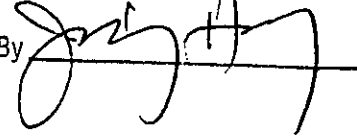


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FILED
DEC 21 2000

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-27857 LA
TYRONE GEORGE MALHIOT)
Respondent.)

ORDER DENYING REMOVAL OF RESTRICTIONS

On February 9, 1999, an Order was rendered herein, effective immediately, denying the Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license (conditional) was issued to Respondent on February 24, 1999, and Respondent has operated as a restricted licensee since that time.

On May 8, 2000, Respondent filed his petition seeking the removal of the restrictions attaching to his real estate salesperson license.

1 I have considered the petition of Respondent and
2 the evidence submitted in support thereof. Respondent has
3 failed to demonstrate to my satisfaction that he has
4 undergone sufficient rehabilitation to warrant the removal
5 of restrictions attaching to his real estate salesperson
6 license at this time. This determination has been made in
7 light of Respondent's history of acts and conduct which are
8 substantially related to the qualifications, functions and
9 duties of a real estate licensee. That history includes:

10 I

11 On or about July 17, 1996, in the Municipal Court
12 of Long Beach Judicial District, County of Los Angeles,
13 State of California, Respondent was convicted on his plea of
14 nolo contendere to one count of violating Code Section 7028
15 (Contracting without a license). Respondent has failed to
16 provide evidence that this conviction has been expunged.
17 This is evidence of a lack of rehabilitation and is cause to
18 deny his petition pursuant to Section 2911(c) of Chapter 6,
19 Title 10, California Code of Regulations (Regulations).

20 II

21 At the present time Respondent has two outstanding
22 judgments against him in civil court that he has not paid
23 nor made any attempt to pay. He owes \$748.38 to Excalibur
24 USA Custom Window Fashions and he owes \$2000.00 to
25 Homeowners Marking Mail List. In addition he is presently in
26 arrears some \$9400.00 in past due child support ordered by
27 the Superior Court. This is further evidence of a lack of

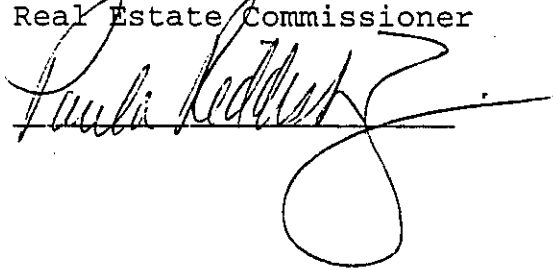
1 rehabilitation and is cause to deny his petition pursuant to
2 Section 2911(i) of the Regulations.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for removal of the restrictions attached to his
5 present restricted real estate salesperson license is
6 denied.

7 This Order shall become effective at 12
8 o'clock noon on January 10, 2001.

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10 DATED; December 13, 2000.

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12 PAULA REDDISH ZINNEMANN
13 Real Estate Commissioner

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By CB

STATE OF CALIFORNIA

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Respondent.

STIPULATION AND WAIVER

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on October 2, 1998, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations and restrictions will attach to a restricted
14 license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

approved by the Department of Real Estate wherein the employing broker shall certify as follows

- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
 - b. That 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 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 the Respondent of lifting of the suspension.
5. Pursuant to Section 10154, 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 this 15th day of January, 19 99.


Respondent


1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to respondent.

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent TYRONE GEORGE MALHIOT if respondent has otherwise fulfilled
7 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and
8 restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 9th day of February, 1999.

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12 JOHN R. LIBERATOR
13 Acting Real Estate Commissioner

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SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-27857 LA

TYRONE GEORGE MALHIOT,)

OAH No. L-1998050280

Respondent(s)

FILED
NOV 19 1998
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON APPLICATION C. 3

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, 107 South Broadway, Second Floor, Los Angeles, CA 90012 on MONDAY, JANUARY 4, 1999, 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.

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. 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: November 19, 1998

By



DARLENE AVERETTA, Counsel

cc: Tyrone George Malhiot
Miller & Associates/Edgardo Gonzalez, Esq.
Sacto.
OAH

CEB

RE 501 (LA Mac 11/92)

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-27857 LA
TYRONE GEORGE MALHIOT,)
OAH No. L-1998050280
Respondent(s)

FILED
OCT 26 1998
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

By C3

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 107 South Broadway, Second Floor, Los Angeles, CA 90012 on TUESDAY, NOVEMBER 17, 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.

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. 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: October 26, 1998

By

Darlene Averetta
DARLENE AVERETTA, Counsel

cc: Tyrone George Malhiot
✓Sacto.
OAH

CEB

RE 501 (LA Mac 11/92)

1 DARLENE AVERETTA, Counsel
2 State Bar No. 159969
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California 90012

6 (213) 897-3937

FILED
OCT - 2 1988
DEPARTMENT OF REAL ESTATE

By C. By

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 TYRONE GEORGE MALHIOT,)
13 Respondent.)
14 _____)

NO. H-27857 LA

STATEMENT OF ISSUES

15 I

16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against TYRONE GEORGE MALHIOT ("Respondent"), alleges as follows:

19 II

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

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III

On or about May 29, 1998, Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code ("Code"), made application to the Department of Real Estate of the State of California ("Department") for a real estate salesperson license with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Code Section 10153.4.

IV

On or about July 17, 1996, in the Municipal Court of Long Beach Judicial District, County of Los Angeles, State of California, Respondent was convicted on his plea of nolo contendere to one count of violating Code Section 7028 (Contracting without a License).

V

Respondent's conviction as alleged herein above, constitutes cause for the denial of Respondent's application for a real estate license under Code Sections 10177(f), 480(a)(1) and/or 480(a)(3).

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

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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent, TYRONE GEORGE MALHIOT, and for such other
6 and further relief as may be proper in the premises.

7 Dated at Los Angeles, California
8 this 2nd day of October, 1998.
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10 THOMAS MCCRADY
11 Deputy Real Estate Commissioner
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24 cc: Tyrone George Malhiot
25 DKB
26 SACTO
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