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JAN 19 1994

DEPARTMENT OF REAL ESTATE
BY *C. Berg*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-25270 LA
)	
BARRY STEVEN SYLVAN,	)	L-59449
aka Barry Sylvan)	
)	
Respondent.)	
_____)	

AMENDED ORDER DENYING RECONSIDERATION

On November 12, 1993, a Decision was rendered in the above-entitled matter. The Decision was to be effective on December 9, 1993.

On November 23, 1993, Respondent, BARRY STEVEN SYLVAN, requested a stay of the Decision for the purpose of filing a petition for reconsideration. A stay was granted staying the effective date of the Decision to January 7, 1994. In an Order effective January 4, 1994, reconsideration was denied. A second stay extended the effective date to January 18, 1994.

Respondent was given until December 14, 1993 to file his petition for reconsideration and any argument. Respondent, BARRY STEVEN SYLVAN, filed said petition and arguments on

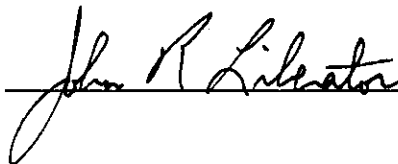
1 January 7, 1994, with further argument submitted via facsimile on
2 January 10, 1994.

3 I have given careful consideration to the record in this
4 case including the transcript of proceedings of June 2, 1993. I
5 have also considered the supplemental material, received January 7,
6 1994 and January 10, 1994, submitted on behalf of Respondent.

7 I find that there is no good cause to reconsider the
8 Decision of November 12, 1993, and reconsideration is hereby
9 denied.

10 IT IS SO ORDERED January 13, 1994.

11
12 CLARK WALLACE
13 Real Estate Commissioner

14 
15 _____

16 **BY: John R. Liberator**
17 **Chief Deputy Commissioner**

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C. Bay

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25270 LA
)	
BARRY STEVEN SYLVAN,)	L-59449
aka Barry Sylvan)	
)	
Respondent.)	
)	

ORDER STAYING EFFECTIVE DATE

On November 12, 1993, a Decision was rendered in the above-entitled matter to become effective December 9, 1993.

The effective date of the Decision of November 12, 1993, was stayed for a period of 30 days, until January 7, 1994.

IT IS HEREBY ORDERED that the effective date of the Decision of November 12, 1993, is stayed for a period of 10 days. The Decision of November 12, 1993, shall become effective at 12 o'clock noon on January 18, 1994.

DATED: January 7, 1994.

CLARK WALLACE
Real Estate Commissioner

By: *Randolph P. Brendia*
Randolph Brendia
Regional Manager

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JAN - 5 1994

DEPARTMENT OF REAL ESTATE
BY C. Berg

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25270 LA
BARRY STEVEN SYLVAN,)	L-59449
aka Barry Sylvan,)	
Respondent.)	

ORDER DENYING RECONSIDERATION

On November 12, 1993, a Decision was rendered in the above-entitled matter. The Decision was to be effective on December 9, 1993.

On November 23, 1993, Respondent, BARRY STEVEN SYLVAN, requested a stay of the Decision for the purpose of filing a petition for reconsideration. A stay was granted staying the effective date of the Decision to January 7, 1994.

Respondent was given until November 14, 1993 to file his petition for reconsideration. Respondent, BARRY STEVEN SYLVAN, has not filed his petition.

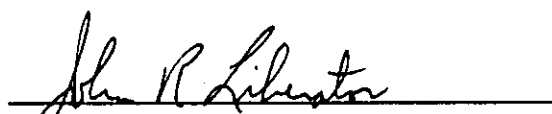
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I find that there is no good cause to reconsider the
Decision of November 12, 1993, and reconsideration is hereby
denied.

IT IS SO ORDERED January 4, 1994.

CLARK WALLACE
Real Estate Commissioner



BY: John R. Liberator
Chief Deputy Commissioner

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NOV 29 1993

DEPARTMENT OF REAL ESTATE
BY S. Bay

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-25270 LA
)	
BARRY STEVEN SYLVAN,	)	L-59449
aka Barry Sylvan)	
)	
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On November 12, 1993, a Decision was rendered in the above-entitled matter to become effective December 9, 1993.

IT IS HEREBY ORDERED that the effective date of the Decision of November 12, 1993, is stayed for a period of 30 days.

The Decision of November 12, 1993, shall become effective at 12 o'clock noon on January 7, 1994.

DATED: November 29, 1993

CLARK WALLACE
Real Estate Commissioner

By: Randolph Brendia
Randolph Brendia
Regional Manager

1 Pursuant to Section 11517(c) of the Government Code of
2 the State of California, Respondent was served with notice of my
3 determination not to adopt the Proposed Decision of the
4 Administrative Law Judge along with a copy of said Proposed
5 Decision. Respondent was notified that the case would be decided
6 by me upon the record, the transcript of proceedings held on June
7 2, 1993, and upon any written argument offered by Respondent.
8 Supplemental material dated, October 8, 1993 was submitted by
9 Respondent.

