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FILED
MAY - 6 2005
DEPARTMENT OF REAL ESTATE
[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-24849 LA
TED JAMES DAVIS,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 21, 1992, a Decision was rendered herein revoking Respondent's real estate salesperson license 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 or about November 4, 1992, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On July 12, 2004, 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.

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

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

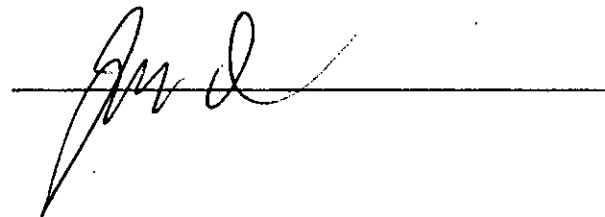
15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate
19 Law for renewal of a real estate license.

20 This Order shall be effective immediately.

21 Dated: April 28, 2005.

22
23 JEFF DAVIS
24 Real Estate Commissioner

25
26
27 cc: Ted J. Davis
P.O. Box 6009
Sugarloaf, CA 92386



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SEP 22 1992

DEPARTMENT OF REAL ESTATE
BY C. Bay

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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|------------------------------------|---|----------------|
| In the Matter of the Accusation of |) | No. H-24849 LA |
| |) | |
| TED JAMES DAVIS, |) | L-55938 |
| |) | |
| Respondent. |) | |
| |) | |

DECISION AFTER REJECTION

This Matter came on for hearing before Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on February 20, 1992.

Marjorie P. Mersel, Counsel, represented the complainant.

Respondent appeared with counsel and was represented by Frank M. Buda.

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

On March 23, 1992, 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

1 Code of the State of California, respondent was served with
2 notice of my determination not to adopt the Proposed Decision of
3 the Administrative Law Judge along with a copy of said Proposed
4 Decision. Respondent was notified that the case would be
5 decided by me upon the record, the transcript of proceedings
6 held on February 20, 1992, and upon any written argument offered
7 by respondent.

8 Argument has been submitted on behalf of respondent.

9 I have given careful consideration to the record in
10 this case including the transcript of proceedings of February 20,
11 1992.

12 The following shall constitute the Decision of the
13 Real Estate Commissioner in this proceeding.

14 FINDINGS OF FACT

15 I

16 Steven J. Ellis, Deputy Real Estate Commissioner of
17 the State of California, filed the Accusation. Steven J. Ellis
18 acted in his official capacity.

19 II

20 Respondent is licensed as a conditional real estate
21 salesperson in the State of California. The license will expire
22 on March 4, 1995.

23 III

24 On March 22, 1991, is the Municipal Court of Los
25 Angeles, Van Nuys Judicial District, State of California,
26 respondent was convicted of the crime of petty theft (Penal Code
27 Section 484 (a) upon entry of his Plea of nolo contendere. In

1 connection with his conviction, imposition of sentence was
2 suspended and respondent was placed on summary probation for one
3 year on the condition that he perform 100 hours of community
4 service.

5 Respondent committed the crime on February 7, 1991,
6 when he was shopping in a department store.

7 IV

8 Respondent's crime is substantially related to the
9 qualifications, functions, and duties of a real estate licensee
10 because it involved a dishonest act by respondent. See 10,

11 DETERMINATION OF ISSUES

12 Pursuant to the foregoing findings of fact, the
13 Commissioner makes the following determination of issues:

14 Cause exists to suspend or revoke respondent's real
15 estate salesperson license pursuant to Section 490 and 10177(b)
16 of the Business and Professions Code.

17

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19

ORDER

20

21 The license of respondent, TED JAMES DAVIS, to act as
22 a real estate salesperson is hereby revoked; provided, however,
23 respondent shall be entitled to apply for, and be issued a
24 restricted real estate salesperson license pursuant to Business
25 and Professions Code (hereinafter BPC) Section 10156.5, if
26 respondent makes application therefore and pays the Department
27 the appropriate fee for said license within 180 days from the
effective date of the Decision herein, and provided respondent

1 first satisfies condition 4 of this order. The restricted
2 license issued to respondent shall be subject to the provisions
3 of BPC Section 10156.7 and the following limitations, conditions
4 and restrictions imposed under authority of BPC Section 10156.6:

5 1. The license shall not confer any property right
6 in the privileges to be exercised, and the Real
7 Estate Commissioner may by appropriate Order
8 suspend the right to exercise any privileges
9 granted under this restricted license in the
10 event of:

11 a. The conviction of respondent (including a
12 plea of nolo contendere) to a crime which
13 bears a significant relation to respondent's
14 fitness or capacity as a real estate licensee;
15 or;

16 b. The receipt of evidence that respondent has
17 violated provisions of the California Real
18 Estate Law, Regulations of the Real Estate
19 Commissioner or conditions attaching to this
20 restricted license.

