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FILED
JUN 10 2004
DEPARTMENT OF REAL ESTATE

8

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

9
10 * * *

11 In the Matter of the Accusation of) NO. H-27880 LA
12)
13 JOHN ALAN SILVERMAN,)
14 Respondent.)

15 ORDER GRANTING REINSTATEMENT AFTER RECONSIDERATION

16 On February 19, 2004, an Order Denying Reinstatement
17 of License was signed in the above-entitled matter. Said
18 Order was to become effective on March 15, 2004, and was stayed
19 by separate Order to April 14, 2004.

20 On March 3, 2004, Respondent petitioned for
21 reconsideration of the Order of February 19, 2004.

22 On April 13, 2004, I issued an Order Granting
23 Reconsideration and allowing Respondent and Complainant to
24 submit further argument.

25 I have given due consideration to Respondent's
26 petition for reconsideration and the arguments of Respondent and
27 Complainant.

1 I have concluded that good cause has been presented
2 for reconsideration of the Order of February 19, 2004, for the
3 purpose of determining whether the action therein imposed should
4 be reduced.

5 I have reconsidered said Order and it is hereby
6 ordered that the action therein imposed against the real estate
7 license of Respondent JOHN ALAN SILVERMAN be reduced by
8 modifying the Order to read as follows:

9 ORDER

10 NOW, THEREFORE, IT IS ORDERED that Respondent's
11 petition for reinstatement is granted and that a real estate
12 salesperson license be issued to Respondent if Respondent
13 satisfies the following conditions within twelve (12) months
14 from the date of this Order:

15 1. Submittal of a completed application and payment
16 of the fee for a real estate salesperson license.

17 2. Submittal of proof that Respondent has taken and
18 passed the Professional Responsibility Examination administered
19 by the Department including the payment of the appropriate
20 examination fee.

21 As hereby modified and amended, the Order of
22 February 19, 2004, shall become effective at 12 o'clock noon
23 on June 18, 2004.

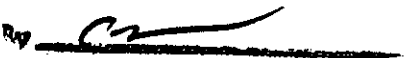
24 IT IS SO ORDERED

June 2, 2004

25 JOHN R. LIBERATOR
26 Acting Real Estate Commissioner

27 John R. Liberator

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FILED
APR 15 2004
DEPARTMENT OF REAL ESTATE


BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27880 LA
)
JOHN ALAN SILVERMAN,)
)
Respondent.)

ORDER GRANTING RECONSIDERATION

On February 19, 2004, an Order Denying Reinstatement of License was signed in the above-entitled matter. Said Order was to become effective on March 15, 2004 and was stayed by separate Order to April 14, 2004.

On March 3, 2004, Respondent petitioned for reconsideration of the Order of February 19, 2004.

I find that there is good cause to reconsider the Order of February 19, 2004. Reconsideration is granted for the limited purpose of determining whether the action imposed against Respondent by said Order should be reduced.

///

1 Respondent shall have until May 14, 2004, in which to
2 file written argument in further support of his petition for
3 reconsideration. Counsel for the Department of Real Estate
4 shall submit any written reply to said argument within fifteen
5 (15) days thereafter.

6 IT IS SO ORDERED April 13, 2004.

7 JOHN R. LIBERATOR
8 Acting Real Estate Commissioner

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10 *John R. Liberator*
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FILED
MAR - 5 2004
DEPARTMENT OF REAL ESTATE

v. [signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	NO. H-27880 LA
JOHN ALAN SILVERMAN,)	
)	
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On February 19, 2004, a Decision was rendered in the above-entitled matter to become effective March 15, 2004.

IT IS HEREBY ORDERED that the effective date of the Decision of February 19, 2004, is stayed for a period of thirty (30) days to allow Respondent to file a petition for reconsideration.

The Decision of February 19, 2004, shall become effective at 12 o'clock noon on April 14, 2004.

DATED: March 5, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

By: *Dolores Ramos*
DOLORES RAMOS
Regional Manager

FILED
FEB 24 2004
DEPARTMENT OF REAL ESTATE

C-3

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27880 LA
)
JOHN ALAN SILVERMAN,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On May 5, 1999, a Decision was rendered herein revoking Respondent's real estate salesperson license, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on September 20, 1999.

On June 27, 2002, 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
2 the evidence and arguments in support thereof. Respondent
3 has failed to demonstrate to my satisfaction that Respondent
4 has undergone sufficient rehabilitation to warrant the
5 reinstatement of Respondent's real estate salesperson license,
6 in that:

8 I

9 In the Decision which revoked the real estate license
10 of Respondent it was determined that there was cause to revoke
11 Respondent's license pursuant to Business and Professions Code
12 ("Code") Sections 490 and 10177(b) for the conviction of a
13 crime.
14

15 On or about February 17, 1998, Respondent was
16 convicted of a violation of Penal Code Section 487(A) (Grand
17 Theft), a felony. Said crime involves moral turpitude and is
18 substantially related to the qualifications, functions and
19 duties of a real estate licensee.
20

21 The facts underlying the conviction were that
22 Respondent submitted a false claim to his insurance company.

23 II

24 A restricted real estate salesperson license was
25 issued to Respondent on September 20, 1999. On August 1,
26 2000, an Order Suspending Restricted Real Estate License was
27 filed, suspending Respondent's license for failing to take and
pass the Professional Responsibility Exam, which was a condition

1 of Respondent's restricted license. Said suspension has not
2 been lifted.