10 I have given careful consideration to the record in this
11 case including the transcript of proceedings of June 2, 1993. I
12 have also considered the supplemental material dated, October 8,
13 1993, submitted by Respondent. The following shall constitute the
14 Decision of the Real Estate Commissioner in this proceeding:

15 FINDINGS OF FACT

16 I

17 I have determined that the Determination of Issues in
18 the Proposed Decision of the Administrative Law Judge, dated July
19 6, 1993 are not appropriate with respect to Findings V through
20 VIII.

21 Judge Flores found that Respondent's act of theft was
22 the result of stress brought on by marital, physical and business
23 problems. However, illness, stress and family, personal or
24 financial problems, do not justify or excuse the act of theft.

25 All other findings are accepted and those other Findings
26 are adopted as the Findings of Fact of the Real Estate
27 Commissioner in this proceeding.

1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and the following limitations,
4 conditions and restrictions imposed under authority of Section
5 10156.6 of that Code:

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

11 (a) The conviction of Respondent (including a plea
12 of nolo contendere) of a crime which is
13 substantially related to Respondent's fitness
14 or capacity as a real estate licensee; or

15 (b) The receipt of evidence satisfactory to the
16 Commissioner that Respondent has violated
17 provisions of the California Real Estate Law,
18 the Subdivided Lands Law, Regulations of the
19 Real Estate Commissioner or conditions
20 attaching to the restricted license.

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

26 3. Respondent shall, within twelve months from the
27 effective date of this Decision, present evidence satisfactory to

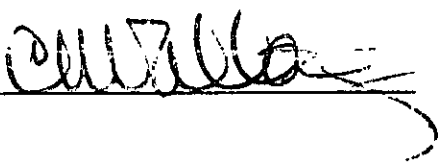
1 the Real Estate Commissioner that Respondent has, since the most
2 recent issuance of an original or renewal real estate license,
3 taken and successfully completed the continuing education
4 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
5 for renewal of a real estate license. If Respondent fails to
6 satisfy this condition, the Commissioner may order the suspension
7 of the restricted license until the Respondent presents such
8 evidence. The Commissioner shall afford Respondent the
9 opportunity for a hearing pursuant to the Administrative Procedure
10 Act to present such evidence.

11 The right to reinstatement of a revoked or suspended
12 real estate license or to the reduction of a penalty is controlled
13 by Section 11522 of the Government Code. A copy of Section 11522
14 and a copy of the Commissioner's Criteria of Rehabilitation are
15 attached hereto for the information of Respondent.

16 This Decision shall become effective at 12 o'clock noon
17 on December 9, 1993.

18 IT IS SO ORDERED 11/12, 1993.

19 CLARK WALLACE
20 Real Estate Commissioner

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FILED
JUL 27 1993

DEPARTMENT OF REAL ESTATE
BY C. Song

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
BARRY SYLVAN,)	NO. H-25270 LA
Respondent.)	L-59449

NOTICE

TO: BARRY SYLVAN, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 6, 1993, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 6, 1993, 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 June 2, 1993, and any written argument hereafter submitted on behalf of respondent and complainant.

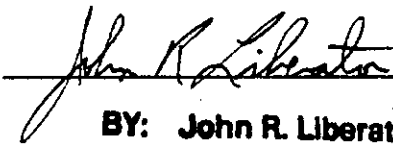
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Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of July 2, 1993, at the Los Angeles office of the Department of Real Estate unless an extension of the time is 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: July 21, 1993

CLARK WALLACE
Real Estate Commissioner



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

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H- 25270 LA
)	
BARRY SYLVAN,	)	L- 59449
)	
)	
)	
)	
)	
Respondent (s).)	
_____)	

DECISION

The Proposed Decision dated July 6, 1993
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.

This Decision shall become effective at 12 o'clock
noon on _____.

IT IS SO ORDERED _____.

CLARK WALLACE
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	
of:)	
	)	No. H-25270 LA
BARRY SYLVAN)	
	)	OAH No. L-59449
Respondent.)	
)	
)	
)	

PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on June 2, 1993. Complainant was represented by Darlene Averetta, Staff Counsel. Respondent appeared personally and was represented by Mark Mitchell Geyer, Attorney at Law.

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 broker and has licensing rights under Part 1, Division 4, of the Business and Professions Code.

III

A. On January 8, 1992, in the Municipal Court of Los Angeles County, San Fernando Judicial District, (Case No. 91F12084) respondent pleaded nolo contendere to a charge of violating section 484(a) of the Penal Code (petty theft), a crime of moral turpitude and substantially related to the duties, functions and qualifications of a departmental licensee.

