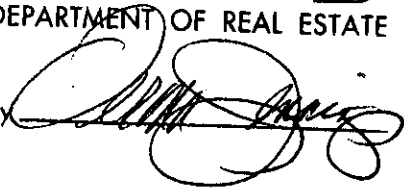


FILED
JAN 24 2002
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JAMES HARRY SALAMON,) NO. H-26875 LA
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On September 9, 1997, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.
Respondent was granted the right to apply for and be issued a
restricted real estate salesperson license on terms and
conditions. A restricted real estate salesperson license was
issued to Respondent on October 7, 1997. Said restricted
license was suspended for ninety (90) days and the license was
reissued on January 5, 1998.

On January 4, 2001, Respondent petitioned for
reinstatement of said license and the Attorney General of the

1 State of California has been given notice of the filing of the
2 petition.

3 I have considered Respondent's petition and
4 the evidence and arguments in support thereof. Respondent has
5 failed to demonstrate to my satisfaction that Respondent has
6 undergone sufficient rehabilitation to warrant the
7 reinstatement of Respondent's real estate salesperson license,
8 in that:
9

10 I

11 In the Decision which revoked the real estate license
12 of Respondent there was a Determination of Issues made that
13 there was cause to revoke Respondent's real estate license
14 pursuant to Business and Professions Code Sections 490 and
15 10177(b) for conviction of a crime.
16

17 In 1995 Respondent was convicted of a violation of
18 Welfare and Institutions Code Section 14107.2(a) {Receiving
19 Unlawful Medi-Cal Remuneration}. A felony crime inherently
20 involving moral turpitude and substantially related to the
21 qualifications, functions and duties of a licensee.
22

23 II

24 Respondent has not submitted proof of enrollment in,
25 or completion of educational or vocational training programs.
26 This evidences lack of rehabilitation and is cause to deny
27 Respondent's petition pursuant to Section 2911(h), Title 10,

1 Chapter 6, California Code of Regulations ("Regulations").

2 III

3 On October 16, 2001, Respondent was interviewed by
4 a Deputy Real Estate Commissioner ("Deputy"). The Deputy
5 stated that it appears that Respondent failed to take
6 responsibility for his actions, and that he did not appear to
7 be remorseful of his past behavior. This evidences lack of
8 rehabilitation and is cause to deny Respondent's petition
9 pursuant to Regulation 2911(m) (1).
10

11 IV

12 Respondent failed to submit evidence that he has had
13 a change of attitude, from family members, friends, or other
14 persons familiar with applicant's previous conduct and with his
15 subsequent attitudes and behavioral patterns. This evidences
16 lack of rehabilitation and is cause to deny Respondent's
17 petition pursuant to Regulation 2911(m) (2).
18

19 V

20 The serious nature of the misconduct which led to the
21 loss of Respondent's real estate salesperson license, combined
22 with the facts set forth in Paragraphs II, III and IV, evidence
23 that it has not been established that Respondent is
24 rehabilitated.
25

26 ///

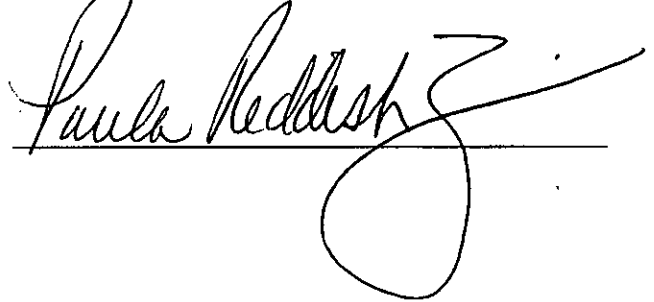
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1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of Respondent's salesperson license
3 is denied.

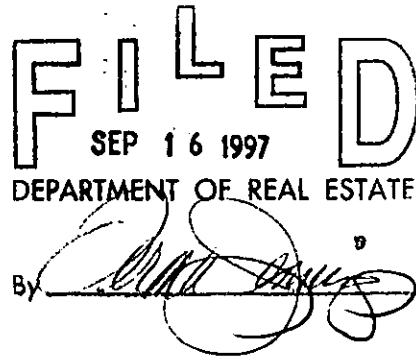
4 This Order shall become effective at 12 o'clock noon
5 on February 23, 2002

6 _____
7 DATED: January 11, 2002

8 PAULA REDDISH ZINNEMANN
9 Real Estate Commissioner

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11 _____
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24

25 cc: James Harry Salamon
26 600 South Highland Avenue
27 Los Angeles, CA 90036



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	NO. H-26875 LA
JAMES HARRY SALAMON,)	L-9611075
Respondent.)	

