

Facts

FILED
JUL 22 2006
DEPARTMENT OF REAL ESTATE

By Jama B. Cron

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26660 LA
))
 BERNARD ELLIS COHEN,))
))
) Respondent.))

ORDER GRANTING REINSTATEMENT OF LICENSE

On June 30, 1997, a Decision was rendered herein revoking the real estate broker license of Respondent. Subsequently Respondent petitioned for reinstatement of his real estate broker license.

On or about March 20, 2000, Respondent petitioned for reinstatement of said license. On January 26, 2001, an Order Denying Reinstatement of License was filed. Said Order denied Respondent's petition, but granted him the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 6, 2001.

1 On March 11, 2003, Respondent again petitioned for
2 reinstatement of his real estate broker license and the
3 Attorney General of the State of California was given notice
4 of the filing of the petition.
5

6 I have considered Respondent's petition and the
7 evidence and arguments in support thereof including
8 Respondent's record as a restricted licensee. Respondent
9 has demonstrated to my satisfaction that Respondent meets
10 the requirements of law for the issuance to Respondent of
11 an unrestricted real estate broker license and that it would
12 not be against the public interest to issue said license to
13 Respondent.
14

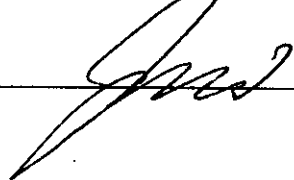
15 NOW, THEREFORE, IT IS ORDERED that Respondent's
16 petition for reinstatement is granted and that a real estate
17 broker license be issued to Respondent if Respondent satisfies
18 the following conditions within nine (9) months from the date
19 of this Order:

20 Submittal of a completed application and payment of
21 the fee for a real estate broker license.

22 This Order shall become effective immediately.

23 DATED: 7-13-05

24 JEFF DAVI
25 Real Estate Commissioner

26 

27 cc: Bernard E. Cohen
6245 Chimineas Avenue
Reseda, CA 91335

FILED
JAN 26 2001
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26660 LA
BERNARD ELLIS COHEN,)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On June 30, 1997, a Decision was rendered herein
revoking the real estate broker license of Respondent
BERNARD ELLIS COHEN ("Respondent") effective July 21, 1997.
On July 3, 1997, Respondent filed a Petition for reconsideration
of said Decision, and the Decision was stayed until August 20,
1997. On August 13, 1997, a Decision was rendered denying
Respondent's Petition.

On March 20, 2000, Respondent petitioned for
reinstatement of said license and the Attorney General of
the State of California has been given notice of the filing of
the petition.

///
///

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 failed to demonstrate to my satisfaction that Respondent has
4 undergone sufficient rehabilitation to warrant the issuance to
5 Respondent of an unrestricted real estate broker license, in
6 that:

7
8 I

9 In the Decision which revoked the real estate license
10 of Respondent there was a Determination of Issues made that
11 there was cause to revoke Respondent's real estate license
12 pursuant to Sections 490 and 10177(b) of the Business and
13 Professions Code ("Code") for conviction of a crime involving
14 moral turpitude, which was substantially related to the
15 qualifications, functions or duties of a real estate licensee.

16 In 1994 Respondent was convicted of a crime of theft.
17 The underlying facts of said crime was that Respondent had gone
18 to a number of stores buying items using fictitious credit
19 cards.

20 II

21 Due to the very serious nature of the conduct which
22 led to the revocation of Respondent's real estate broker
23 license, not enough time has passed to determine that Respondent
24 is completely rehabilitated. This is cause to deny Respondent's
25 petition pursuant to Section 2911(a) of Chapter 6, Title 10,
26 California Code of Regulations.

27 ///

1 I am satisfied, however, that it will not be against
2 the public interest to issue a restricted real estate broker
3 license to Respondent.

4 NOW, THEREFORE, IT IS ORDERED that Respondent's
5 petition for reinstatement of Respondent's real estate broker
6 license is denied.

