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FILED
JUL 16 2007

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-24082 LA
ROBERT ABADIA,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 16, 1990, a Decision was rendered herein, revoking the real estate salesperson license of Respondent, 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 November 17, 1990 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about July 19, 2006, Respondent petitioned for reinstatement of said real estate salesperson license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

///

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

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent, if Respondent
11 satisfies the following conditions within nine (9) months from
12 the date of this Order:

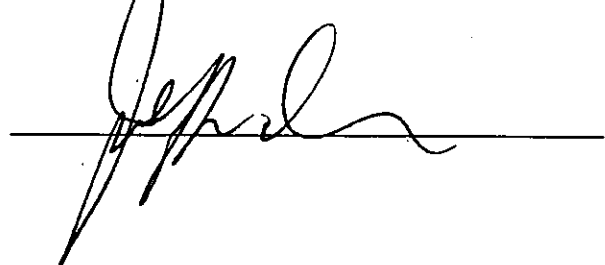
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

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

20 This Order shall be effective immediately.

21 Dated: 2-9-87

22 JEFF DAVI
23 Real Estate Commissioner

24 
25
26
27

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

OCT 22 1990

* * * *

In the Matter of the Accusation of)
)
ROBERT ABADIA,)
)
)
)
)
Respondent.)
_____)

DEPARTMENT OF REAL ESTATE
BY Laura B. Orna
NO. H- 24082 LA
L- 50265

DECISION

The Proposed Decision dated September 25, 1990
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 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 November 13, 1990.

IT IS SO ORDERED October 16, 1990.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

John R. Liberator
By: JOHN R. LIBERATOR
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
of:)
)
) No. H-24082 LA
ROBERT ABADIA,)
)
) L-50265
)
)
Respondent.)
_____)

PROPOSED DECISION

This matter came on regularly for hearing before Robert A. Neher, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on August 3, 1990, at 10:00 a.m. James R. Peel, Counsel, represented the complainant. Respondent appeared in person and represented himself. Documentary and oral evidence was introduced and the matter submitted. The Administrative Law Judge finds the following facts:

I

Steven J. Ellis made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

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

III

On or about September 20, 1989, in the Municipal Court of the San Fernando Judicial District, Los Angeles County, State of California, respondent was convicted on his plea of nolo contendere of the crime of violating Penal Code Section 484 (petty theft), a misdemeanor involving moral turpitude and substantially related to the functions, qualifications and duties of a real estate licensee.

IV

The facts and circumstances giving rise to said conviction are that respondent was drinking with a female companion in a San Fernando Valley night club and left with her purse, when she went to the ladies room. He was placed on informal probation for two years subject to various terms and conditions, including a total fine of \$705. Respondent admits being intoxicated at the time of the above events.

V

Respondent is 27 years of age, single and lives with his family. He has been licensed for several years working as a supervisor for Merrill Lynch; for Bradbury and Company in Encino from July 1989 to February 1990; and since then with Property 2000. He has a good reputation for honesty and integrity among the real estate community in the San Fernando Valley. He is due to complete his probation next year.

* * * * *

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

I

Cause for disciplinary action against the real estate salesperson's license of respondent exists under the provisions of Sections 490 and 10177(b) of the Business and Professions Code, by reason of Finding III.

II

All competent evidence of mitigation and rehabilitation has been considered.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate salesperson's license and licensing rights of Robert Abadia, are hereby revoked; provided, however, a restricted real estate salesperson's license shall be issued to respondent pursuant to Section 10156.5 of Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within six (6) months from the effective date of

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

1. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction, including conviction by plea of nolo contendere, of a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.

2. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law; the Subdivided Lands Law; Regulations of the Real Estate Commissioner; the conditions attaching to this restricted license; or his probation in criminal case No. 89F08630.

3. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

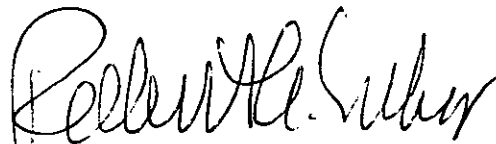
4. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the date of issuance of the restricted license to respondent.

5. Respondent shall submit with his application for said restricted license under an employing broker, or any application in the future for transfer to a new employing broker; a statement signed by the prospective employing broker which shall certify:

- a. That he has read the Decision of the Commissioner which granted the right to a restricted license; and
- b. That he will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

6. Respondent shall within eighteen (18) months of the issuance of respondent's original real estate salesperson license, under the provisions of Section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after the issuance of respondent's original real estate salesperson license. Said suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the respondent of lifting of the suspension.

DATED: 25 Sep 90



ROBERT A. NEHER
Administrative Law Judge
Office of Administrative Hearings

RAN:btm

Sacto
2/2/90

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

MAY 10 1990

DEPARTMENT OF REAL ESTATE
BY Laura B. Chena

In the Matter of the Accusation of

ROBERT ABADIA,

}

Case No. H-24082 LA

OAH No. _____

Respondent(s)

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 _____

OFFICE OF ADMINISTRATIVE HEARINGS, 314 W. FIRST ST., LOS ANGELES, CA 90012

on the 3RD day of AUGUST, 19 90, at the hour of 10:00 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.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: May 10, 1990

By James R. Reed
Counsel

cc: Robert Abadia
Sacto.
OAH
LR

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

7-9 1990

FILED
Laura B. Olson

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-24082 LA
12 ROBERT ABADIA,) A C C U S A T I O N
13)
14)
15 Respondent.)
16 _____)

17 The Complainant, Steven J. Ellis, a Deputy Real Estate
18 Commissioner of the State of California, for cause of accusation
19 against ROBERT ABADIA, alleges as follows:

20 I

21 The Complainant, Steven J. Ellis, a Deputy Real Estate
22 Commissioner of the State of California, makes this accusation in
23 his official capacity.

24 II

25 ROBERT ABADIA (hereinafter referred to as respondent)
26 is presently licensed and/or has license rights as a real estate
27 salesperson subject to Section 10153.4(c) of the Business and

1 Professions Code (hereinafter Code).

2 III

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

6 IV

7 On or about September 20, 1989, in the Municipal Court
8 County of Los Angeles, State of California, respondent was
9 convicted of the crime of violating Penal Code Section 484 (petty
10 theft), a crime of involving moral turpitude.

11 V

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

15 VI

16 Respondent's criminal conviction is cause under Sections
17 490 and 10177(b) of the Business and Professions Code for
18 suspension or revocation of all licenses and license rights of
19 respondent under the Real Estate Law.

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26 /

27 /

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 ROBERT ABADIA 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 9th day of April, 1990.


Deputy Real Estate Commissioner

cc: Robert Abadia
Merrill Lynch Mortgage Corporation
Sacto.
LR