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FILED
AUG 29 1991
DEPARTMENT OF REAL ESTATE

By *Emily Ikada*

STATE OF CALIFORNIA
DEPARTMENT OF REAL ESTATE

* * * * *

In the Matter of the Application of)	No. H-24394 LA
EDDIE E. KANOUSE,)	OAH No. 52178
Respondent.)	

ORDER DENYING RECONSIDERATION

On July 1, 1991, a Decision After Rejection was rendered in the above-entitled matter to become effective at 12 o'clock noon on July 31, 1991.

On July 18, 1991, Respondent requested reconsideration of the Decision After Rejection of July 1, 1991.

On July 25, 1991, an Order Staying Effective Date was entered staying the effective date of the Decision After Rejection of July 1, 1991 for a period of thirty (30) days to 12 o'clock noon on August 30, 1991.

On August 15, 1991, additional argument was submitted by Respondent in support of Respondent's request for reconsideration.

I have given due consideration to the petition of Respondent for reconsideration. I find no good cause to reconsider

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the Decision After Rejection of July 1, 1991 and reconsideration
is hereby denied.

DATED: August 24, 1991.

Clark Wallace
CLARK WALLACE
Real Estate Commissioner)

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JUL 25 1991

DEPARTMENT OF REAL ESTATE
Sybil Williams

STATE OF CALIFORNIA
DEPARTMENT OF REAL ESTATE

* * * * *

In the Matter of the Application of)	No. H-24394 LA
EDDIE E. KANOUSE,)	OAH No. 52178
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On July 1, 1991, a Decision After Rejection was rendered in the above-entitled matter to become effective at 12 o'clock noon on July 31, 1991.

IT IS HEREBY ORDERED that the effective date of the Decision After Rejection of July 1, 1991, is stayed for a period of thirty (30) days.

The Decision After Rejection of July 1, 1991, shall become effective at 12 o'clock noon on August 30, 1991.

DATED: 23 July 1991

Randolph Brendia
RANDOLPH BRENDIA
Managing Deputy Commissioner IV
Southern Regional Manager

SACT. O
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JUL 10 1991

Sybil Williams

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of)	No. H-24394 LA
EDDIE E. KANOUSE,)	OAH No. 52178
Respondent.)	

DECISION AFTER REJECTION

The matter came on for hearing before Milford A. Maron, Administrative Law Judge of the Office of Administrative hearings, in Los Angeles, California, on February 22, 1991.

James L. Beaver, Counsel, represented the complainant. Respondent EDDIE E. KANOUSE was present without counsel.

Evidence was received, the hearing was closed and the matter was submitted.

On March 2, 1991, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my Decision herein. Pursuant to Section 11517(c) of the Government Code of the State of California, Respondent was served with notice of the Real Estate Commissioner's determination not to adopt the Proposed

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Decision of the Administrative Law Judge along with a copy of said Proposed Decision. Respondent was notified that the case would be decided by the Real Estate Commissioner upon the record, the transcript of proceedings held on February 22, 1991, and upon any written argument offered by Respondent.

On May 28, 1991, written argument was submitted by Respondent.

I have given careful consideration to the record in this case including the transcript of proceedings of February 22, 1991.

The following shall constitute the Decision of the Real Estate Commissioner in this proceeding:

FINDINGS OF FACT

I

STEVEN J. ELLIS, Deputy Real Estate Commissioner of the State of California, filed the Statement of Issues. STEVEN J. ELLIS acted in his official capacity.

II

Respondent is licensed as a real estate salesperson in the State of California under a restricted real estate salesperson license. The restricted license will expire on July 19, 1991.

III

On June 4, 1987, a Decision was rendered in Case No. H-22840 LA, "In the Matter Of The Application Of Eddie E. Kanouse", then pending before the Department Of Real Estate, State of California, denying the application of Respondent for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license.

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IV

A restricted real estate salesperson license was issued to Respondent on July 20, 1987.

V

On March 29, 1989, an "Order Granting Unrestricted License After Consideration" was entered in said Case No. H-22840 LA, granting Respondent the right to the issuance of an unrestricted real estate salesperson license upon the condition that within one year of March 29, 1989, Respondent apply for that license and prove completion by Respondent, since the most recent issuance of an original or renewal real estate license to Respondent, of forty-five (45) clock hours of attendance at educational courses, seminars, workshops, or conferences, or their equivalent, qualified by the Department for real estate continuing education credit pursuant to the provisions of Section 10170.4 of the Code.

VI

On or about April 10, 1989, Respondent submitted a completed application and paid the fee for an unrestricted real estate salesperson license.

