

*facto
file*

FILED
FEB 16 2005
DEPARTMENT OF REAL ESTATE

BY *Jana B. Olson*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28767 LA
)	
GEORGE A. GARCIA,)	
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 18, 2000, a Decision was rendered herein revoking Respondent's 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 was issued to Respondent on or about February 8, 2001.

On October 20, 2003, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

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1
2 I have considered the petition of Respondent and
3 the evidence and arguments in support thereof. Respondent
4 has demonstrated to my satisfaction that Respondent meets
5 the requirements of law for the issuance to Respondent of
6 an unrestricted real estate salesperson license and that
7 it would not be against the public interest to issue said
8 license to Respondent.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 salesperson license be issued to Respondent, if Respondent
12 satisfies the following conditions within nine (9) months
13 from the date of this Order:

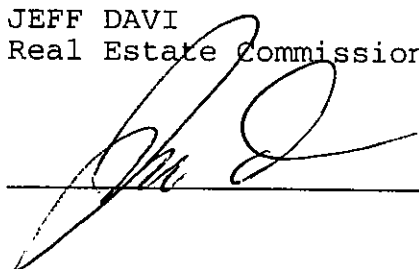
14 1. Submittal of a completed application and payment
15 of the fee for a real estate salesperson license.

16 2. Submittal of evidence of having, since the most
17 recent issuance of an original or renewal real estate license,
18 taken and successfully completed the continuing education
19 requirements of Article 2.5 of Chapter 3 of the Real Estate
20 Law for renewal of a real estate license.

21 This Order shall be effective immediately.

22 Dated: 2-2-05

23 JEFF DAVI
24 Real Estate Commissioner

25 
26 _____

27 cc: George A. Garcia
643 North Laurel Avenue
Los Angeles, CA 90048

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FILED
JAN 19 2001
DEPARTMENT OF REAL ESTATE
By *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-28767 LA
GEORGE A. GARCIA,)	<u>STIPULATION AND AGREEMENT</u>
Respondent.)	

It is hereby stipulated by and between GEORGE A. GARCIA (referred to as Respondent), acting by and through his attorney Frank M. Buda, Esq., and the complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on September 20, 2000, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation And Agreement (hereafter Stipulation).

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation, filed by the Department of Real Estate in this
4 proceeding. .

5 3. Respondent filed a Notice of Defense on September
6 29, 2000, pursuant to Section 11506 of the Government Code for
7 the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense, he will
11 thereby waive his right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he will waive
14 other rights afforded to him in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admits that the factual allegations in Paragraphs
19 one (I) through four (IV) in the Accusation filed in this
20 proceeding are true and correct and the Real Estate Commissioner
21 shall not be required to provide further evidence to prove such
22 allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Order in this Stipulation as
25 her decision in this matter thereby imposing the penalty and
26 sanctions on Respondent's real estate licenses and/or license
27 rights as set forth in the below Order. In the event that the



1 issued to Respondent pursuant to Section 10156.5 of the Business
2 and Professions Code if Respondent makes application therefor and
3 pays to the Department of Real Estate the appropriate fee for the
4 restricted license within 90 days from the effective date of this
5 Decision. The restricted license issued to Respondent shall be
6 subject to all of the provisions of Section 10156.7 of the
7 Business and Professions Code and to the following limitations,
8 conditions and restrictions imposed under authority of Section
9 10156.6 of that Code:

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

15 2. The restricted license issued to Respondent may be
16 suspended prior to hearing by Order of the Real Estate
17 Commissioner on evidence satisfactory to the Commissioner that
18 Respondent has violated provisions of the California Real Estate
19 Law, the Subdivided Lands Law, Regulations of the Real Estate
20 Commissioner or conditions attaching to the restricted license.

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

26 4. Respondent shall submit with any application for
27 license under an employing broker, or any application for transfer

1 to a new employing broker, a statement signed by the prospective
2 employing real estate broker on a form approved by the Department
3 of Real Estate which shall certify:

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

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

11 5. Respondent shall, within nine months from the
12 effective date of this Decision, present evidence satisfactory to
13 the Real Estate Commissioner that Respondent has, since the most
14 recent issuance of an original or renewal real estate license,
15 taken and successfully completed the continuing education
16 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
17 for renewal of a real estate license. If Respondent fails to
18 satisfy this condition, the Commissioner may order the suspension
19 of the restricted license until the Respondent presents such
20 evidence. The Commissioner shall afford Respondent the
21 opportunity for a hearing pursuant to the Administrative Procedure
22 Act to present such evidence.