7 A restricted real estate broker license shall be
8 issued to Respondent pursuant to Section 10156.5 of the Code
9 after Respondent first satisfies the following conditions within
10 six (6) months from the date of this Order:

11 1. Submittal of a completed application and payment
12 of the fee for a real estate broker license.

13 2. Submittal of evidence satisfactory to the Real
14 Estate Commissioner that Respondent has, since his license was
15 revoked, taken and successfully completed the continuing
16 education requirements of Article 2.5 of Chapter 3 of the Real
17 Estate Law for renewal of a real estate license.

18 The restricted license issued to Respondent shall be
19 subject to all of the provisions of Section 10156.7 of the Code
20 and to the following limitations, conditions and restrictions
21 imposed under authority of Section 10156.5 of the Code:

22 1. The restricted license issued to Respondent
23 may be suspended prior to hearing by Order of the Real Estate
24 Commissioner in the event of Respondent's conviction or plea
25 of nolo contendere to a crime which is substantially related
26 to Respondent's fitness or capacity as a real estate licensee.
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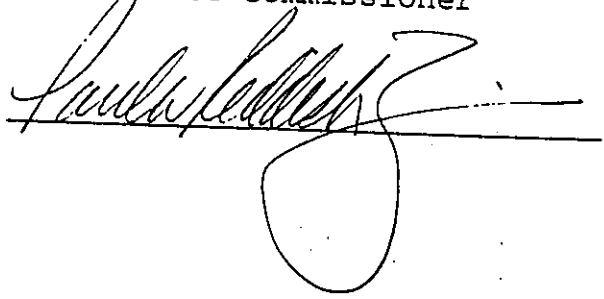
2. The restricted license issued to Respondent
may be suspended prior to hearing by Order of the Real Estate
Commissioner on evidence satisfactory to the Commissioner that
Respondent has violated provisions of the California Real Estate
Law, the Subdivided Lands Law, Regulations of the Real Estate
Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license nor for the
removal of any of the conditions, limitations or restrictions of
a restricted license until two (2) years have elapsed from the
effective date of this Decision.

This Order shall be effective immediately.

Dated: January 23, 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Bernard Ellis Cohen
6245 Chimineas Ave.
Reseda, CA 91335

SACTO

FILED
AUG 18 1997

DEPARTMENT OF REAL ESTATE

By Phyllis

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

Corrected

In the Matter of the Accusation of)
BERNARD ELLIS COHEN,)
Respondent.)

No. H-26660 LA
L-9611150

DECISION AFTER PETITION FOR RECONSIDERATION

On June 30, 1997, a Decision was rendered by the Real Estate Commissioner. Said Decision is to become effective on August 20, 1997. On July 3, 1997, respondent filed a Petition for reconsideration for the limited purpose of determining whether the disciplinary action imposed against respondent by said Decision should be reduced. I have considered the petition for respondent BERNARD ELLIS COHEN, and it is hereby ordered that the disciplinary action therein imposed against respondent remain unchanged and unmodified from that provided for in the Decision of June 30, 1997.

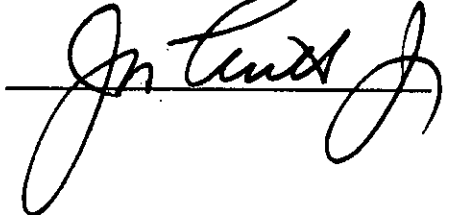
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The Decision of June 30, 1997 shall become effective at 12 o'clock noon on AUGUST 20, 1997, 1997.

IT IS SO ORDERED 8/13, 1997.

JIM ANTT, JR.
Real Estate Commissioner



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JUL 10 1997
DEPARTMENT OF REAL ESTATE

By Ray Hill

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26660 LA
BERNARD ELLIS COHEN,)	L-9611150
Respondent (s).)	

ORDER STAYING EFFECTIVE DATE

On June 30, 1997, a Decision was rendered in the above-entitled matter to become effective July 21, 1997.

IT IS HEREBY ORDERED that the effective date of the Decision of June 30, 1997, is stayed for a period of 30 days.

The Decision shall become effective at 12 o'clock noon on August 20, 1997.