VII

On March 28, 1990, Respondent paid the sum of \$250.00 to UNIVERSITY PROGRAMS, INC. (hereinafter "UPI"), through its agent and employee DEBRA MAGRUDER (hereinafter "MAGRUDER"), and at Respondent's instance and request, in exchange for said payment, MAGRUDER wrongfully provided Respondent certain course approval numbers and dates to be used by Respondent in fabricating false

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evidence to be presented to the Department ostensibly demonstrating completion by Respondent of forty-eight (48) clock hours of correspondence courses sponsored by UPI which had been qualified by the Department for real estate continuing education credit.

VIII

On March 29, 1990, Respondent represented to the Department that he had, since the most recent issuance of an original or renewal real estate license to him, taken the correspondence courses sponsored by UPI identified below and completed them on the date specified below, thereby satisfying the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license:

Course No. Issued By DRE	Completion Date	Course Title
0649-0-54-0188-03	01-28-89	Ethics
0649-0-55-0288-21	01-29-90	Home Inspections
0649-0-56-0688-21	03-28-90	Managing For Profit
0649-0-57-0489-03	03-26-90	Agency Relationships

IX

The representations by Respondent described in Paragraph VIII, above, were false, as Respondent well knew at the time he made said representations. In truth, Respondent had not taken or completed said courses prior to or on the dates specified, or at any other time or at all.

XI

On or about April 3, 1990, Respondent made application to the Department of Real Estate of the State of California

1 (hereinafter "the Department") for a real estate broker license.

2 XI

3 On or about April 12, 1990, at the instance and request
4 of Respondent, MAGRUDER provided the Department a Course
5 Completion Certificate issued by UPI ostensibly evidencing
6 completion by Respondent of the courses identified below on the
7 dates specified below:
8

9	Course No.	Date	Course Title
	Issued By DRE	Completed	
10	0649-0-54-0188-03	01-20-89	Ethics
	0649-0-63-0290-21	03-28-90	Home Inspections
11	0649-0-56-0688-21	03-28-90	Managing For Profit
	0649-0-57-0489-03	03-28-90	Agency Relationships

12 XII

13 The information in said Course Completion Certificate
14 was false, as Respondent and MAGRUDER well knew when said
15 certificate was prepared and provided the Department. In truth,
16 Respondent had not completed said courses prior to or on the dates
17 specified.
18

19 XIII

20 MAGRUDER and Respondent each appeared and testified at
21 the hearing on the Statement of Issues held in these proceedings
22 on February 22, 1991. They admitted Respondent did not enroll in
23 UPI's continuing education courses until March 28, 1990. Although
24 MAGRUDER was evasive during her testimony and displayed a
25 selective memory, both Respondent and MAGRUDER did admit that
26 after March 28, 1990, they cooperated to create documents for
27 submission to the Department falsely showing that Respondent
completed continuing education courses with UPI prior to March 28,

1 1990. Neither Respondent nor MAGRUDER explained why they provided
2 the Department false course completion information, so their
3 testimony that Respondent faxed passing final examinations to
4 MAGRUDER on March 29, 1990, is rejected as incredible.
5

6 DETERMINATION OF ISSUES

7 The acts and omissions on the part of Respondent
8 described in Paragraphs VII through XII, inclusive, hereinabove,
9 constituted an attempt by Respondent to obtain an unrestricted
10 real estate salesperson license for himself by fraud,
11 misrepresentation and deceit. Said acts and omissions on the part
12 of Respondent are cause for denial of Respondent's application for
13 a real estate broker license under Section 480(a) and 10177(a) of
14 the California Business and Professions Code.

15 ORDER

16 The application for a real estate broker license is
17 denied. There is no statutory restriction on when application may
18 again be made for this license. If and when application is again
19 made for this license, all competent evidence of rehabilitation
20 presented by Respondent will be considered by the Real Estate
21 Commissioner. A copy of the Commissioner's Criteria of
22 Rehabilitation is appended hereto for the information of
23 Respondent.

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This Decision shall become effective at 12 o'clock noon
on July 31st, 1991.

IT IS SO ORDERED July 1, 1991.

CLARK WALLACE
Real Estate Commissioner



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FILED

APR - 1 1991

DEPT. OF REAL ESTATE
BY *Sylvia W. ...*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
EDDIE E. KANOUSE,)	NO. H-24394 LA
Respondent.)	L-52178

NOTICE

TO: EDDIE E. KANOUSE, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated March 2, 1991, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated March 2, 1991, is attached for your information.


In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on February 22, 1991, and any written argument hereafter submitted on behalf of respondent and complainant.

