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1987

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

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)
JONATHAN EARL SAMUELS,)
Respondent.)
NO. H-22730 LA
L-38702

DECISION

The Proposed Decision dated MARCH 5, 1987
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 April 14, 1987.

IT IS SO ORDERED 3-18-87.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
ESTATE OF CALIFORNIA

In the Matter of the)	
Application of:)	
)	No. H-22730 LA
)	
JONATHAN EARL SAMUELS,)	L-38702
)	
)	
)	
Respondent.)	
-----)	

PROPOSED DECISION

This matter came on regularly to be heard before P. M. Hogan, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on March 3, 1987.

Complainant was represented by Marilyn L. Mosher, staff counsel. Respondent appeared personally without counsel.

Evidence, both oral and documentary, was presented, and the matter was submitted for decision. The Administrative Law Judge finds the following facts:

I

Randolph Brendia, complainant, is a Deputy Real Estate Commissioner and filed the Statement of Issues solely in his official capacity.

II

Jonathan Earl Samuels (hereinafter referred to as respondent) was issued a real estate salesperson license on or about July 11, 1986, following respondent's application therefor on or about June 11, 1986.

III

In response to Question 22 of said license application, to wit: "Have you ever been convicted of any violation of law? (Excluding non-moving traffic violations)", respondent disclosed a 1981 misdemeanor conviction of forgery and a 1982 conviction of disturbing the peace. The date of the forgery conviction was 1982, and was a mistake on his part. However, respondent failed to disclose a 1984 conviction of petty theft. In the latter

cases, he was found to be guilty by a jury. He could hardly have forgotten it. Respondent's contention that his omission of that matter was an immature, emotional over-reaction to a what he thought to be a botched trial is not convincing.

IV

On May 13, 1982, in the Municipal Court of Alhambra Judicial District, County of Los Angeles, State of California, respondent was convicted on his plea of guilty of the crime of violating Penal Code Section 470 (Forgery), a crime involving moral turpitude.

V

On February 24, 1984, in the Municipal Court of Los Angeles Judicial District, County of Los Angeles, State of California, respondent was convicted of the crime of violating Penal Code Section 484 (Theft), a crime involving moral turpitude.

VI

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

* * * * *

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

1. Respondent's failure to reveal his conviction of petty theft as set forth in Findings III and V above, in his application constitutes the procurement of a real estate license by misrepresentation which failure is cause for denial of respondent's application for a real estate license under Sections 480(c) and 10177(a) of the Business and Professions Code of the State of California.

2. Respondent's criminal convictions, as described above, warrant 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.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of Jonathan Earl Samuels for issuance to him of a real estate salesperson's 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 March 3, 1987, at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: Mar, 5, 1987



P. M. HOGAN
Administrative Law Judge
Office of Administrative Hearings

PMH:btm

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FILED
[Signature]

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)
JONATHAN EARL SAMUELS,)
Respondent.)

No. H-22730 LA

ORDER SUSPENDING REAL ESTATE LICENSE

To: JONATHAN EARL SAMUELS, Respondent
513 Golden Prados Drive
Diamond Bar, California 91765

On June 11, 1986, 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 disclosed a 1981 misdemeanor conviction of forgery and a 1982 conviction of disturbing the peace.

On July 11, 1986, the Department issued a real estate salesperson license to respondent in reliance upon the aforesaid

1 answer of respondent.

2 On October 7, 1986, in Case No. H-22730 LA, a Statement
3 of Issues signed by a Deputy Real Estate Commissioner of the State
4 of California was filed charging respondent with having procured a
5 real estate license by fraud, misrepresentation or deceit and with
6 knowingly having made false statement of fact required to be
7 revealed in the application for such license.

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

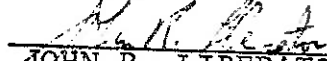
16 IT IS FURTHER ORDERED that all license certificates and
17 identification cards issued by the Department which are in the
18 possession of respondent be immediately surrendered by personal
19 delivery or by mailing in the enclosed self-addressed envelope to:

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: October 8, 1986

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

27 By: 
 JOHN R. LIBERATOR
 Chief Deputy Commissioner

1 MARILYN L. MOSHER, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 (213) 620-4790

OCT-7 1986

DEPARTMENT OF REAL ESTATE
William J. [Signature]

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of)
12 JONATHAN EARL SAMUELS,)
13 Respondent.)

No. H-22730 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 JONATHAN EARL SAMUELS in connection with his application for a
19 real estate salesperson license, filed on June 11, 1986, and, in
20 relation thereto, will consider the following:

21 I

22 JONATHAN EARL SAMUELS (hereinafter referred to as
23 respondent) was issued a real estate salesperson license on or
24 about July 11, 1986, following respondent's application therefor
25 on or about June 11, 1986.

26 /

27 /

1 II

2 In response to Question 22 of said license application,
3 to wit: "Have you ever been convicted of any violation of law?
4 (Excluding non-moving traffic violations)", respondent disclosed
5 a 1981 misdemeanor conviction of forgery and a 1982 conviction of
6 disturbing the peace.

7 III

8 On or about May 13, 1982, in the Municipal Court of
9 Alhambra Judicial District, County of Los Angeles, State of
10 California, respondent was convicted on his plea of guilty of the
11 crime of violating Penal Code Section 470 (Forgery), a crime
12 involving moral turpitude.

13 IV

14 On or about February 24, 1984, in the Municipal Court
15 of Los Angeles Judicial District, County of Los Angeles, State of
16 California, respondent was convicted of the crime of violating
17 Penal Code Section 484 (Theft), a crime involving moral turpitude.

18 V

19 The crimes of which respondent was convicted, as alleged
20 in Paragraphs III and IV above, bear a substantial relationship
21 to the qualifications, functions or duties of a real estate
22 licensee.

23 VI

24 Respondent's failure to reveal the convictions against
25 him, as set forth in Paragraphs III and IV above, in said
26 application constitutes the procurement of a real estate license
27 by fraud, misrepresentation or deceit, or by making a material

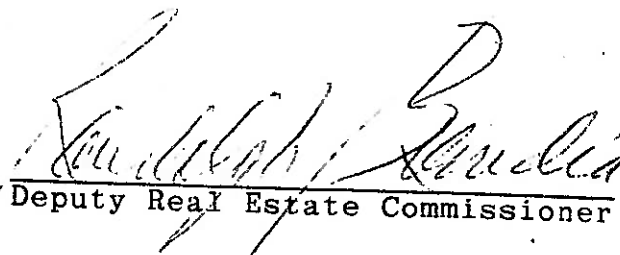
1 misstatement of fact in said application, which failure is cause
2 for denial of respondent's application for a real estate license
3 under Sections 480(c) and 10177(a) of the Business and Professions
4 Code of the State of California.

5 VII

6 Respondent's criminal convictions, as alleged above,
7 warrant denial of respondent's application for a real estate
8 license under Sections 480(a) and 10177(b) of the Business and
9 Professions Code of the State of California.

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

15 Dated at Los Angeles, California
16 this 7th day of October, 1986.

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18 
19 Deputy Real Estate Commissioner
20
21
22
23
24

25 cc: Jonathan Earl Samuels
26 Alan Eugene Buche
27 Sacto.
CGT