

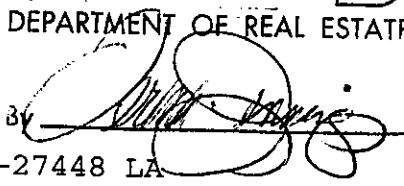
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR 20 1998
DEPARTMENT OF REAL ESTATE

* * * * *

In the Matter of the Application of)
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)
 JOSE LUIS SAID,)
)
)
)
 Respondent.)
 _____)

No. H-27448 LA
L-1997120147

By 

DECISION

The Proposed Decision dated March 3, 1998, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

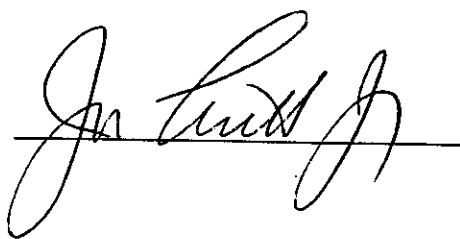
The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at 12 o'clock noon on April 9, 1998.

IT IS SO ORDERED 3/16, 1998.

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application)
of:)
) No. H-27448 LA
)
JOSE LUIS SAID,) L-1997120147
)
)
)
Respondent.)
_____)

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge with the Office of Administrative Hearings, on February 24, 1998, at Los Angeles, California. The Complainant was represented by Darlene Averetta, Staff Counsel. Respondent, Jose Luis Said, appeared in person without counsel. Oral and documentary evidence having been received, and the matter submitted, the Administrative Law Judge finds as follows:

I

Thomas McCrady, Complainant, is a Deputy Real Estate Commissioner of the State of California, and made the Statement of Issues in his official capacity.

II

On or about February 14, 1997, Respondent made application to the Department for a real estate salesperson's license.

III

On or about November 23, 1992, in the United States District Court for the Central District of California, Respondent was convicted on his plea of guilty of violating 8 U.S.C. Section 1324(a)(1)(b), the illegal transportation of aliens. Said crime involved moral turpitude and bears a substantial relationship to the qualifications, functions and duties of a real estate licensee.

IV

Respondent testified in his own behalf and established the following facts:

1. The offense involved the transportation of five aliens by air, he being a pilot, from San Diego to Los Angeles. It did not involve the crossing of foreign borders.
2. Respondent admits his culpability and is contrite for his misbehavior.
3. Since his incarceration approximately four years ago, he has married, found religion, and is approaching life in a more honest manner. He is desirous of establishing himself in home sales as an adjunct to his current position or as a sole endeavor.
4. He has been employed as an office manager of a mortgage company for more than 3 years.

* * * * *

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

I

Cause for denial of Respondent's application exists pursuant to Sections 480(a)(1) and 10177(b) of the Business and Professions Code.

II

No public purpose would be adversely affected by the issuance to Respondent of a restricted license.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Respondent's application for a real estate salesperson's license is denied; 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. The restricted license issued to the 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 said Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

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

(b) The receipt of evidence 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 this restricted license.

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

3. With the application for license, or with the application for transfer to a new employing broker Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

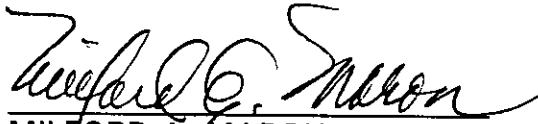
(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

4. Respondent's restricted real estate salesperson's license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commissioner of successful completion at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion

of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

5. Pursuant to Section 10154 of the Business and Professions Code, if Respondent has not satisfied the requirements for an unqualified license under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

DATED: March 5, 1998


MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

MAM:btm

S.M.O.
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
DEC 15 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of)
)
JOSE LUIS SAID,)
)
Respondent.)

Case No. H-27448 LA
OAH No. L-1997120147

By 

NOTICE OF HEARING ON APPLICATION

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, 107 South Broadway, 2nd Floor, Los Angeles, California, on **February 24, 1998**, at the hour of **1:30 p.m.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

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: December 15, 1997.

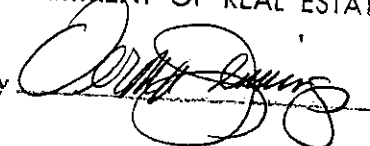
cc: Jose Luis Said
Rodolfo Morales
Sacto.
OAH

DEPARTMENT OF REAL ESTATE


DARLENE AVERETTA, Counsel

SACD.
EIAA

1 DARLENE AVERETTA, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6 (213) 897-3937
7

FILED
NOV 21 1997
DEPARTMENT OF REAL ESTATE
By 

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of) No. H-27448 LA
12 JOSE LUIS SAID,)
13 Respondent.)
14 _____)
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16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against JOSE LUIS SAID (hereinafter "Respondent") alleges as
19 follows:

20 I

21 The Complainant, Thomas McCrady, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues in his official capacity.

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II

Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code (hereinafter "Code"), made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about February 14, 1997, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Code.

III

On or about November 23, 1992, in the United States District Court for the Central District of California, Respondent was convicted on his plea of guilty of violating 8 United States Code (U.S.C.) Section 1324(a)(1)(b) (Illegal Transportation of Aliens), 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.

IV

The crime of which Respondent was convicted, as alleged in Paragraph III, above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a)(1) and 10177(b) of the California Business and Professions Code (hereinafter "Code").


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1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code of
3 the State of California and Sections 11500 through 11528 of the
4 Government Code.

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6 WHEREFORE, the Complainant prays that the above-entitled
7 matter be set for hearing and, upon proof of the charges contained
8 herein, that the Commissioner refuse to authorize the issuance of,
9 and deny the issuance of a real estate salesperson license to
10 Respondent, JOSE LUIS SAID, and for such other and further relief
11 as may be proper in the premises.

12 Dated at Los Angeles, California
13 this 21st day of November, 1997.

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16 Deputy Real Estate Commissioner

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21
22
23 cc: Jose Luis Said
24 Rodolfo Morales
25 Sacto.
26 MGS
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