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Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of February 22, 1991, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of complainant to be considered by me must be submitted within 15 days after receipt of the argument of respondent at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: March 26, 1991



JOHN R. LIBERATOR
Chief Deputy Real Estate
Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application)
of:)
) No. H-24394 LA
)
EDDIE E. KANOUSE,) L-52178
)
)
) Respondent.)
_____)

PROPOSED DECISION

On February 22, 1991, in Los Angeles, California, Milford A. Maron, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

James L. Beaver, Counsel, represented Complainant. Respondent, Eddie E. Kanouse, appeared in person without counsel.

Evidence was received, the record was closed and the matter was submitted.

I

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

II

At all times mentioned herein respondent has been and now is licensed by the Department of Real Estate of the State of California as a real estate salesperson.

III

A. On or about June 4, 1987 a Decision was rendered by the Department of Real Estate in "In the Matter of the Application of Eddie E. Kanouse", Case No. H-22840 LA, denying the application of respondent for a real estate salesperson's license, but granting respondent the right to the issuance of a restricted real estate salesperson's license. A restricted real estate salesperson's license was issued to respondent on July 20, 1987.

B. On March 29, 1989, an "Order Granting Unrestricted License After Consideration" was entered, granting respondent the right to the issuance of an unrestricted real estate salesperson's license upon the condition that within one year of March 29, 1989, he apply for that license and prove completion of forty-five (45) clock hours of attendance at educational courses, seminars, workshops, or conferences, or their equivalent, qualified by the Department for real estate continuing education credit.

C. On or about April 10, 1989, respondent submitted a completed application and paid the fee for an unrestricted real estate salesperson's license.

V

A. On March 28, 1990, respondent enrolled in the program conducted by University Programs, Inc., paid the required sums and completed forty-eight (48) clock hours of correspondence courses sponsored by said company which had been qualified by the Department for real estate continuing education credit.

B. The state of the record indicates that respondent faxed his passing final examinations no later than March 29, 1990 to the subject company. The examinations were mislaid by the company. This was ultimately rectified by respondent's follow-up of duplicate final examinations, and he was thereafter issued a certification of completion on April 12, 1990.

C. Respondent substantially complied with the continuing education requirements of the Department of Real Estate.

* * * * *

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

No cause for denial was established pursuant to Sections 480(a) and 10177(a) of the Business and Professions Code, in that respondent substantially satisfied the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

not copied
The application of respondent, Eddie E. Kanouse, for a real estate broker's license is hereby granted.

DATED: March 2, 1991



MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

MAM:btm

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**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEC 18 1990



In the Matter of the Application of

EDDIE E. KANOUSE

Respondent

Case No. H-24394 LA

OAH No. --

NOTICE OF HEARING ON APPLICATION

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 West First Street, Los Angeles, CA,

on the 22nd day of February, 19 91, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues 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 based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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.

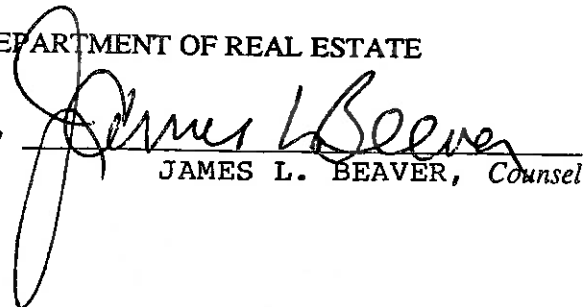
Dated: December 18, 1990

cc: Eddie E. Kanouse
Sacto.
OAH/JO

RE 500 (Rev. 8/87) vj

DEPARTMENT OF REAL ESTATE

By



JAMES L. BEAVER, Counsel

1 James L. Beaver, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California, 90012

5 (213) 620-4790

NOV 16 1980

DEPARTMENT OF REAL ESTATE
BY *Stephen Williams*

6 BEFORE THE DEPARTMENT OF REAL ESTATE

7 STATE OF CALIFORNIA

8 * * * * *

9 In the Matter of the Application of) H- 24394 LA
10 EDDIE E. KANOUSE,) STATEMENT OF ISSUES
11 Respondent.)
12 _____)

13 The Complainant, STEVEN J. ELLIS, a Deputy
14 Real Estate Commissioner of the State of California, for
15 Statement of Issues against EDDIE E. KANOUSE (hereinafter
16 "Respondent"), is informed and alleges as follows:

17 I

18 Respondent is presently licensed and/or has license
19 rights under the Real Estate Law, Part 1 of Division 4 of the
20 Business and Professions Code (hereinafter "the Code") as a
21 real estate salesperson.

22 II

23 The Complainant, STEVEN J. ELLIS, a Deputy
24 Real Estate Commissioner of the State of California, makes
25 this Statement of Issues in his official capacity.
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III

On or about April 3, 1990, Respondent made application to the Department of Real Estate of the State of California (hereinafter "the Department") for a real estate broker license.

