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FILED
JAN - 7 1992

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

* * * *

In the Matter of the Application of)	No. H- 24838 LA
)	
JOSEPH R. MARKOWITZ, aka)	L- 55152
Joseph Raymond Markowitz,)	
)	
Respondent.)	

DECISION

The Proposed Decision dated December 9, 1991 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 broker 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 January 28, 1992.

IT IS SO ORDERED December 24, 1991.

CLARK WALLACE
Real Estate Commissioner

[Signature]
by: JOHN R. LIBERATOR
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement)
of Issues Against:)
)
)
)
JOSEPH R. MARKOWITZ, aka) No. H-24838
Joseph Raymond Markowitz) L-55152
)
)
Respondent.)
_____)

PROPOSED DECISION

On November 19, 1991, in Los Angeles, California, Ronald M. Gruen, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Marjorie P. Mersel, Counsel, Department of Real Estate represented complainant. Respondent appeared in person and was represented by Suzanne L. Greene, Attorney at Law.

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

I

Complainant, Steven J. Ellis, is a Deputy Real Estate Commissioner of the State of California, and filed the Statement of Issues in his official capacity.

II

Respondent on July 5, 1991, filed an application for a real estate broker's license. Said application is currently pending.

III

On or about October 14, 1988 in the Municipal Court of Glendale Judicial District, County of Los Angeles, State of California, respondent pled guilty to and was convicted of the crime of violating Health and Safety Code Section 11351 (possession of controlled substance for sale), a felony and a crime involving moral turpitude.

Pursuant to said conviction, the respondent was placed on probation for a period of five years on various terms and conditions of probation and was ordered to serve 90 days in the County Jail. Pursuant to Penal Code Section 1203.3 respondent was given an early release from probation on March 22, 1991.

The facts underlying the conviction are that the respondent was addicted to cocaine and was regular user of the substance. He obtained funds from his parents to support his cocaine habit. At the time respondent was apprehended by police, he had in his possession one ounce of cocaine.

IV

Respondent became involved with drugs in about June 1986 subsequent to his graduation in 1986 from Cal State University, Los Angeles.

As a result of his drug use and arrest, respondent was terminated from his employment from the Los Angeles Unified School District, as a substitute teacher in March 1988.

V

From approximately March 1988 to December 1990, respondent was enrolled in a drug rehabilitation program under the auspices of Kaiser Permanente Hospital in Southern California. Respondent is also an active member of Alcoholics Anonymous and Cocaine Anonymous and attends meetings on a regular basis and an ongoing basis.

The evidence has demonstrated great and determined efforts on the part of the respondent in getting his drug dependency problem under control.

VI

On or about March 7, 1989, in the Municipal Court of Glendale Judicial District, respondent was convicted of the crime of violating Penal Code Section 496.1 (receiving stolen property), a crime involving moral turpitude.

Pursuant to said conviction respondent placed on probation for a period of 3 years and was ordered to serve the first 30 days of probation in the County Jail.

The facts underlying this conviction are that respondent accepted stolen lottery tickets from a friend in repayment of a debt.

The purported value of the tickets was \$17.00. Respondent attempted to negotiate the lottery tickets at a 7-11 store, and was apprehended when the store clerk discovered that the tickets were stolen. Respondent denies knowledge that such tickets were stolen. Such contention is contrary to the weight of the evidence and is rejected.

VII

Respondent is 31 years of age and is unmarried. He is partially supported by his parents. He is employed by them as a maintenance man to repair and maintain family owned residential apartment buildings.

VIII

Taking into account the recent date of the convictions and the rather brief period of time respondent has had to demonstrate that he is truly rehabilitated from his chemical dependency, it would be contrary to the public interest to permit the respondent to now undertake the substantial and far reaching responsibilities and duties of a real estate broker in California.

* * * * *

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

DETERMINATION OF ISSUES

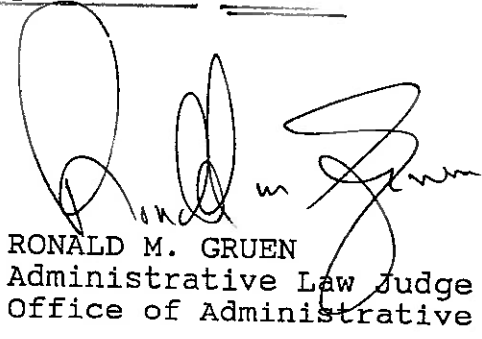
Cause for denial of respondent's application for license was established pursuant to Business and Professions Code Sections 480 and 10177(b) by reason of Findings III and VI.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of respondent is denied.

Dated: 9 Dec 91



RONALD M. GRUEN
Administrative Law Judge
Office of Administrative Hearings

RMG:myg