23 6. Respondent shall, within six months from the
24 effective date of this Decision, take and pass the Professional
25 Responsibility Examination administered by the Department
26 including the payment of the appropriate examination fee. If
27 Respondent fails to satisfy this condition, the Commissioner may



1 order suspension of Respondent's license until Respondent passes
2 the examination.

3 * * * * *

4 I have read the Stipulation And Agreement In Settlement
5 And Order, and its terms are understood by me and are agreeable
6 and acceptable to me. I understand that I am waiving rights
7 given to me by the California Administrative Procedure Act
8 (including but not limited to Sections 11506, 11508, 11509 and
9 11513 of the Government Code), and I willingly, intelligently and
10 voluntarily waive those rights, including the right of requiring
11 the Commissioner to prove the allegations in the Accusation at a
12 hearing at which I would have the right to cross-examine
13 witnesses against me and to present evidence in defense and
14 mitigation of the charges.


15 DATED: 11/30-00

17 DATED: 11-30-00

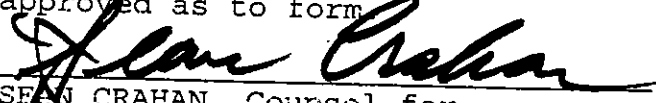
20 DATED: 12-6-00



GEORGE A. GARCIA, Respondent.



FRANK M. BUDA, Esq.
Counsel for
Respondent George A. Garcia,
approved as to form



SEAN CRAHAN, Counsel for
Complainant.

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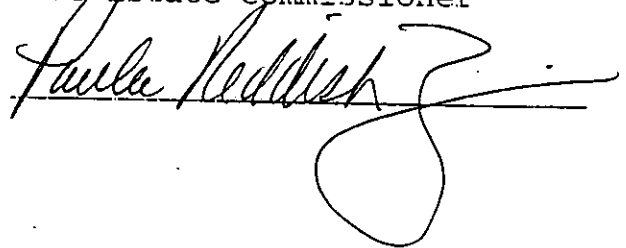
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The foregoing Stipulation And Agreement is hereby
adopted as my Decision and Order as to Respondent GEORGE A.
GARCIA and shall become effective at 12 o'clock noon on
February 8, 2001

DATED: December 18, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



Sacto 2/15

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT 23 2000
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

GEORGE A. GARCIA,

K. Mederholt

Case No. H- 28767 LA

OAH No. L- 2000100197

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 W. Fourth St., Ste. 630 Los Angeles, CA

on December 4, 2000, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation 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 the 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.

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

DEPARTMENT OF REAL ESTATE

Dated: October 23, 2000

By James R. Peel
Counsel

cc: George A. Garcia
Pickford Realty Inc.
Frank M. Buda, Esq.
Sacto OAH RJ

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For file

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JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

FILED
SEP 20 2000
DEPARTMENT OF REAL ESTATE

By *R. Muellerhol*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-28767 LA
GEORGE A. GARCIA,)	A C C U S A T I O N
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against GEORGE A. GARCIA (hereinafter "Respondent") is informed and alleges in his official capacity as follows:

I

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") as a real estate salesperson.

II

On or about June 21, 2000, Respondent made application to the Department of Real Estate of the State of California ("Department") for a real estate license. As part of said

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application respondent was asked "Have you ever been convicted of any violation of law?" Intending to conceal the matter set forth below, Respondent represented in the application that he had never been convicted of a crime. Relying on the misrepresentations or omissions of Respondent, the Department issued Respondent's present license.

III

On or about October 25, 1988, in the Municipal Court, County of Los Angeles, State of California, Respondent was convicted of violating Penal Code Section 484 (petty theft), a crime involving moral turpitude.

IV

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

V

Respondent's failure to reveal the criminal matter set forth in Paragraph III above, in said application, constitutes the procurement of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in said application, which is cause for suspension or revocation of Respondent's real estate salesperson license under Sections 498 and 10177(a) of the Code.

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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 GEORGE A. GARCIA 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 20th day of September, 2000.

THOMAS MC CRADY
Deputy Real Estate Commissioner

cc: George A. Garcia
Pickford Realty
Sacto
RJ