B. Respondent was placed on summary probation on the condition that he serve 5 days in the county jail. Respondent was also ordered to perform 35 hours of community service. The sentence was later modified to allow respondent to pay a fine in lieu of community service.

IV

On January 19, 1993, the court granted respondent's petition to set aside his plea of nolo contendere, allowed respondent to enter a new plea of not guilty, and dismissed the charge pursuant to Penal Code section 1203.4.

V

A. The facts and circumstances leading up to respondent's conviction are complex. During 1991, respondent was informed that he was suffering from cancer. Further, respondent was having serious marital and business problems. These problems caused respondent to suffer tremendous stress and eventually depression.

B. It was during this stressful period that respondent was arrested for taking merchandize from a department store without paying for the items. Respondent offered to pay for the merchandise when confronted by security personnel.

C. Respondent's conduct was an impulsive act caused in part by the stress and physical problems he was experiencing at the time.

VI

Through determination and a positive attitude, respondent has overcome the stresses in his life as well as his health problems. Indeed, respondent's cancer is currently in remission. Therefore, the factors which contributed to respondent's conduct at the time of his arrest, no longer exist.

VII

Other than this incident, respondent has led an exemplary personal life. Respondent has been licensed as a broker for many years with no previous record of discipline. Further, respondent has been active in the community by volunteering his time to youth sports organizations and other community activities.

VIII

A. Based on the demeanor, comportment and testimony of respondent at the hearing, it is clear that respondent is an honest person who committed an act that was a momentary aberration from his customary behavior. Even though respondent established substantial mitigation, he is nevertheless extremely remorseful and embarrassed by his conduct.

B. The objective of an administrative proceeding relating to licensing privileges is to protect the public. Such proceedings are not for the primary purpose of punishing an individual. Camacho v. Youde (1979) 95 Cal. App. 3rd 161, 164.

C. Because of the unique circumstances surrounding this matter, the public interest would not be served by imposing discipline.

* * * * *

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

I

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.

II

Respondent established mitigation to the extent that no public purpose would be served by imposition of discipline against respondent's license.

* * * * *

WHEREFORE THE FOLLOWING ORDER is hereby made:

The proceedings are terminated with no imposition of discipline.

DATED: July 6, 1993

Humberto Flores

HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings

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FILED

JUL 27 1993

DEPARTMENT OF REAL ESTATE
BY C. Gray

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
BARRY SYLVAN,)	NO. H-25270 LA
Respondent.)	L-59449

NOTICE

TO: BARRY SYLVAN, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 6, 1993, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 6, 1993, 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 June 2, 1993, and any written argument hereafter submitted on behalf of respondent and complainant.

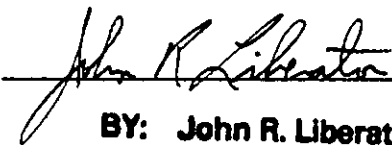
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Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of July 2, 1993, at the Los Angeles office of the Department of Real Estate unless an extension of the time is 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: July 21, 1993

CLARK WALLACE
Real Estate Commissioner



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

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H- 25270 LA
)	
	)	L- 59449
BARRY SYLVAN,)	
)	
)	
)	
)	
)	
Respondent(s).)	
_____)	

DECISION

The Proposed Decision dated July 6, 1993
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.

This Decision shall become effective at 12 o'clock
noon on _____.

IT IS SO ORDERED _____.

CLARK WALLACE
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
of:)
BARRY SYLVAN) No. H-25270 LA
Respondent.) OAH No. L-59449
_____)

PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on June 2, 1993. Complainant was represented by Darlene Averetta, Staff Counsel. Respondent appeared personally and was represented by Mark Mitchell Geyer, Attorney at Law.

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 broker and has licensing rights under Part 1, Division 4, of the Business and Professions Code.

III

A. On January 8, 1992, in the Municipal Court of Los Angeles County, San Fernando Judicial District, (Case No. 91F12084) respondent pleaded nolo contendere to a charge of violating section 484(a) of the Penal Code (petty theft), a crime of moral turpitude and substantially related to the duties, functions and qualifications of a departmental licensee.

B. Respondent was placed on summary probation on the condition that he serve 5 days in the county jail. Respondent was also ordered to perform 35 hours of community service. The sentence was later modified to allow respondent to pay a fine in lieu of community service.

IV

On January 19, 1993, the court granted respondent's petition to set aside his plea of nolo contendere, allowed respondent to enter a new plea of not guilty, and dismissed the charge pursuant to Penal Code section 1203.4.

V

A. The facts and circumstances leading up to respondent's conviction are complex. During 1991, respondent was informed that he was suffering from cancer. Further, respondent was having serious marital and business problems. These problems caused respondent to suffer tremendous stress and eventually depression.