DECISION AFTER REJECTION

The matter came on for hearing before Joseph D. Montoya, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on March 12, 1997.

Darlene Averetta, Counsel, represented the Complainant. Respondent represented himself.

Evidence was received and the matter stood submitted on March 12, 1997.

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1 On April 8, 1997, the Administrative Law Judge
2 submitted a Proposed Decision which I declined to adopt as the
3 decision of the Real Estate Commissioner. Pursuant to Section
4 11517(c) of the Government Code of the State of California,
5 Respondent was served with a copy of the Proposed Decision dated
6 April 8, 1997, and with Notice that the case would be decided by
7 me upon the record, including the transcript of proceedings held
8 on March 12, 1997, and upon any written argument offered by the
9 parties.

10 Argument dated July 9, 1997, was submitted by
11 Respondent. Argument dated July 23, 1997, was submitted by
12 Complainant.

13 I have given careful consideration to the record in
14 this case, including the transcript of proceedings of
15 March 12, 1997. I have also considered argument dated July 9,
16 1997, submitted by Respondent and the argument dated July 23,
17 1997, submitted by Complainant.

18 The following shall constitute the Decision of the Real
19 Estate Commissioner in this proceeding:

20 FINDINGS OF FACT

21 I have determined that the Findings of Fact in the
22 Proposed Decision of the Administrative Law Judge, dated
23 April 8, 1997, are appropriate and they are adopted as the
24 Findings of Fact of the Real Estate Commissioner in this
25 proceeding.

26 ///

27 ///



1 DETERMINATION OF ISSUES

2 I have determined that the Determination of Issues in
3 the Proposed Decision of the Administrative Law Judge, dated
4 April 8, 1997, are appropriate and they are adopted as the
5 Determination of Issues of the Real Estate Commissioner in this
6 proceeding.

7 ORDER

8 I have determined that the Order in the Proposed
9 Decision of the Administrative Law Judge, dated April 8, 1997, is
10 appropriate and it is the Order of the Real Estate Commissioner
11 in this proceeding.

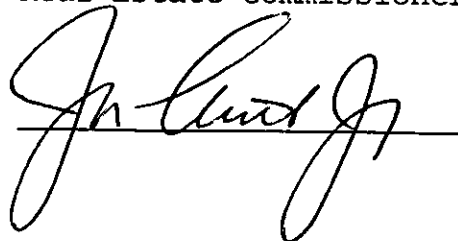
12 The right to reinstatement of a revoked real estate
13 license is controlled by Section 11522 of the Government Code.
14 A copy of Section 11522 and a copy of the Commissioner's Criteria
15 of Rehabilitation are attached hereto for the information of
16 Respondent.

17 This Decision shall become effective at 12 o'clock
18 noon on October 7, 1997.

19 IT IS SO ORDERED

9/9/97

20 JIM ANTT, JR.
21 Real Estate Commissioner

22 
23
24
25
26
27



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation	)	Case No. H-26875-LA
of:	)	
	)	OAH No. L-9611075
JAMES HARRY SALAMON	)	
	)	
Respondent.	)	

PROPOSED DECISION

On March 12, 1997, in Los Angeles, California, Joseph D. Montoya, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Ms. Darlene Averetta, staff counsel, represented the complainant. Respondent appeared in pro per.

The Accusation was amended as follows: The words "a felony and/or" were inserted at page 2, line 10, following the words "(. . .Unlawful Medi-Cal Remuneration)".

Evidence was received and the matter submitted.

FINDINGS OF FACT

1. Complainant Thomas McCrady filed the Accusation in his official capacity as Deputy Real Estate Commissioner, Department of Real Estate, State of California ("the Department").

2. Respondent James Harry Salamon is licensed by the Department as a real estate salesperson, holding license no. 00582543. He was first licensed as a salesperson in 1981. He is currently employed at Blue Chip Realty in Los Angeles, California.

