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**FILED**  
MAY 17 1995  
DEPARTMENT OF REAL ESTATE  
By *Raque B. Fera*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) No. H-25167 LA  
)  
)  
ROBIN BASIL WESLEY )  
)  
Respondent. )

ORDER DENYING REINSTATEMENT OF LICENSE

On November 19, 1992, a Decision was rendered herein  
revoking the real estate salesperson license of ROBIN BASIL  
WESLEY, (hereinafter referred to as Respondent), effective  
December 15, 1992.

On July 26, 1994, 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 submitted in support thereof. Respondent has failed to  
demonstrate to my satisfaction that he has undergone sufficient

1 rehabilitation to warrant the reinstatement of his real estate  
2 salesperson license at this time. This determination has been  
3 made in light of Respondent's history of acts and conduct which  
4 are substantially related to the qualifications, functions and  
5 duties of a real estate licensee. That history includes:

6  
7 I

8 On or about June 18, 1990, Respondent was convicted of  
9 violating Section 487H(a) of the California Penal Code (Grand  
10 Theft Vehicle). On or about June 19, 1990, Respondent was also  
11 convicted of violating Section 459 of the Penal Code (Burglary).  
12 On or about October 21, 1992, as a result of these convictions,  
13 a hearing was held at the Office of Administrative Hearings  
14 before an Administrative Law Judge. As a result of said hearing  
15 it was determined by said Judge that there were grounds to  
16 revoke the license and license rights of Respondent pursuant to  
17 Sections 490 and 10177(b) of the California Business and  
18 Professions Code and it was proposed that the license of  
19 Respondent should be revoked. This Decision was adopted by the  
20 Real Estate Commissioner.

21 II

22 In his interview with a Deputy Real Estate  
23 Commissioner Respondent revealed that he had another conviction  
24 for a violation of Penal Code Section 484 (Petty Theft) on June  
25 29, 1992. In addition to this additional misdemeanor conviction  
26 it was determined that Respondent had also been convicted, on  
27 May 5, 1992, of drinking in public and convicted in May of 1990  
of resisting arrest and reckless driving. Respondent stated

1 that all of these convictions, and the two which led to the loss  
2 of his license, were directly related to his abuse of alcohol.

3  
4 III

5 Neither the convictions which led to the revocation of  
6 his license nor Respondent's conviction of the crime of petty  
7 theft have been expunged and Respondent is still on probation  
8 for the June 29, 1992, conviction of violating Section 484 of  
9 the Penal Code. This is evidence of a lack of rehabilitation  
10 and is cause to deny Respondent's petition for reinstatement  
11 pursuant to Sections 2911(c) and 2911(d) of Chapter 6, Title 10,  
12 California Code of Regulations.

13 NOW, THEREFORE, IT IS ORDERED that Respondent's  
14 petition for reinstatement of license is denied. However,  
15 Respondent has offered evidence that his former problems with  
16 alcohol have been successfully controlled with counseling and  
17 abstinence for a period of nearly two years and it appears that  
18 Respondent will pose no danger to the public if issued a  
19 properly restricted license.

20 Therefore, a restricted real estate salesperson  
21 license shall be issued to Respondent pursuant to Section  
22 10156.5 of the Code after Respondent satisfied the following  
23 conditions within one (1) year from the date of this Order:

24 1. Submittal of evidence satisfactory to the Real  
25 Estate Commissioner that Respondent has, since his license was  
26 revoked, taken and successfully completed the continuing  
27

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

4 2. Submittal of a completed application and payment of  
5 the fee for a real estate salesperson license.

6 The restricted license issued to Respondent shall be  
7 subject to all of the provisions of Section 10156.7 of the Code  
8 and to the following limitations, conditions and restrictions  
9 imposed under authority of Section 10156.5 of said Code:

10 1. The restricted license shall not confer any  
11 property right in the privileges to be exercised thereunder and  
12 the Real Estate Commissioner may by appropriate order suspend  
13 prior to hearing the right of Respondent to exercise any  
14 privileges granted under the restricted license in the event of:

15 (a) The conviction of Respondent (including a plea of  
16 nolo contendere) of a crime which bears a significant  
17 relationship to Respondent's fitness or capacity as a real  
18 estate licensee.

19 (b) The receipt of evidence satisfactory to the Real  
20 Estate Commissioner that subsequent to the date of the Order  
21 herein Respondent has violated provisions of the California Real  
22 Estate Law, Regulations of the Real Estate Commissioner, or  
23 conditions attaching to said restricted license.

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

1 (a) That said employing broker has read the Order of  
2 the Commissioner which granted the right to a restricted  
3 license; and

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

7 Respondent shall not be eligible to apply for the  
8 issuance of an unrestricted real estate license nor the removal  
9 of any of the conditions, limitations or restrictions attaching  
10 to the restricted license until at least one year has elapsed  
11 from the effective date of this Order.

12 This Order shall become effective at 12 o'clock  
13 noon on June 6, 1995.

14  
15 DATED: May 15, 1995

16  
17  
18 JOHN R. LIBERATOR  
Interim Commissioner

19 By: Betty R. Ludeman  
20 Betty R. Ludeman  
21 Assistant Commissioner  
22 Enforcement  
23

24 Robin Basil Wesley  
25 5639 Verdun Avenue  
26 Los Angeles, California 90043  
27

NOV 24 1992

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )  
 )  
ROBIN BASIL WESLEY, )  
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 )  
 )  
Respondent. )  
\_\_\_\_\_ )

No. H- 25167 LA

L- 58383

DECISION

The Proposed Decision dated November 12, 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 December 15, 1992.

