

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement)	
of Issues of:)	
)	No. H-24062 LA
)	
RONALD REX MCCREA,)	L-49489
)	
)	
Respondent.)	
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PROPOSED DECISION

On 16 May 1990, in Los Angeles, California, Richard J. Lopez, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

James R. Peel, Counsel, represented complainant. Respondent appeared in person and represented himself.

Evidence was received, the record was closed and the matter was submitted. The Administrative Law Judge finds, determines and orders as follows:

PARTIES AND JURISDICTION

1

Complainant herein, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, brought subject Statement of Issues in said official capacity.

2

Respondent, Ronald Rex McCrea, pursuant to the provisions of Section 10152 of the Business and Professions Code, made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about 11 October 1989.

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.

All jurisdictional requirements have been met. Jurisdiction for this proceeding does exist.

FINDINGS OF FACT
RE: STATEMENT OF ISSUES

(A) On May 4, 1987, in the Municipal Court of Ventura County, State of California, respondent was convicted of violating Penal Code Section 154 (defrauding creditor), a felony involving moral turpitude.

(B) The crime set forth in paragraph (A) bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

FINDINGS OF FACT
RE: PUBLIC INTEREST

(A) As a result of said crime respondent did serve a 90 day jail-term by utilizing a work furlough on weekends. He was placed on probation for five (5) years and does, each three month period, report to a probation officer. He has been, and is, observing all conditions of probation.

(B) He was ordered by the court to pay \$25,000 restitution to ITT. He has paid, to date \$15,000, and is current on his \$300 per month payments.

(C) The crime resulted from conduct committed in 1981. Since that time respondent has achieved the following:

(1) He was made chairman of the Jaycees of Simi Valley.

(2) He is presently a member of the Ojai Valley Chamber of Commerce and is presently employed, and has been for six (6) years past, self employed as a gardener.

(3) He is, presently, credit-worthy as confirmed by a TRW updated credit profile.

(4) He does attend Ventura County Community College and has received "straight" As in all real estate courses.

(5) He is a graduate of California State University, Northridge and is well educated. He is contrite about the conduct which lead to the conviction. He has committed no other like offenses and but for said offense has no record of deceptive or dishonest dealings.

FINDINGS OF FACT
RE: REHABILITATION

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The criminal conduct leading to subject criminal conviction occurred approximately 10 years ago. Accordingly, sufficient time has passed to allow rehabilitation from said criminal conduct. The conduct set forth in Finding 6 does constitute, presently, a record of rehabilitation from subject criminal conduct.

* * * * *

DETERMINATION OF ISSUES

I

Cause exists for denial of respondent's application for a real estate license under Sections 480 and 10177(b) of the Business and Professions Code of the State of California by reason of Finding 5. However, the order which follows hereinafter will not be against the public interest by reason of Determination II.

II

The objective of an administrative proceeding relating to licensing privileges is to protect the public. Such proceedings are not for the primary purpose of punishing an individual. Camacho v. Youde (1979) 95 Cal. App.3d 161, 165. In light of the foregoing and by reason of Findings 6 and 7 a properly conditioned probationary period would not be contrary to the public interest.

* * * * *

ORDER

The application of Ronald Rex McCrea for issuance of an unrestricted real estate salesperson license is hereby denied; provided, however, that a restricted real estate salesperson license shall be issued to respondent as hereinafter provided:

1. A restricted real estate salesperson license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within ninety (90) days from the effective date of the decision herein.

2. The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions, and restrictions imposed under the authority of Section 10156.6 of said Code.

(a) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, until two years have elapsed from the date of issuance of the restricted license to respondent.

(b) Respondent shall submit with his application for license under his employing broker, and with any subsequent application for transfer to a new employing broker, a statement signed by said prospective employing broker which shall certify:

(1) That said broker has read the decision of the Commissioner which granted the right to a restricted license; and

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DEPARTMENT OF REAL ESTATE
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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-24062 LA
RONALD REX McCREA,)	<u>STATEMENT OF ISSUES</u>
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)	
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 RONALD REX McCREA (hereinafter referred to as respondent), in connection with respondent's application for a real estate salesperson license, filed on October 11, 1989, and in relation thereto, will consider the following:

I

On or about May 4, 1987, in the Municipal Court of Ventura County, State of California, respondent was convicted of violating Penal Code Section 154 (defrauding creditor), a felony 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 is grounds for denying respondent's 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 13th day of February, 1990.


Deputy Real Estate Commissioner

cc: Ronald Rex McCrea
Sacto.
RL

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