3. (A) On March 20, 1995, in the Superior Court, County of Los Angeles, in People vs. James Harry Salamon, Los Angeles Superior Court Case no. BA071745, Respondent pled guilty to a charge of violating Welfare and Institutions Code section 14107.2(a). Based on that plea, Respondent was convicted of receiving unlawful Medi-Cal remuneration, a felony.

(B) The aforementioned offense is a crime of moral turpitude per se. The crime is substantially related to the qualifications, duties, or functions of a licensed real estate salesperson.

4. (A) Respondent was sentenced to a term in the county jail with imposition of that sentence stayed. He was placed on five years' supervised probation and ordered to pay restitution and investigative costs, the total being subject to the Court's determination. Respondent was also ordered to perform community service.¹

(B) Respondent's potential restitution obligation exceeds \$750,000.00. However, only \$65,000.00 is related to his conviction of receiving improper Medi-Cal remuneration. Some \$224,000.00 is investigative costs claimed by the Attorney General. Another \$500,000.00 is for various tax losses caused by his former administrator, a co-defendant in the criminal prosecution.

5. (A) Respondent is in compliance with his written plea agreement and with the terms and conditions of his probation. He has been performing his community service through two organizations related to Respondent's Jewish faith, and he has made monthly restitution payments totalling over \$15,000.00.

(B) Respondent has taken steps to turn over other monies to the State. He took action to recover rents withheld from him by his former administrator, and then saw to it that the State could obtain those monies. As a result of those actions, the State has recovered well over \$100,000.00. A proceeding is currently pending before the Superior Court to determine the exact amount of credit Respondent is to receive against his restitution obligation.²

6. (A) Respondent's conviction resulted from his ownership of two convalescent hospitals. His administrator involved him in a scheme whereby improper Medi-Cal reimbursements were obtained for supplies purchased by the hospitals, damaging Medi-Cal by \$65,000.00. Respondent obtained illegal kickbacks as part of the scheme but did not receive the entire \$65,000.

¹ Although numerous certified records of the criminal proceeding are in evidence, the records stating the exact terms of Respondent's sentence were omitted. Hence, the length of the jail term is unknown.

² Court records offered by Complainant reveal that Respondent's counsel claimed slightly more than \$251,000.00 had been paid to the State from the rental recovery. At the hearing Respondent testified he had prosecuted a civil case which he believed entitled to credit against the restitution obligation of \$135,000.00.

(B) The administrator also engaged in other wrongful activities under the aegis of Respondent's hospital business, which caused significant financial loss to the government. Although Respondent claimed ignorance of such actions at the time they took place, he acknowledged his responsibility for those acts at the hearing on this matter.

7. There is mitigating evidence. At the time of his wrongdoing, Respondent was under the emotional and financial pressure of caring for a daughter who was suffering from a terminal disease that left her profoundly disabled, mentally and physically. Respondent cooperated with the State's investigation before his indictment, submitting to nine days of deposition testimony without claiming the protection of the Fifth Amendment. After his indictment, Respondent promptly returned to California from Israel, where he had travelled on business, to face the charges and he thereafter entered his guilty plea.

8. Respondent has changed his business associates, having closed his convalescent hospitals. He has been employed in his current position as a real estate salesperson for approximately one year. His employing broker is aware of his conviction and these proceedings and would retain him as a salesman because he finds Respondent's work very professional. Aside from this action there is no evidence of any disciplinary action against Respondent's license. Respondent practices his Jewish faith. Respondent is the sole support of his family, which includes three children.

DETERMINATION OF ISSUES

1. Cause exists to suspend or revoke Respondent's real estate salesperson's license pursuant to sections 490 and 10177(b) of the Business and Professions Code, for conviction of a crime involving moral turpitude, which is substantially related to the duties, qualifications, and functions of a licensed real estate salesperson. (Findings 3(A) and (B).)

2. There is mitigating evidence, and Respondent has made progress toward rehabilitation. (Findings 5(A), 5(B), and 7.)

Discussion

The purpose of this proceeding is to protect the public; its primary purpose is not to punish the Respondent. (Camacho v. Youde (1979) 95 Cal. App. 3d 161, 164.) Respondent's crime was a serious one which arose from business activities albeit not his licensed activities. Based on the conviction, Respondent is subject to discipline.