IT IS SO ORDERED November 19, 1992

CLARK WALLACE  
Real Estate Commissioner

John R. Liberator  
BY: John R. Liberator  
Chief Deputy Commissioner

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of )  
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 )  
ROBIN BASIL WESLEY, )  
 )  
 )  
Respondent. )  
\_\_\_\_\_ )

No. H-25167 LA

OAH. L-58383

PROPOSED DECISION

This matter came on regularly for hearing before Leslie H. Greenfield, Administrative Law Judge, Office of Administrative Hearings, on October 21, 1992 at Los Angeles, California.

George W. Wright, Counsel, represented the complainant. Respondent was present throughout the hearing and represented himself.

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

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

2. Respondent Robin Basil Wesley holds real estate salesperson's license number 00905009 which expires December 11, 1995. Respondent has been so licensed since December 13, 1985.

3. A. On June 18, 1990, in the Municipal Court of the Los Angeles Judicial District, County of Los Angeles, State of California, respondent was convicted on his plea of nolo contendere of violating Penal Code section 487H (A) (grand theft vehicle), a misdemeanor involving moral turpitude and substantially related to the duties, qualifications or functions of a real estate salesperson.

B. Imposition of sentence was suspended and respondent was placed on summary probation for two (2) years subject to certain terms and conditions including serving 60 days in jail.

C. The facts and circumstances surrounding the conviction were that respondent took a truck belonging to another without permission.

4. A. On June 19, 1990, in the Municipal Court of the Los Angeles Judicial District, County of Los Angeles, State of California, respondent was convicted on his plea of nolo contendere of violating Penal Code section 459 (burglary), a misdemeanor involving moral turpitude and substantially related to the duties, qualifications or functions of a real estate salesperson.

B. Imposition of sentence was suspended and respondent was placed on summary probation for two (2) years subject to certain terms and conditions including performing 200 hours of community service.

C. The facts and circumstances surrounding the conviction were that respondent took the personal property of another without permission.

5. No credible evidence of rehabilitation or mitigation was presented.

\* \* \* \* \*

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

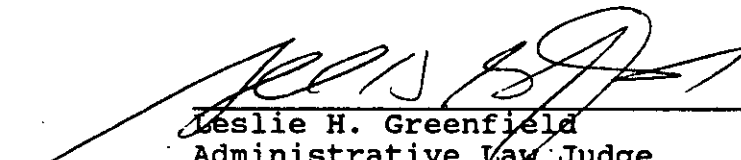
1. Grounds exist to revoke or suspend respondent's license pursuant to Business and Professions Code sections 490 and 10177(b), based on Findings 3 and 4, separately and for each.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Real Estate License no. 00905009 issued to respondent Robin Basil Wesley is revoked.

Dated: June 12, 1992

  
\_\_\_\_\_  
Leslie H. Greenfield  
Administrative Law Judge  
Office of Administrative Hearings

LHG:me

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

SEP 29 1992  
DEPARTMENT OF REAL ESTATE  
BY R. Medeiros

In the Matter of the Accusation of

ROBIN BASIL WESLEY,

Case No. H-25167 LA

OAH No. L-58383

Respondent

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 West First Street, Los Angeles

on October 21, 1992, at the hour of 9:00 a.m.  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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.

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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: September 29, 1992

By George W. Wright  
Counsel

cc: Robin Basil Wesley  
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OAH  
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GEORGE W. WRIGHT, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, California 90012

(213) 897-3937

FILED

AUG 24 1992

DEPARTMENT OF REAL ESTATE  
BY *K. Friederick*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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|--------------------------------------|---------------------|
| In the Matter of the Accusation of ) | No. H-25167 LA      |
| ROBIN BASIL WESLEY, )                |                     |
| Respondent. )                        | A C C U S A T I O N |

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against ROBIN BASIL WESLEY (hereinafter "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

On or about May 11, 1979, Respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson and he is currently licensed as such.

1  
2 III

3 On June 18, 1990, in the Municipal Court of Los Angeles,  
4 Los Angeles Judicial District, County of Los Angeles, State of  
5 California, Respondent was convicted by a jury of violating  
6 Section 487 of the Penal Code (grand theft vehicle). The crime for  
7 which Respondent was convicted is a crime involving moral  
8 turpitude and is substantially related under Section 2910, Title  
9 10, California Code of Regulations, to the qualifications,  
10 functions or duties of a real estate licensee.

11 IV

12 On June 19, 1990, in the Municipal Court of Los Angeles,  
13 Los Angeles Judicial District, County of Los Angeles, State of  
14 California, Respondent was convicted by a jury of violating  
15 Section 459 of the Penal Code (burglary). The crime for which  
16 Respondent was convicted is a crime involving moral turpitude and  
17 is substantially related under Section 2910, Title 10, California  
18 Code of Regulations, to the qualifications, functions or duties of  
19 a real estate licensee.

20 V

21 The criminal conviction, as alleged above, is cause  
22 under Sections 490 and 10177(b) of the Code for the suspension or  
23 revocation of all licenses and/or license rights of Respondent  
24 under the Real Estate Law.

25 /

26 /

27 /

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1  
2           WHEREFORE, Complainant prays that a hearing be conducted  
3 on the allegations of this Accusation and that upon proof thereof,  
4 a decision be rendered imposing disciplinary action against the  
5 license and license rights of Respondent ROBIN BASIL WESLEY under  
6 the Real Estate Law and for such other and further relief as may  
7 be proper under other applicable provisions of law.

8       Dated at Los Angeles, California  
9       this 24th day of August,     1992.

10                                 STEVEN J. ELLIS  
11                                 Deputy Real Estate Commissioner  
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25       cc: Robin Basil Wesley  
26           Sacto.  
27           CL