21 2. Respondent shall not be eligible to apply for the
22 issuance of an unrestricted real estate license
23 nor the removal of any of the conditions,
24 limitations or restrictions attaching to the
25 restricted license until one year has elapsed
26 from the date of issuance of the restricted
27 license to respondent.

- 1 3. With the application for license, or with the
2 application for transfer to a new employing
3 broker, respondent shall submit a statement
4 signed by the prospective employing broker on
5 a form approved by the Department of Real Estate
6 wherein the employing broker shall certify as
7 follows:
- 8 a. That broker has read the Accusation which
9 is the basis for the issuance of the
10 restricted license; and
- 11 b. That broker will carefully review all
12 transaction documents prepared by the
13 restricted licensee and otherwise exercise
14 close supervision over the licensee's
15 performance of acts for which a license is
16 required.
- 17 4. Any restricted license issued pursuant to this
18 Order shall be deemed to be the first renewal of
19 Respondent's real estate salesperson license for
20 the purpose of applying the provisions of Section
21 10153.4 of the Business and Professions Code.
22 Therefore, before said restricted license is
23 issued, Respondent shall, within four years from
24 the date of the issuance of this original
25 conditional real estate salesperson license
26 submit evidence of having taken and successfully
27 completed the courses specified in subdivisions (a)

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and (b) of Section 10170.5 of the Real Estate Law for renewal of a real estate license.

5. Upon renewal of the license issued pursuant to this Order, Respondent shall submit evidence of having taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license.

This Decision shall become effective at 12 o'clock noon on October 13, 1992.

IT IS SO ORDERED 9/21/92

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

Sacto
Floyd

APR 20 1992

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

| | |
|--------------------------------------|----------------|
| In the Matter of the Accusation of) | |
| TED JAMES DAVIS, | NO. H-24849 LA |
| Respondent. | L-55938 |

NOTICE

TO: TED JAMES DAVIS, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated March 23, 1992, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated March 23, 1992, 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 20, 1992, and any written argument hereafter submitted on behalf of respondent and complainant.

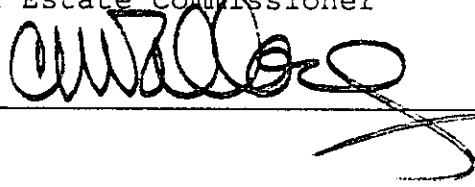
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Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of February 20, 1992, at the Los Angeles office of the Department of Real Estate unless an extension of the time 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: 4/14/92

CLARK WALLACE
Real Estate Commissioner



*Sacto
Flores*

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

| | | |
|---------------------------------|---|-----------------|
| In the Matter of the Accusation |) | |
| of: |) | |
| TED JAMES DAVIS, |) | No. H-24849 LA |
| |) | |
| Respondent. |) | OAH No. L-55938 |
| |) | |
| |) | |
| |) | |

PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on February 20, 1992. Complainant was represented by Marjorie Mercel, Staff Counsel. Respondent appeared personally and represented himself.

Oral and documentary evidence was received and the matter was submitted. The Administrative Law Judge finds the following facts:

I

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

II

At all relevant times respondent was licensed by the Department of Real Estate as a real estate salesperson and has licensing rights under Part 1 Division 4 of the Business and Professions Code.

III

On March 22, 1991, in the Municipal Court of the Van Nuys Judicial District, County of Los Angeles, (Case No. 91P02121) respondent pleaded no contest to a charge of violating section 484(a) of the California Penal Code (petty theft), a crime involving moral turpitude and substantially related to the duties, functions and qualifications of a departmental licensee.

Respondent was placed on summary probation for one year on the condition that he perform 100 hours of community service.

IV

The facts and circumstances surrounding the conviction were that respondent entered a department store and placed a box containing a VCR in a shopping cart. Respondent then went to the bicycle department and opened a box which contained a bicycle; respondent then pulled out an inner box containing the bicycle parts. The box which contained the bicycle parts and the box containing the VCR were approximately the same size and weight. Respondent then placed the box containing the VCR into the outer bicycle box, took the item to the register and paid the price indicated on the bicycle box which was less than the price of the VCR.