As determined, there is evidence in mitigation and evidence of progress toward rehabilitation. Respondent has demonstrated that he can carry out the duties and responsibilities of a licensed real estate salesperson during his current employment as a salesperson. He is in compliance with his criminal probation as well. Two years have passed since his conviction. He is involved with religious activities, and he is supporting his family. He has changed business associates. Such factors tend to establish rehabilitation under Title 10, California Code of Regulations, section 2912.

3. It is determined that the public interest and welfare would be served, and protected, if Respondent were allowed to continue in his licensed activities so as to have a chance to successfully complete his rehabilitation. Hence, it is determined that the appropriate discipline is a revocation of Respondent's license, the issuance of a restricted license, an actual suspension, and other conditions.

ORDER

All licenses and licensing rights of Respondent James Harry Salamon under the Real Estate Law are hereby revoked; provided, however, a restricted real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. 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 that Code:

1. Any restricted license issued to Respondent shall be suspended for a period of ninety (90) days from the date of issuance of such license.

2. The restricted license issued to Respondent may be suspended prior to hearing by order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

3. 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.

4. 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 three (3) years have elapsed from the effective date of this Decision.

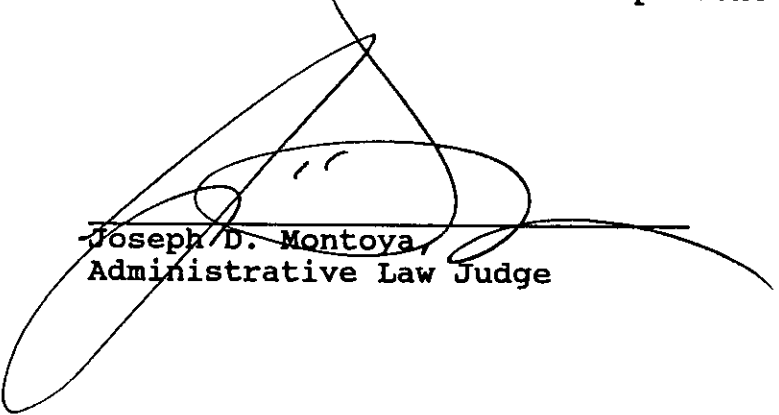
5. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(A) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

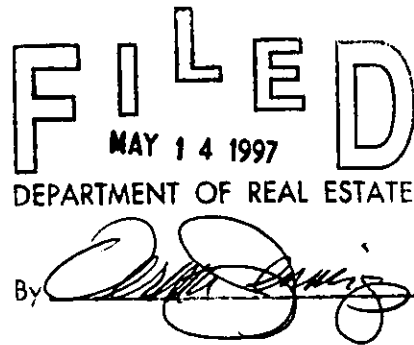
(B) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

6. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, 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. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

April 8, 1997


Joseph D. Montoya
Administrative Law Judge

2000
May



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JAMES HARRY SALAMON,) NO. H-26875 LA
Respondent.) L-9611075

NOTICE

TO: JAMES HARRY SALAMON, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated April 8, 1997, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated April 8, 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 March 12, 1997, and any written argument hereafter submitted on behalf of respondent and complainant.



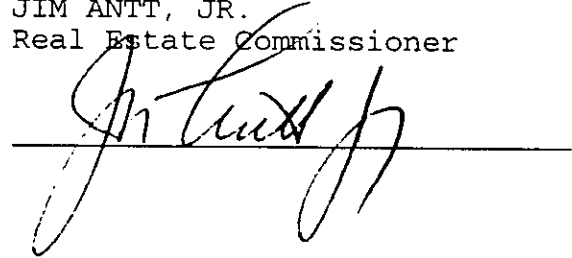
1 Written argument of respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of March 12, 1997, at the Los Angeles office of
4 the Department of Real Estate unless an extension of the time is
5 granted for good cause shown.

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

11 DATED: _____

5/8/97

JIM ANTT, JR.
Real Estate Commissioner



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation	)	Case No. H-26875-LA
of:	)	
	)	OAH No. L-9611075
JAMES HARRY SALAMON	)	
	)	
Respondent.	)	

PROPOSED DECISION

On March 12, 1997, in Los Angeles, California, Joseph D. Montoya, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Ms. Darlene Averetta, staff counsel, represented the complainant. Respondent appeared in pro per.