DATED: July 10, 1997

JIM ANTT, JR.
Real Estate Commissioner

By: Randolph Brendia by John McCauley
RANDOLPH BRENDIA
Regional Manager
Department of Real Estate

cc: Bernard Ellis Cohen
5521 Reseda Blvd. Suite 102
Tarzana, CA 91358

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FILED
JUL 0 1 1997
DEPARTMENT OF REAL ESTATE

By *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26660 LA
BERNARD ELLIS COHEN,)	L-9611150
Respondent.)	

DECISION AFTER REJECTION

The above-entitled matter came on for hearing before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on January 14, 1997.

Complainant was represented by James R. Peel, Counsel. Respondent was present and was represented by attorney Louis A. Stearns, Sr. Evidence was received, and the matter stood submitted on February 14, 1997.

On February 14, 1997, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as the Decision of the Real Estate Commissioner. Pursuant to Section 11517(c) of the Government Code of the State of California, respondent was served with a copy of the Proposed Decision dated

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February 14, 1997, and with notice that the case would be decided by me upon the record including the transcript of proceedings held on January 14, 1997, and upon any written argument offered by respondent.

Argument has been submitted on behalf of respondent.

I have given careful consideration to the record in this case including the transcript of proceedings of January 14, 1997.

I have determined that the Findings of Fact in the Proposed Decision of the Administrative Law Judge, dated February 14, 1997, are appropriate in all respects and they are adopted as the Findings of Fact of the Real Estate Commissioner in this proceeding. The Determination of Issues and Order shall be as follows:

DETERMINATION OF ISSUES

I

Cause exists pursuant to Business and Professions Code Section 490 and 10177(b) to suspend or revoke respondent's real estate broker license in that he has been convicted of a moral turpitude type crime which is substantially related to the qualifications, functions or duties of a real estate licensee.

ORDER

All real estate broker licenses and licensing rights of respondent BERNARD ELLIS COHEN are hereby revoked.


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1 The right to reinstatement of a revoked real estate
2 license is controlled by Section 11522 of the Government Code. A
3 copy of Section 11522 and a copy of the Commissioner's Criteria of
4 Rehabilitation are attached hereto for the information and
5 guidance of respondent.

6 This Decision shall become effective at 12 o'clock noon
7 on July 21, _____, 1997.

8 IT IS SO ORDERED 6/30 _____, 1997.

9 JIM ANTT, JR.
10 Real Estate Commissioner

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FILED
FEB 28 1997
DEPARTMENT OF REAL ESTATE
By *K. Kuderhof*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
BERNARD ELLIS COHEN,)	NO. H-26660 LA
)	L-9611150
)	
Respondent.)	
_____)	

NOTICE

TO: BERNARD ELLIS COHEN, Respondent
and
LOUIS A. STEARNS, his Counsel

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated February 14, 1997, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated February 14, 1997, 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 January 14, 1997, and any written argument hereafter submitted on behalf of

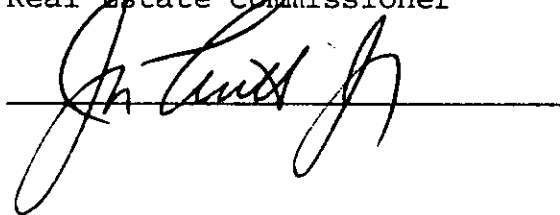
1 respondent and complainant.

2 Written argument of respondent to be considered by me
3 must be submitted within 15 days after receipt of the transcript
4 of the proceedings of January 14, 1997, at the Los Angeles office
5 of the Department of Real Estate unless an extension of the time
6 is granted for good cause shown.

7 Written argument of complainant to be considered by me
8 must be submitted within 15 days after receipt of the argument of
9 respondent at the Los Angeles office of the Department of Real
10 Estate unless an extension of the time is granted for good cause
11 shown.

12 DATED: 2/25/97

13 JIM ANTT, JR.
14 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation) No. H-26660 LA
against:)
BERNARD ELLIS COHEN,) L-9611150
Respondent.)
_____)

PROPOSED DECISION

This matter came on regularly to be heard before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on January 14, 1997.