Respondent's assertion that he mistakenly switched boxes is not persuasive. In any event, respondent's contention is an impermissible collateral attack on the conviction.

V

At the time of the incident respondent was under a doctor's care for a chronic back problem and had taken a cold medicine and two prescription pain killing drugs prior to entering the department store. The combination of drugs he had taken caused respondent to become dizzy and light headed, and had caused his perception to be slightly impaired at the time of the incident.

VI

Respondent has been employed as a residential property manager for sixteen years. Part of his duties include collecting rents from tenants, recording the amounts he receives, and making bank deposits on behalf of the property owners. Throughout his career, respondent has managed properties in an honest, competent and professional manner.

In an effort to continue his education in the real estate field, respondent has taken a number of real estate courses that satisfy the requirements of Business and Professions Code section 10153.4. Further, respondent has been offered employment with the real estate brokerage firm of Prime Properties, Inc. on the condition that respondent is allowed to retain his license.

VII

Respondent volunteers his time to various community groups including the LAPD Business Watch, a crime prevention organization. Further, respondent provides daily help to many of the elderly tenants who live in the residential units that he manages.

Respondent is forty one years old and has suffered no other criminal convictions. The conduct leading up to the conviction was aberration from respondent's customary behavior. However, the nature of the offense dictates that some form of discipline be imposed.

* * * * *

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

Grounds for disciplinary action against respondent's license and licensing rights exist under the provisions of Business and Professions Code sections 490 and 10177(b) for the conviction set forth in finding III.

* * * * *

WHEREFORE THE FOLLOWING ORDER is hereby made:

The real estate salesperson license and licensing rights previously issued to the respondent, Ted James Davis, are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that said suspension is stayed for a period of one year on the following terms and conditions:

1. Respondent shall obey all laws of the United States, the State of California and all its political subdivisions, and all the rules and regulations of the Department of Real Estate.

2. Respondent shall submit with his application for license under his employing broker, and with any subsequent application or transfer to a new employing broker, a statement signed by said employing broker which shall certify:

(a) That said broker has read the decision of the Commissioner which suspended respondent's license; and

(b) That said broker will exercise close supervision over the performance of the licensee of activities for which a real estate license is required.

3. Respondent shall, within six months of the effective date of the suspension, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may

NOT ADOPTED

order the suspension of respondent's license until he passes the examination.

4. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct, such information concerning respondent's activities for which a real estate license is required.

5. If the Commissioner determines, after giving respondent notice and an opportunity to be heard, that a violation of the conditions has occurred, the Commissioner may in his discretion vacate the stay order and reimpose the stayed portion of this Decision or otherwise suspend or revoke the respondent's license. If no violation of the conditions occurs during the term of discipline imposed herein, the stay shall become permanent.

DATED: March 23, 1992

Humberto Flores

HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings

NOT ADAPTED

Sacto Hag

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

7-1-92

JAN 28 1992

DEPARTMENT OF REAL ESTATE
BY *Arcene F. Morgan*

In the Matter of the Accusation of
TED JAMES DAVIS

}

Case No. 24849 LA

OAH No. L-55938

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 Street, Los Angeles, California 90012
on the 20th day of February, 19 92, at the hour of 1:30, 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.

Dated: January 27, 1992

DEPARTMENT OF REAL ESTATE

By *Marjorie P. Mersel*
MARJORIE P. MERSEL Counsel

CC: Respondent(s)
Atty
Broker
SACTO

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MARJORIE P. MERSEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED

DEC-6 1991

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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|------------------------------------|---|---------------------|
| In the Matter of the Accusation of |) | No. H-24849 LA |
| |) | |
| TED JAMES DAVIS, |) | 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 TED JAMES DAVIS, alleges as follows:

I

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

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II

TED JAMES DAVIS (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson, subject to Section 10153.4(c) of the Business and Professions Code.

IV

On or about March 22, 1991, in the Municipal Court of Los Angeles, Van Nuys Judicial District, County of Los Angeles, State of California, respondent was convicted of the crime of violating Penal Code Section 484(a) (Petty Theft), a crime involving moral turpitude.

V

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

VI

Respondent's criminal convictions, as alleged above, is cause under Section 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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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 TED JAMES DAVIS 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 6th day of December, 1991


Deputy Real Estate Commissioner

cc: Ted James Davis
Prime Properties Inc.
Sacto.
MLB

RD