition of sentence was suspended and  
17 respondent was placed on probation for a period  
18 of four (4) years upon condition that he spend  
19 ninety (90) days in the County Jail. Respondent  
20 has just been released from incarceration after  
21 serving such time in a half-way house on a work  
22 furlough program."

23 2. Before making his proposed Order revoking the  
24 license of Respondent, the Administrative Law Judge hearing the  
25 matter on December 2, 1986, made the following additional Findings  
26 of Fact:

27 "VII

"A. Respondent has expressed an attitude of  
contrition and a realization of the wrongfulness  
of his drug related conduct. He has a sincere  
desire not to ruin his career and to avoid  
further legal problems.

"B. Respondent appears to have gained an  
invaluable experience in the conduct of his life  
in the future. He candidly admits to having a  
drug problem. Now that he has completed serving  
the period of incarceration for his criminal

1 offense, he is determined to seek therapy in  
2 the resolution of his drug problem. Respondent  
3 did receive some therapy while incarcerated in  
4 the half-way house but contends such treatment  
5 was ineffective. He now intends to pursue  
6 efforts at rehabilitation with full vigor.

7 "VIII

8 "Respondent is to be commended for his  
9 desire to undergo drug-related therapy, and his  
10 changed attitude toward drugs. However, at the  
11 current time he has not demonstrated that he is  
12 rehabilitated nor that continuation of his  
13 licensure is compatible with the public interest  
14 and welfare. Respondent is fully aware of the  
15 likelihood of the loss of his license and the  
16 reason therefor. Respondent hopefully will  
17 remain committed to his plans for  
18 rehabilitation, so that reissuance of his  
19 license in the future may become a reality upon  
20 a demonstration that he is fully rehabilitated."

21 3. Respondent will remain on probation for the  
22 conviction set forth, above, in Paragraph 1, until on or about  
23 June 30, 1990. Inasmuch as he is still on probation for the  
24 conviction which led to the revocation of his license, Respondent  
25 has been unable to take the steps necessary to expunge said  
26 conviction. The absence of said expungement and the fact that he  
27 is still on probation manifests a lack of complete rehabilitation  
and is a basis for the denial of Respondent's petition for  
reinstatement under Sections 2911(c) and 2911(d) of Title 10,  
Chapter 6, California Code of Regulations.

28 However, Respondent has shown significant progress  
29 toward rehabilitation and he has submitted letters of  
30 recommendation from former employers, prospective employers, the  
31 minister of his church and the co-chairperson of a support group  
32 where Respondent works as a volunteer helping others to

1 rehabilitate themselves. Therefore, I am satisfied that it will  
2 not be against the public interest to issue a restricted real  
3 estate license to Respondent.

4  
5 NOW, THEREFORE, IT IS ORDERED that Respondent's petition  
6 for reinstatement of Respondent's license as a real estate  
7 salesperson is denied.

8 However, a restricted real estate salesperson license  
9 shall be issued to Respondent pursuant to Section 10156.5 of the  
10 Business and Professions Code after Respondent satisfies the  
11 following conditions within one (1) year from the date of this

12 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, since the most recent  
17 issuance of an original or renewal real estate license, taken and  
18 successfully completed the continuing education requirements of  
19 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a  
20 real estate license.

21 The restricted license issued to Respondent shall be  
22 subject to all of the provisions of Section 10156.7 of the Code  
23 and to the following limitations, conditions and restrictions  
24 imposed under authority of Section 10156.6 of said Code:

25 1. The restricted license shall not confer any property  
26 right in the privileges to be exercised thereunder and the Real  
27 Estate Commissioner may by appropriate order suspend prior to

1 hearing the right of Respondent to exercise any privileges granted  
2 under the restricted license in the event of:

3 (a) The conviction of Respondent (including a plea  
4 of nolo contendere) of a crime which bears a significant relation  
5 to Respondent's fitness or capacity as a real estate licensee or  
6 the violation of any of the terms of Respondent's present  
7 probation scheduled to end on or about June 30, 1990.

8 (b) The receipt of evidence satisfactory to the  
9 Real Estate Commissioner that subsequent to the date of the Order  
10 herein Respondent has violated provisions of the California Real  
11 Estate Law, Regulations of the Real Estate Commissioner, or  
12 conditions attaching to said restricted license.

13 Respondent shall submit with Respondent's application  
14 for said restricted license under an employing broker, or any  
15 application in the future for a transfer of said restricted  
16 license to a new employing broker, a statement signed by the  
17 prospective employing broker which shall certify:

18 1. That said employing broker has read the Order of the  
19 Commissioner which granted the right to a restricted license; and

20 2. That said employing broker will exercise close  
21 supervision over the performance by the restricted licensee of  
22 activities for which a real estate license is required.

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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 attaching to  
the restricted license until at least one year has elapsed from  
the effective date of this Order.

This Order shall become effective at 12 o'clock noon on  
August 31, 1989.

DATED: 8-15, 1989.

JAMES A. EDMONDS, JR.  
Real Estate Commissioner



cc: David Lincoln Hochman  
5446 Newcastle, Unit 109  
Encino, California 91316

DEPARTMENT OF REAL ESTATE

JAN -6 1987

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
BY Jana B. Ojala

In the Matter of the Accusation of )  
 )  
 DAVID LINCOLN HOCHMAN, )  
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 )  
 Respondent. )

NO. H- 22673 LA  
L- 38336

DECISION

The Proposed Decision dated December 11, 1986 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 Decision suspends or revokes one or more real estate licenses on grounds of (the conviction of a crime/~~knowingly making a false statement of fact required to be revealed in an application for a license~~).

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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.

This Decision shall become effective at 12 o'clock noon on January 27, 1987.