Complainant was represented by James R. Peel, Counsel. Respondent appeared personally, and was represented by Louis A. Stearns, attorney at law.

Evidence, both oral and documentary, was presented. At the conclusion of the hearing, the record was held open until February 14, 1997 to allow for the filing of a late exhibit, a certified copy of an order of the Arizona Superior Court. Such order has now been received and filed, and the matter is submitted for decision. The Administrative Law Judge makes his findings of fact, determinations of issues, and renders his proposed decision as follows:

Findings of Fact

1. Complainant, Thomas McCrady, is a Deputy Real Estate Commissioner of the State of California and filed the accusation herein while acting solely in his official capacity.
2. At all times herein mentioned, respondent, BERNARD ELLIS COHEN, was licensed by the Department as a real estate broker.
3. On or about August 18, 1994, in the Superior Court of the State of Arizona, respondent was convicted on his plea of

guilty of the crime of theft. The crime was defined in the Court's judgment as "...a class 6 undesignated, nondangerous and nonrepetitive offense in violation of Arizona Revised Statutes §§13-1802, 1801, 701, 702, 801, 812, 707, and 802 committed on July 10, 1993."

4. Respondent became involved in this offense through his wife and her family. He came to the United States 24 years ago from England; she and her family immigrated from the Middle East. She and her family are very close and secretive.

In the instant case, respondent, his wife and his father-in-law and brother-in-law journeyed to Scottsdale. He was told the purpose of the trip was to buy a business -- a Jack-in-the-Box. After their arrival in Scottsdale, they drove from store to store buying office equipment and supplies, supposedly for the new business, using credit cards which later proved to be fictitious. Eventually, they were arrested.

5. The Superior Court accepted a plea bargain which involved no jail time. This was important to this California couple because they have a six year old son. In any event, respondent was placed on probation for three years on terms which included payment of restitution of \$2,122.38 to the credit card issuers, and a \$5,000. fine.¹

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

7. Respondent has fully complied with the terms of his probation. He was discharged from probation early, and has had the judgment of guilt vacated, the charges dismissed, and all his civil rights restored.

¹The wife received a similar sentence, except that her community service was 100 hours more than that of her husband's, and she had to serve an additional year of probation.

8. Respondent has no other criminal record, nor any record of complaints or discipline.

9. He is an active real estate licensee, who needs his license to make a living.

Determination of Issues

By reason of the foregoing facts, cause exists pursuant to Sections 490 and 10177(b) of the Business and Professions Code for discipline of the license and license rights of respondent under the Real Estate Law.

Order

The license is suspended for six (6) months, commencing upon the effective date of this decision.

14 February 1997


PAUL M. HOGAN
Administrative Law Judge
Office of Administrative Hearings

NOT ADOPTED

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Zing

BEFORE THE DEPARTMENT OF REAL ESTATE - 2 1996
STATE OF CALIFORNIA DEPARTMENT OF REAL ESTATE

FILED

By K. Medendorp

In the Matter of the Accusation of

BERNARD ELLIS COHEN,

}

Case No. H-26660 LA

OAH No. L-9611150

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 January 14, 1997, 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: DEC - 2 1996

By James R. Pugh
Counsel

cc: Bernard Ellis Cohen
Louis Sterns, Esq.
Sacto OAH ML

Sachs
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FILED
JUN 14 1996
DEPARTMENT OF REAL-ESTATE

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JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

By *K. Kriegerholt*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26660 LA
BERNARD ELLIS COHEN,)	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 BERNARD ELLIS COHEN, 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

BERNARD ELLIS COHEN (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, hereinafter Code).

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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate broker.

IV

On or about August 18, 1994, in the Superior Court, County of Maricopa, State of Arizona, respondent was convicted of theft (A.R.S. 13-1802, 1801, 701, 702, 801, 812, 707 and 802), 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 conviction is cause under Sections 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 BERNARD ELLIS COHEN 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 14th day of June, 1996.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Bernard Ellis Cohen
Sacto
MCL