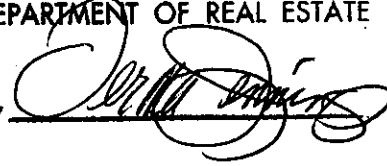


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FILED
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DEPARTMENT OF REAL ESTATE

By



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-24619 LA
JOE B. PHILIP,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 13, 1992, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On November 2, 2005, Respondent petitioned for
reinstatement of said real estate salesperson license and
the Attorney General of the State of California has been
given notice of the filing of said petition.

I have considered the petition of Respondent and
the evidence and arguments in support thereof. Respondent
has demonstrated to my satisfaction that Respondent meets

1 the requirements of law for the issuance to Respondent of an
2 unrestricted real estate salesperson license and that it would
3 not be against the public interest to issue said license to
4 Respondent.
5

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

11 1. Respondent shall take and pass the real estate
12 salesperson license examination.

13 2. Respondent shall submit a completed application
14 and pay the fee for a real estate salesperson license.

15 This Order shall be effective immediately.

16 Dated: 8-7-87
17

18 JEFF DAVI
19 Real Estate Commissioner
20
21
22
23
24
25
26
27

FILED

APR 24 1992

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY *R. L. Gaudin*

* * * *

In the Matter of the Accusation of)
)
JOE B. PHILIP, aka)
Joseph Barrett Philip,)
)
)
Respondent.)
_____)

No. H-24619 LA

L-54925

DECISION

The Proposed Decision dated March 23, 1992 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.

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 May 14, 1992.

IT IS SO ORDERED

4/13/92

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of:	)	
	)	NO. H-24619 LA
JOE B. PHILIP, aka	)	
JOSEPH BARRETT PHILIP	)	L-54925
	)	
	)	
Respondent.	)	

PROPOSED DECISION

This matter was tried before Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on February 24, 1992. Complainant was represented at trial by Elliott Mac Lennan, Staff Counsel. Respondent was present throughout the trial and represented himself.

The record was held open for thirty days for complainant to submit a certified court document. Complainant submitted said document on March 16, 1992, and it is hereby admitted into evidence as Exhibit 6.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Accusation was made by Steven J. Ellis solely in his official capacity as Deputy Real Estate Commissioner, State of California.

2. On April 13, 1988, the Department of Real Estate, State of California (hereafter Department), issued real estate salesperson's license no. 00987107 to Joe B. Philip (hereafter respondent). Said license is in full force and effect.

3. A. On January 4, 1991, in the Superior Court of the State of California, Orange County, California, respondent, under the name Joseph Barrett Philip, pleaded guilty to, and was

convicted of, three counts of violating Penal Code Section 182/487.1 (conspiracy to commit grand theft), a felony involving moral turpitude per se.

B. Sentence was pronounced, execution of the sentence was suspended and respondent was placed on probation for three years.

C. As a matter of law, said conviction is substantially related to the duties, qualifications or functions of a real estate salesperson.

4. The true facts and circumstances underlying respondent's conviction were not established by competent evidence.

5. Respondent denies categorically that he conspired with others, or participated in, an insurance fraud scheme. He asserts that he was a victim of circumstance in that he knew one of the participants in that scheme and gave his vehicle to that person for repair work.

6. Respondent claims that he pleaded guilty to criminal charges as part of a plea bargain, which reduced the felony charge to a misdemeanor, eliminated jail time, and allowed him to make restitution as the only condition of probation. Respondent failed to present documentary evidence supporting these claims, and court documents are to the contrary.

7. Respondent has made \$14,000 in restitution, by borrowing the money from a relative, whom he is paying back.

8. Respondent recently married, and is the stepfather of a minor child. Respondent's wife is a Department licensee, who works as a real estate salesperson.

9. Respondent's activities as a real estate salesperson have been primarily in the field of residential real property. He currently has two listings, three properties in escrow, and several parties to whom he is showing property. Respondent's broker is unaware of his conviction.

10. Respondent remains on probation, and is apparently in compliance with the probationary terms. Respondent is not rehabilitated from his conviction.

* * * * *

Pursuant to the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

CONCLUSIONS OF LAW

Grounds exist to revoke or suspend respondent's license to act as a real estate salesperson pursuant to Business and Professions Code (BPC) Sections 10177(b) and 490 in that respondent has been convicted of a crime involving moral turpitude, which is substantially related to the duties, qualifications or functions of a real estate agent, and from which he is not rehabilitated.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

Real estate salesperson's license no. 00987107 issued to Joe B. Philip is hereby revoked.

DATED: March 23, 1992

Rosalyn M. Chapman
ROSALYN M. CHAPMAN
Administrative Law Judge
Office of Administrative Hearings

RMC:mh

Sacto

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

OCT 17 1991

DEPARTMENT OF REAL ESTATE

Luna B. Orta

In the Matter of the Accusation of

JOE B. PHILIP, etc.

}

Case No. H-24619 LA

OAH No. L-54925

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 24th day of FEBRUARY, 1992, at the hour of 11:00 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: October 17, 1991

By *elliott mac lennan*
ELLIOTT MAC LENNAN Counsel

cc: Joe B. Philip
Sacto.
OAH
PI

RE 501 (Rev. 7/87)

ELLIOTT MAC LENNAN, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 620-4790

7-12-8 1981

ELIOT MAC LENNAN
Lana B. Orma

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-24619 LA
JOE B. PHILIP, aka)	
Joseph Barrett Philip)	A C C U S A T I O N
Respondent.)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against JOE B. PHILIP (respondent) is informed and alleges in his official capacity as follows:

I

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

II

Respondent was originally licensed by the Department of Real Estate of the State of California as a real estate salesperson on April 11, 1988.

1
2 III

3 On January 4, 1991, in the Superior Court of California,
4 Orange County, respondent was convicted by a guilty plea to three
5 counts of violating Section 182/487.1 of the California Penal Code
6 (Conspiracy to Commit Grand Theft), for felony crimes involving
7 submitting false damage claims to insurance companies that
8 occurred during April 1, 1986 to February 26, 1988 and involved
9 moral turpitude, which is substantially related under Section
10 2910, Chapter 6, Title 10, of the California Code of Regulations,
11 to the qualifications, functions or duties of a real estate
12 licensee.

13 IV

14 The alleged facts are cause under Sections 490 and
15 10177(b) of the Code for suspension or revocation of all licenses
16 and license rights of respondent under the Real Estate Law.

17 WHEREFORE, Complainant prays that a hearing be conducted
18 on the allegations of this Accusation and that upon proof thereof,
19 a decision be rendered imposing disciplinary action against the
20 license and license rights of respondent JOE B. PHILIP under the
21 Real Estate Law and for such other and further relief as may be
22 proper under other applicable provisions of law.

23 Dated at Los Angeles, California
24 this 9th day of August, 1991.

25 STEVEN J. ELLIS

26 Deputy Real Estate Commissioner

27 cc: Joe B. Philip
Sacto.
PI