IT IS SO ORDERED December 23, 1986

JAMES A. EDMONDS, JR.  
Real Estate Commissioner

BY: John R. Liberator  
JOHN R. LIBERATOR  
Chief Deputy Director

BEFORE THE DEPARTMENT OF REAL ESTATE  
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of )  
DAVID LINCOLN HOCHMAN ) CASE NO. H-22673 LA  
Respondent. ) L-38336

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PROPOSED DECISION

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on December 2, 1986, at 10:30 a.m. James R. Peel, Staff Counsel, Department of Real Estate, represented the complainant. The respondent appeared in person and represented himself. Oral and documentatry evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Randolph Brendia, a Deputy Real Estate Commissioner of the State of California filed the accusation in his official capacity.

II

David Lincoln Hochman (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as as real estate salesperson.

IV

A. On July 1, 1986, in the Superior Court of the State of California, for the County of Los Angeles, respondent was convicted of the crime of violating Health and Safety Code Section 11351 (possession of cocaine for sale), a felony and a crime involving moral turpitude. Imposition



of sentence was suspended and respondent was placed on probation for a period of four (4) years upon condition that he spend ninety (90) days in the County Jail. Respondent has just been released from incarceration after serving such time in a half-way house on a work furlough program.

B. The facts underlying said conviction are that respondent was arrested at his residence pursuant to a warrant of arrest and/or search. Cocaine, marijuana, a scale and cocaine paraphernalia were seized in the search. Respondent had been dealing in cocaine about six months with a profit of about \$500 each month. Respondent was a user of cocaine and marijuana as well. Respondent engaged in the sale of cocaine to supplement his income as a real estate salesperson.

#### V

Respondent is a 28-year old unmarried man. He has been licensed as a real estate salesperson since age 21. During his criminal activity he was employed by a real estate broker and apparently becoming involved in drug trafficking because of rough times and low income in the real estate field. During the work furlough program in connection with respondent's incarceration for the subject offense, he remained employed by the same real estate broker. Respondent was aware that his possession, use and sale of cocaine were illegal at the time such acts were committed.

#### VI

Respondent now intends to reside with his parents and does not have anything to do with illegal drugs and the sale thereof. Nor does he intend to associate with former friends and acquaintances who were associated with drugs.

#### VII

A. Respondent has expressed an attitude of contrition and a realization of the wrongfulness of his drug related conduct. He has a sincere desire not to ruin his career and to avoid further legal problems.

B. Respondent appears to have gained an invaluable experience in the conduct of his life in the future. He candidly admits to having a drug problem. Now that he has completed serving the period of incarceration for his criminal offense, he is determined to seek therapy in the resolution of his drug problem. Respondent did receive some therapy while incarcerated in the half-way house but contends such treatment was ineffective. He now intends to pursue efforts at rehabilitation with full vigor.

VIII

Respondent is to be commended for his desire to undergo drug-related therapy, and his changed attitude toward drugs. However, at the current time he has not demonstrated that he is rehabilitated nor that continuation of his licensure is compatible with the public interest and welfare. Respondent is fully aware of the likelihood of the loss of his license and the reason therefor. Respondent hopefully will remain committed to his plans for rehabilitation, so that reissuance of his license in the future may become a reality upon a demonstration that he is fully rehabilitated.

\* \* \* \* \*

Cause exists to suspend or revoke the license of respondent pursuant to Sections 490 and 10177(b) of the Business and Professions Code for conviction of a felony substantially related to the qualifications, functions or duties of a licensee.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate salesperson's license of the respondent David Lincoln Hochman is hereby revoked.

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 December 2, 1986, at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: December 11, 1986

  
RONALD M. GRUEN  
Administrative Law Judge  
Office of Administrative Hearings

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

OCT 29 1986

DEPARTMENT OF REAL ESTATE  
BY *David B. Orma*

In the Matter of the Accusation of  
DAVID LINCOLN HOCHMAN,  
Respondent(s)

Case No. H-22673 LA  
L-22673

NOTICE OF HEARING ON ACCUSATION

TO THE ABOVE NAMED RESPONDENT:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings  
314 West First Street, Los Angeles, CA 90012

on the 2nd day of December, 1986, at the hour of 10:30 a.m.,  
or as soon thereafter as the matter can be heard, upon the charges made in the  
Accusation 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 to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

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: October 29, 1986

cc: David Lincoln Hochman  
David Bermann, Esq.  
Country Club Properties  
Sacto.  
OAH  
OGG  
RE Form 501 (Rev. 11-10-82)

JAMES A. EDMONDS, JR.  
DEPARTMENT OF REAL ESTATE

By *James R. Peel* Counsel

*Sacts 2/27*

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JAMES R. PEEL, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012  
(213) 620-4790

SEP-5 1983

DEPARTMENT OF REAL ESTATE  
*Jawia B. Clark*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	NO. H-22673 LA
DAVID LINCOLN HOCHMAN, )	<u>A C C U S A T I O N</u>
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)	
Respondent. )	

The Complainant, Randolph Brendia, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against DAVID LINCOLN HOCHMAN, alleges as follows:

I

The Complainant, Randolph Brendia, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

DAVID LINCOLN HOCHMAN (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson.

IV

On or about March 12, 1986, in the Superior Court of the State of California, for the County of Los Angeles, respondent was convicted of the crime of violating Health & Safety Code Section 11351, a felony and a crime involving moral turpitude.

V

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

VI

Respondent's criminal conviction, is cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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

Dated at Los Angeles, California  
this 5th day of September, 1986.

Deputy Real Estate Commissioner

cc: David Lincoln Hochman  
Country Club Properties  
✓ Sacto.  
OGG

lbo