3 III

4 Respondent's petition for reinstatement of
5 Respondent's license is governed by the Criteria of
6 Rehabilitation set forth in the California Administrative Code,
7 Section 2911, Title 10, Chapter 6, California Code of
8 Regulations ("Regulations"). Section 2911 provides as follows:
9 "The following criteria have been developed by the department
10 pursuant to Section 482(a) of the Business and Professions Code
11 for the purpose of evaluating the rehabilitation of an
12 applicant for issuance or for reinstatement of a license in
13 considering whether or not to deny the issuance or
14 reinstatement on account of a crime or act committed by the
15 applicant."
16
17

18 The Criteria of Rehabilitation as applied to
19 Respondent is as follows: Regulation 2911, subsection, (a) two
20 (2) years have passed since the conviction; (b) restitution
21 was not required; (d) registration pursuant to Penal Code
22 Section 290 is not applicable; (e) probation has been
23 completed; (f) abstinence from use of controlled substances or
24 alcohol is not applicable; (g) fines were paid; (h) family life
25 appears to be stable; (j) there is no evidence of past due
26
27

1 debts; (k) correction of business practices is not applicable;
2 (m) new social and business relationships appears to be met.

3
4 IV

5 Respondent has not submitted proof that his conviction
6 has been expunged. This evidences a lack of rehabilitation and
7 is cause to deny Respondent's petition application pursuant to
8 Regulation 2911(c).

9 V

10 Respondent has not submitted proof of completion of,
11 or enrollment in educational or vocational training courses.
12 This evidences a lack of rehabilitation and is cause to
13 deny Respondent's petition application pursuant to Regulation
14 2911(i).

15 VI

16 Respondent has not submitted proof of significant
17 or conscientious involvement in community, church or social
18 programs. This evidences a lack of rehabilitation and is
19 cause to deny Respondent's petition application pursuant to
20 Regulation 2911(l).

21 VII

22 As part of the petition application process, an
23 interview with a Deputy Real Estate Commissioner was requested.
24 Respondent failed to respond to letters requesting an
25 interview. This evidences a lack of rehabilitation and is
26 cause to deny Respondent's petition application pursuant to
27 Regulation 2911(n)(1).

VIII

Respondent has not submitted proof of a change in attitude from persons familiar with his previous conduct and subsequent attitudes and behavioral patterns. This evidences a lack of rehabilitation and is cause to deny Respondent's petition application pursuant to Regulation 2911(n)(2).

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

This Order shall become effective at 12 o'clock noon on March 15, 2004.

DATED: February 19, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

cc: John A. Silverman
146 N. Almont Drive, # 7
Los Angeles, CA 90048

1 have taken and passed the Professional Responsibility
2 Examination administered by the Department. As a further
3 condition you were required, within nine months from June 7,
4 1999, to present evidence that you had, since the most recent
5 issuance of an original or renewal real estate license, taken
6 and completed the continuing education requirements of Article
7 2.5 of Chapter 3 of the Real Estate Law for renewal of a real
8 estate license. The Commissioner has determined that as of the
9 date of this Order, you have failed to satisfy these
10 conditions, and as such, you are in violation of Section
11 10177(k) of the Business and Professions Code. (You have no
12 right to renew your restricted license if these conditions are
13 not satisfied by the date of its expiration. Section 10156.7
14 of the Business and Professions Code.)

15 NOW, THEREFORE, IT IS ORDERED under authority of
16 Section 10156.7 of the Business and Professions Code of the
17 State of California that the restricted real estate salesperson
18 license heretofore issued to respondent and the exercise of any
19 privileges thereunder is hereby suspended pending final
20 determination made after hearing (see "Hearing Rights" set
21 forth below) or until such time as respondent provides evidence
22 satisfactory to the Real Estate Commissioner that he is now in
23 compliance with the aforesaid conditions

24 IT IS FURTHER ORDERED that all license certificates
25 and identification cards issued by Department which are in the
26 possession of respondent be immediately surrendered by personal
27 delivery or by mailing in the enclosed, self-addressed envelope



1 to:

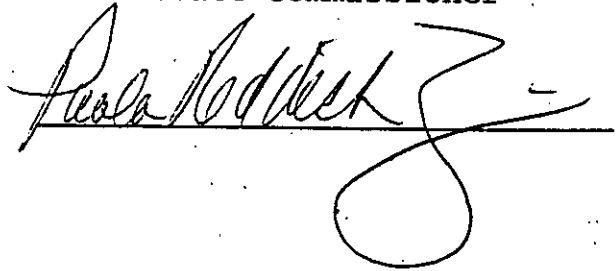
2 Department of Real Estate
3 Attn: Flag Section
4 P. O. Box 187000
5 Sacramento, CA 95818-7000