B. It was during this stressful period that respondent was arrested for taking merchandise from a department store without paying for the items. Respondent offered to pay for the merchandise when confronted by security personnel.

C. Respondent's conduct was an impulsive act caused in part by the stress and physical problems he was experiencing at the time.

VI

Through determination and a positive attitude, respondent has overcome the stresses in his life as well as his health problems. Indeed, respondent's cancer is currently in remission. Therefore, the factors which contributed to respondent's conduct at the time of his arrest, no longer exist.

VII

Other than this incident, respondent has led an exemplary personal life. Respondent has been licensed as a broker for many years with no previous record of discipline. Further, respondent has been active in the community by volunteering his time to youth sports organizations and other community activities.

VIII

A. Based on the demeanor, comportment and testimony of respondent at the hearing, it is clear that respondent is an honest person who committed an act that was a momentary aberration from his customary behavior. Even though respondent established substantial mitigation, he is nevertheless extremely remorseful and embarrassed by his conduct.

B. The objective of an administrative proceeding relating to licensing privileges is to protect the public. Such proceedings are not for the primary purpose of punishing an individual. Camacho v. Youde (1979) 95 Cal. App. 3rd 161, 164.

C. Because of the unique circumstances surrounding this matter, the public interest would not be served by imposing discipline.

* * * * *

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

I

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.

II

Respondent established mitigation to the extent that no public purpose would be served by imposition of discipline against respondent's license.

* * * * *

WHEREFORE THE FOLLOWING ORDER is hereby made:

The proceedings are terminated with no imposition of discipline.

DATED: July 6, 1993

Humberto Flores

HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings

504

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

APR 26 1993

In the Matter of the Accusation of)
)
 BARRY STEVEN SYLVAN,)
)
)
)

Case No. H-25270 LA

OAH No. L-59449

DEPARTMENT OF REAL ESTATE

BY C. Berg

Respondent (s)

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent (s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on Wednesday, June 2, 1993, at the hour of 1:30 P.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: April 26, 1993

By

Darlene Averetta

DARLENE AVERETTA, Counsel

cc: Barry Steven Sylvan
✓Sacto.
OAH

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

In the Matter of the Accusation of)
)
BARRY STEVEN SYLVAN, etc.,)
)
Respondent.)

Case No. H-25270 LA MAR -4 1993
OAH No. L-59449

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

NOTICE OF CONTINUED 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, California, on April 30, 1993, at the hour of 3:30 p.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.

Dated: March 4, 1993.

cc: Barry Steven Sylvan
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

[Signature: Darlene Averetta]

DARLENE AVERETTA, Counsel

Photo
Play

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FEB -2 1993

DEPARTMENT OF REAL ESTATE
[Signature]

In the Matter of the Accusation of

BARRY STEVEN SYLVAN, etc.

Respondent

}

Case No. H-25270 LA

OAH No. L-59449

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, CA,

on March 1, 1993, at the hour of 1:30 p.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

By *[Signature]*

DARLENE AVERETTA, Counsel

Dated: February 2, 1993

cc: Barry Steven Sylvan
Sacto.
OAH
VJ

*SACD.
Flas*

1 DARLENE AVERETTA, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

FILED

JAN -8 1993

DEPARTMENT OF REAL ESTATE

[Signature]

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8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of) No. H-25270 LA
12 BARRY STEVEN SYLVAN,)
13 aka Barry Sylvan,) ACCUSATION
14 Respondent.)

15 The Complainant, Steven J. Ellis, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against BARRY STEVEN SYLVAN aka Barry Sylvan (hereinafter
18 Respondent), alleges as follows:

19 I

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

23 II

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

III

1 On or about January 8, 1992, in the Municipal Court of
2 Los Angeles, San Fernando Judicial District, County of Los Angeles,
3 State of California, Respondent was convicted on his plea of nolo
4 contendere to one count of violating Section 484(a) of the
5 California Penal Code (Petty Theft), a crime involving moral
6 turpitude which bears a substantial relationship under Section
7 2910, Title 10, California Code of Regulations, to the
8 qualifications, functions or duties of a real estate licensee.
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IV

10 The crime of which Respondent was convicted, as described
11 in Paragraph III, above, constitutes cause under Sections 490 and
12 10177(b) of the Code for the suspension or revocation of the
13 license and license rights of Respondent under the Real Estate Law.
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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and, that upon proof thereof,
3 a decision be rendered imposing disciplinary action against all the
4 licenses and license rights of Respondent BARRY STEVEN SYLVAN, aka
5 Barry Sylvan under the Real Estate Law (Part 1 of Division 4 of the
6 Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.

8 Dated at Los Angeles, California

9 this 8th day of January, 1993.

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12 STEVEN J. ELLIS
13 Deputy Real Estate Commissioner
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25 cc: Barry Steven Sylvan
26 Sacto.
27 VJ