The Accusation was amended as follows: The words "a felony and/or" were inserted at page 2, line 10, following the words "(. . .Unlawful Medi-Cal Remuneration)".

Evidence was received and the matter submitted.

FINDINGS OF FACT

1. Complainant Thomas McCrady filed the Accusation in his official capacity as Deputy Real Estate Commissioner, Department of Real Estate, State of California ("the Department").

2. Respondent James Harry Salamon is licensed by the Department as a real estate salesperson, holding license no. 00582543. He was first licensed as a salesperson in 1981. He is currently employed at Blue Chip Realty in Los Angeles, California.

3. (A) On March 20, 1995, in the Superior Court, County of Los Angeles, in People vs. James Harry Salamon, Los Angeles Superior Court Case no. BA071745, Respondent pled guilty to a charge of violating Welfare and Institutions Code section 14107.2(a). Based on that plea, Respondent was convicted of receiving unlawful Medi-Cal remuneration, a felony.

(B) The aforementioned offense is a crime of moral turpitude per se. The crime is substantially related to the qualifications, duties, or functions of a licensed real estate salesperson.

4. (A) Respondent was sentenced to a term in the county jail with imposition of that sentence stayed. He was placed on five years' supervised probation and ordered to pay restitution and investigative costs, the total being subject to the Court's determination. Respondent was also ordered to perform community service.¹

(B) Respondent's potential restitution obligation exceeds \$750,000.00. However, only \$65,000.00 is related to his conviction of receiving improper Medi-Cal remuneration. Some \$224,000.00 is investigative costs claimed by the Attorney General. Another \$500,000.00 is for various tax losses caused by his former administrator, a co-defendant in the criminal prosecution.

5. (A) Respondent is in compliance with his written plea agreement and with the terms and conditions of his probation. He has been performing his community service through two organizations related to Respondent's Jewish faith, and he has made monthly restitution payments totalling over \$15,000.00.

(B) Respondent has taken steps to turn over other monies to the State. He took action to recover rents withheld from him by his former administrator, and then saw to it that the State could obtain those monies. As a result of those actions, the State has recovered well over \$100,000.00. A proceeding is currently pending before the Superior Court to determine the exact amount of credit Respondent is to receive against his restitution obligation.²

6. (A) Respondent's conviction resulted from his ownership of two convalescent hospitals. His administrator involved him in a scheme whereby improper Medi-Cal reimbursements were obtained for supplies purchased by the hospitals, damaging Medi-Cal by \$65,000.00. Respondent obtained illegal kickbacks as part of the scheme but did not receive the entire \$65,000.

¹ Although numerous certified records of the criminal proceeding are in evidence, the records stating the exact terms of Respondent's sentence were omitted. Hence, the length of the jail term is unknown.

² Court records offered by Complainant reveal that Respondent's counsel claimed slightly more than \$251,000.00 had been paid to the State from the rental recovery. At the hearing Respondent testified he had prosecuted a civil case which he believed entitled to credit against the restitution obligation of \$135,000.00.

(B) The administrator also engaged in other wrongful activities under the aegis of Respondent's hospital business, which caused significant financial loss to the government. Although Respondent claimed ignorance of such actions at the time they took place, he acknowledged his responsibility for those acts at the hearing on this matter.

7. There is mitigating evidence. At the time of his wrongdoing, Respondent was under the emotional and financial pressure of caring for a daughter who was suffering from a terminal disease that left her profoundly disabled, mentally and physically. Respondent cooperated with the State's investigation before his indictment, submitting to nine days of deposition testimony without claiming the protection of the Fifth Amendment. After his indictment, Respondent promptly returned to California from Israel, where he had travelled on business, to face the charges and he thereafter entered his guilty plea.

8. Respondent has changed his business associates, having closed his convalescent hospitals. He has been employed in his current position as a real estate salesperson for approximately one year. His employing broker is aware of his conviction and these proceedings and would retain him as a salesman because he finds Respondent's work very professional. Aside from this action there is no evidence of any disciplinary action against Respondent's license. Respondent practices his Jewish faith. Respondent is the sole support of his family, which includes three children.