6 HEARING RIGHTS: Pursuant to the provisions of
7 Section 10156.7 of the Business and Professions Code, you have
8 the right to a hearing to contest the Commissioner's
9 determination that you are in violation of Section 10177(k).
10 If you desire a hearing, you must submit a written request.
11 The request may be in any form, as long as it is in writing and
12 indicates that you want a hearing. Unless a written request
13 for a hearing, signed by or on behalf of you, is delivered or
14 mailed to the Department at 320 West 4th Street, Suite 350, Los
15 Angeles, California, within 20 days after the date that this
16 Order was mailed to or served on you, the Department will not
17 be obligated or required to provide you with a hearing.

18 This Order shall be effective immediately.

19 DATED: July 26, 2000.

20 PAULA REDDISH ZINNEMANN
21 Real Estate Commissioner

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Sachs

FILED
MAY 18 1999
DEPARTMENT OF REAL ESTATE
By [Signature]

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27880 LA
)	
)	L-1998110219
JOHN ALAN SILVERMAN,)	
)	
)	
Respondent.)	
)	

DECISION

The Proposed Decision dated April 19, 1999, 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 Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on June 7, 1999.

IT IS SO ORDERED May 5, 1999

JOHN R. LIBERATOR
Acting Real Estate Commissioner

[Signature]

the vase and thought it had been lost. He made a claim to his insurance company. His insurance company paid the claim. He paid \$1,500.00 to the friend to whom the vase belonged. The friend demanded an additional \$500.00. When the demand was not met, the friend called respondent's insurance company and told them that respondent had returned the vase to him, the implication being that the vase was never lost and respondent had made a fraudulent claim. Respondent denies this. He stated he has made full restitution to his insurance company.

5. There was no evidence that respondent has had other convictions or license discipline proceedings.

LEGAL CONCLUSIONS

1. Respondent's conviction constitutes cause under Sections 490 and 10177(b) of the Business and Professions Code to suspend or revoke his licenses and license rights under the Real Estate Law.

2. In determining the appropriate order to be made herein, due consideration was given to all relevant factors, including the fact that this was respondent's only conviction, it was reduced to a misdemeanor, the crime did not involve an act for which a real estate license is required, respondent has made full restitution, and his license has not previously been disciplined.

ORDER

All licenses and licensing rights of respondent John Alan Silverman under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson 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 the authority of Section 10156.6 of that Code:

1. 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.

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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 any provision 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.
4. 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.
5. 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 respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a

hearing pursuant to the Administrative Procedure Act to present such evidence.

6. Respondent shall, within six (6) months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination.

DATED: April 19, 1999



JERRY MITCHELL
Administrative Law Judge

197-1209-008
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC 22 1998
DEPARTMENT OF REAL ESTATE

SACTS

* * *

In the Matter of the Accusation of)
JOHN ALAN SILVERMAN,)
Respondent.)

H-27880 LA
By James R. Peel

) NOTICE OF HEARING ON ACCUSATION

L-1998 110 219

To the above-named Respondents:

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, 2nd. Floor, Los Angeles, California 90012 on February 19, 1999 at 9:00 a.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: December 22, 1998

DEPARTMENT OF REAL ESTATE

By: James R. Peel
JAMES R. PEEL
Counsel

cc: John A. Silverman ,
cc: Ashley D. Posner, Esq.
Coldwell Banker
JP, OAH & SACTO

SACTO

197-1209-008
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV 20 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
JOHN ALAN SILVERMAN,)
)
Respondent.)

H-27880 LA

By [Signature]

NOTICE OF HEARING ON ACCUSATION

L-1998 110 219

To the above-named Respondents:

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, 2nd. Floor, Los Angeles, California 90012 on January 5, 1999 at 9:00 a.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 19, 1998

DEPARTMENT OF REAL ESTATE

By: [Signature]
JAMES R. PEEL
Counsel

cc: John A. Silverman ,
cc: Paula Elden, Esq.
Coldwell Banker
JP, OAH & SACTO

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JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012
State Bar 47055

(213) 897-3937

FILED
OCT 15 1998
DEPARTMENT OF REAL ESTATE
By *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-27880 LA
))
12 JOHN ALAN SILVERMAN,) A C C U S A T I O N
13))
) Respondents.)
14 _____)

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JOHN ALAN SILVERMAN, alleges as follows:

I

The Complainant, Thomas Mc Crady acting in his official capacity as a Deputy Real Estate Commissioner of the State of California makes this Accusation against JOHN ALAN SILVERMAN.

II

JOHN ALAN SILVERMAN (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 salesperson.

IV

On or about February 17, 1998, in the Municipal Court for the County of Los Angeles, State of California, respondent was convicted of violating Penal Code Section 487(A) (grand theft), 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 JOHN ALAN SILVERMAN, 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 13th. day of October, 1998.


Deputy Real Estate Commissioner

cc: DAVID ANDREW DIETERLE
JP, SACTO

JRP:rgp