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1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California 90012
3 (213) 897-3937
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FILED
APR 29 1996
DEPARTMENT OF REAL ESTATE

By C. Bay

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-26499 LA
12 JEFFREY SCOTT McGUIRE,) STIPULATION AND AGREEMENT
13 Respondent.) IN SETTLEMENT AND ORDER
14

15 It is hereby stipulated by and between Respondent
16 JEFFREY SCOTT McGUIRE (sometimes referred to herein as
17 "Respondent"), and the Complainant acting by and through Darlene
18 Averetta, Counsel, for the Department of Real Estate, as follows
19 for the purpose of settling and disposing of the Accusation filed
20 on March 8, 1996, in this matter (hereinafter "the Accusation"):

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. Respondent has not filed a Notice of Defense
6 pursuant to Section 11505 of the Government Code for the purpose
7 of requesting a hearing on the allegations in the Accusation.
8 Respondent acknowledges that he understands that by not filing a
9 Notice of Defense, Respondent will thereby waive his right to
10 require the Commissioner to prove the allegations in the
11 Accusation at a contested hearing held in accordance with the
12 provisions of the APA and that Respondent will waive other rights
13 afforded to him in connection with the hearing such as the right
14 to present evidence in defense of the allegations in the
15 Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations of the
18 Accusation filed in this proceeding are true and correct and that
19 the Real Estate Commissioner shall not be required to provide
20 further evidence of such allegations.

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Respondent's failure to reveal the conviction against him, as set forth in Paragraph V of the Accusation, constitutes cause under Sections 498 and 10177(a) of the Business and Professions Code for suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. The real estate salesperson license and license rights of Respondent JEFFREY SCOTT MCGUIRE, under the provisions of Part 1 of Division 4 of the Business and Professions Code, are hereby revoked.

2. A restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if, within 90 days after the effective date of the Decision entered herein, said Respondent makes application for said license and pays to the Department of Real Estate the appropriate fee for said license.

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

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1 (a) Respondent shall not be eligible to apply for
2 the issuance of an unrestricted real estate license nor the
3 removal of any of the restrictions, conditions or limitations set
4 forth herein, attaching to the restricted license, until one (1)
5 year has elapsed from the date of issuance of the restricted
6 license to Respondent.

7 (b) The license shall not confer any property
8 right in the privileges to be exercised thereunder and the
9 restricted license may be suspended, thereby suspending the right
10 of Respondent to exercise any privileges granted under the
11 restricted license, prior to a hearing by appropriate Order of
12 the Real Estate Commissioner, in the event of Respondent's
13 conviction or plea of nolo contendere to a crime which bears a
14 substantial relationship to Respondent's fitness or capacity as a
15 real estate licensee, or upon receipt of evidence satisfactory to
16 the Real Estate Commissioner that Respondent has violated
17 provisions of the Real Estate Law of the State of California, the
18 Subdivided Lands Act, the Regulations of the Real Estate
19 Commissioner of the State of California, or any of the conditions
20 attached to the restricted license.

21 (c) Respondent shall submit with any application
22 for license under an employing broker, or any application for
23 transfer to a new employing broker, a statement signed by the
24 prospective employing broker on a form approved by the Department
25 of Real Estate which shall certify:

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(1) That he or she has read the Order of the Commissioner which granted the right to a restricted license; and

(2) That he or she will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

(d) Respondent shall, within twelve months from the date any restricted license is issued, present evidence satisfactory to the Real Estate Commissioner that he has, taken and successfully completed the four courses specified in subdivision (a) (1), (2), (3) and (4) of Section 10170.5 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

(e) Upon renewal of any restricted 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.

DATED: March 27, 1996

Darlene Averetta
DARLENE AVERETTA, Counsel
for Complainant

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I have read the Stipulation and Agreement in Settlement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 3/22/96

Jeff Scott McGuire
JEFFREY SCOTT MCGUIRE
Respondent

* * * * *

The foregoing Stipulation and Agreement in Settlement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on May 21, 1996.

IT IS SO ORDERED 4/10, 1996.

JIM ANTT, JR.
Real Estate Commissioner

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

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MAR - 8 1996
DEPARTMENT OF REAL ESTATE

By C. Bay

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26499 LA
JEFFREY SCOTT McGUIRE,)	A C C U S A T I O N
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JEFFREY SCOTT McGUIRE (hereinafter "Respondent"), alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

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 "Code") as a real estate salesperson.

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III

Respondent was licensed by the Department of Real Estate of the State of California ("Department") on August 31, 1995, following Respondent's application therefor filed on or about August 8, 1995 (hereinafter "Application").

IV

In response to Question 25 on the Application, to wit: "Have you ever been convicted of any violation of law? (You may omit any traffic violation where the disposition was a fine and the amount was \$100 or less)", Respondent marked the answer box denoting "No".

V

On or about October 7, 1988, in the Superior Court, of the State of California, County of Los Angeles, Respondent was convicted on his plea of guilty of one count of violating Section 11351 of the Health and Safety Code (Possession for Sale of a Controlled Substance), a felony and/or a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

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2 Respondent's failure to reveal the conviction against
3 him as set forth in Paragraph V, above, constitutes the
4 procurement of a real estate license by fraud, misrepresentation
5 or deceit, or by making a material misstatement of fact in said
6 application, which failure constitutes cause under Sections 498
7 and/or 10177(a) of the Code for the suspension or revocation of
8 the license and license rights of Respondent under the Real Estate
9 Law.

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11 WHEREFORE, Complainant prays that a hearing be conducted
12 on the allegations of this Accusation and, that upon proof
13 thereof, a decision be rendered imposing disciplinary action
14 against all licenses and license rights of Respondent JEFFREY
15 SCOTT McGUIRE, under the Real Estate Law (Part 1 of Division 4 of
16 the Business and Professions Code), and for such other and further
17 relief as may be proper under other applicable provisions of law.
18 Dated at Los Angeles, California
19 this 8th day of March, 1996.

20
21 THOMAS MCCRADY
22 Deputy Real Estate Commissioner

23
24
25 cc: Jeffrey Scott McGuire
26 Marcus & Millichap Re. Inv. Brkrg. Co.
27 Sacto.
MCL