DETERMINATION OF ISSUES

1. Cause exists to suspend or revoke Respondent's real estate salesperson's license pursuant to sections 490 and 10177(b) of the Business and Professions Code, for conviction of a crime involving moral turpitude, which is substantially related to the duties, qualifications, and functions of a licensed real estate salesperson. (Findings 3(A) and (B).)

2. There is mitigating evidence, and Respondent has made progress toward rehabilitation. (Findings 5(A), 5(B), and 7.)

Discussion

The purpose of this proceeding is to protect the public; its primary purpose is not to punish the Respondent. (Camacho v. Youde (1979) 95 Cal. App. 3d 161, 164.) Respondent's crime was a serious one which arose from business activities albeit not his licensed activities. Based on the conviction, Respondent is subject to discipline.

As determined, there is evidence in mitigation and evidence of progress toward rehabilitation. Respondent has demonstrated that he can carry out the duties and responsibilities of a licensed real estate salesperson during his current employment as a salesperson. He is in compliance with his criminal probation as well. Two years have passed since his conviction. He is involved with religious activities, and he is supporting his family. He has changed business associates. Such factors tend to establish rehabilitation under Title 10, California Code of Regulations, section 2912.

3. It is determined that the public interest and welfare would be served, and protected, if Respondent were allowed to continue in his licensed activities so as to have a chance to successfully complete his rehabilitation. Hence, it is determined that the appropriate discipline is a revocation of Respondent's license, the issuance of a restricted license, an actual suspension, and other conditions.

ORDER

Not adopted

All licenses and licensing rights of Respondent James Harry Salamon under the Real Estate Law are hereby revoked; provided, however, a restricted real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. 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 that Code:

1. Any restricted license issued to Respondent shall be suspended for a period of ninety (90) days from the date of issuance of such license.

2. The restricted license issued to Respondent may be suspended prior to hearing by order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

3. 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.

4. 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 three (3) years have elapsed from the effective date of this Decision.

5. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(A) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(B) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

6. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, 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. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

April 8, 1997

Joseph D. Montoya,
Administrative Law Judge

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
NOV 27 1996
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

JAMES HARRY SALAMON,)

Respondent.)

Case No. H-26875 LA
OAH No. L-9611075

By

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, California, on March 12, 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.

Dated: November 27, 1996.

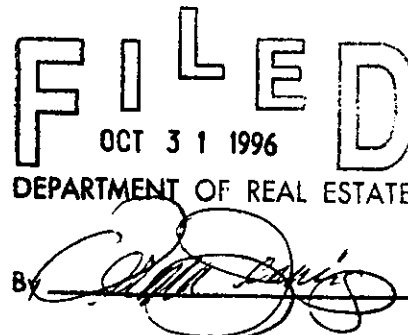
DEPARTMENT OF REAL ESTATE

cc: James Harry Salamon
Fred Schor
Sacto.
OAH


DARLENE AVERETTA, Counsel

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

5 (213) 897-3937



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of) No. H-26875 LA
12 JAMES HARRY SALAMON,) A C C U S A T I O N
13 Respondent.)
14

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against JAMES HARRY SALAMON ("Respondent") alleges as follows:

18 I

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

22 II

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

27 ///

III

At all times material herein, Respondent was licensed by the Department of Real Estate of the State of California.

IV

On or about March 20, 1995, in the Municipal Court of Los Angeles Judicial District, County of Los Angeles, State of California, Respondent JAMES HARRY SALAMON aka James Salamon was convicted on a plea of guilty of one count of violating Section 14107.2(a) of the Welfare and Institutions Code (Receiving Unlawful Medi-Cal Remuneration), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

V

The crime of which Respondent was convicted as described in paragraph IV, above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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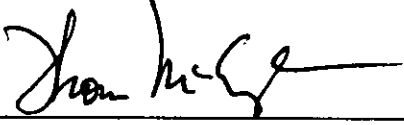
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/ / /

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of Respondent
5 JAMES HARRY SALAMON, under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California
10 this 31st day of October, 1996.

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12 _____
13 Deputy Real Estate Commissioner

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25 cc: James Harry Salamon
26 Fred Schor
27 Sacto.
DR