IV

On or about June 4, 1987, a Decision was rendered in Case No. H-22840 LA, "In the Matter Of The Application Of Eddie E. Kanouse", then pending before the Department Of Real Estate, State of California, denying the application of Respondent for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license.

V

A restricted real estate salesperson license was issued to Respondent on July 20, 1987.

VI

On March 29, 1989, an "Order Granting Unrestricted License After Consideration" was entered in said Case No. H-22840 LA, granting Respondent the right to the issuance of an unrestricted real estate salesperson license upon the condition that within one year of March 29, 1989, Respondent apply for that license and prove completion by Respondent, since the most recent issuance of an original or renewal real estate license to Respondent, of forty-five (45) clock hours of attendance at educational courses, seminars, workshops, or conferences, or their equivalent, qualified by

1 the Department for real estate continuing education credit
2 pursuant to the provisions of Section 10170.4 of the Code.

3 VII

4 On or about April 10, 1989, Respondent
5 submitted a completed application and paid the fee for an
6 unrestricted real estate salesperson license.

7 VIII

8 On or about March 28, 1990, Respondent paid
9 the sum of \$250.00 to UNIVERSITY PROGRAMS, INC. (hereinafter
10 "UPI"), through its agent and employee DEBRA MAGRUDER
11 (hereinafter "MAGRUDER"), and at Respondent's instance and
12 request, in exchange for said payment, MAGRUDER wrongfully
13 provided Respondent certain course approval numbers and dates
14 to be used by Respondent in fabricating false evidence to be
15 presented to the Department ostensibly demonstrating
16 completion by Respondent, of forty-eight (48) clock hours of
17 correspondence courses sponsored by UPI which had been
18 qualified by the Department for real estate continuing
19 education credit.

20 IX

21 On or about April 2, 1990, Respondent
22 represented to the Department that he had, since the most
23 recent issuance of an original or renewal real estate license
24 to him, taken the correspondence courses sponsored by UPI
25 identified below and completed them on the date specified
26 below, thereby satisfying the continuing education
27

1 requirements of Article 2.5 of Chapter 3 of the Real Estate
2 Law for renewal of a real estate license:

3
4

Course No. Issued By DRE	Date Completed	Course Title
0649-0-54-0188-03	01-28-89	Ethics
0649-0-55-0288-21	01-29-90	Home Inspections
0649-0-56-0688-21	03-28-90	Managing For Profit
0649-0-57-0489-03	03-26-90	Agency Relationships

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8 X

9 The representations by Respondent described in
10 Paragraph IX, above, were false, as Respondent well knew at
11 the time he made said representations. In truth, Respondent
12 had not taken or completed said courses prior to or on the
13 dates specified, or at any other time or at all.

14 XI

15 On or about April 12, 1990, at the instance
16 and request of Respondent, UPI and its agents and employees
17 provided the Department a Course Completion Certificate
18 issued by UPI ostensibly evidencing completion by Respondent
19 of the courses identified below on the dates specified below:

20

Course No. Issued By DRE	Date Completed	Course Title
0649-0-54-0188-03	01-20-89	Ethics
0649-0-63-0290-21	03-28-90	Home Inspections
0649-0-56-0688-21	03-28-90	Managing For Profit
0649-0-57-0489-03	03-28-90	Agency Relationships

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25 XII

26 The information in Respondent's Course
27 Completion Certificate was false, as Respondent and UPI and
UPI's agents and employees well knew when said certificate

1 was prepared and provided the Department. In truth,
2 Respondent had not taken or completed said courses prior to
3 or on the dates specified, or at any other time or at all.
4

5 XIII

6 The acts and omissions on the part of
7 Respondent described in Paragraphs VII through XII,
8 inclusive, hereinabove, constituted an attempt by Respondent
9 to obtain an unrestricted real estate salesperson license for
10 himself by fraud, misrepresentation and deceit. Said acts
11 and omissions on the part of Respondent are cause for denial
12 of Respondent's application for a real estate broker license
13 under Section 480(a) and 10177(a) of the California Business
14 and Professions Code.

15 WHEREFORE, Complainant prays that the above -
16 entitled matter be set for hearing and, upon proof of the
17 charges contained herein, that the Commissioner refuse to
18 authorize the issuance of, and deny the issuance of, a real
19 estate broker license to Respondent, and for such other and
20 further relief as may be proper in the premises.

21
22 
23 STEVEN J. ELLIS
24 Deputy Real Estate Commissioner

25 Dated at Los Angeles, California
26 this 16th day of November, 1990.
27