

8
9
10

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

11
12
13

* * *

14
15
16
17
18
19
20
21
22
23
24
25
26
27

In the Matter of the Application of)	NO. H-29265 LA
WAYNE WARD ANTHONY,)
Respondent.)

28
29

ORDER GRANTING UNRESTRICTED LICENSE

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

On February 13, 2002, a Decision was rendered herein, denying 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 was issued to Respondent on April 24, 2002, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

///

///

///

1 On September 4, 2008, Respondent petitioned for
2 removal of restrictions attaching to his real estate salesperson
3 license.

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

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

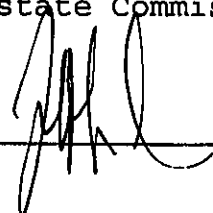
16 (1) Submittal of a completed application and payment
17 of the fee for a real estate salesperson license.

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

23 This Order shall be effective immediately.

24 Dated: 3/29/09

25
26 JEFF DAVI
Real Estate Commissioner

27 

Handwritten signature/initials

FILED
AUG - 8 2007
DEPARTMENT OF REAL ESTATE

K. Niederholt

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-29265 LA
WAYNE WARD ANTHONY,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On February 13, 2002, a Decision was rendered herein, denying 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 was issued to Respondent on April 24, 2002, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On June 8, 2005, Respondent petitioned for removal of restrictions attaching to his real estate salesperson license.

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

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for removal of restrictions is granted and that a real.
11 estate salesperson license be issued to Respondent if
12 Respondent satisfies the following condition within nine (9)
13 months from the date of this Order:
14

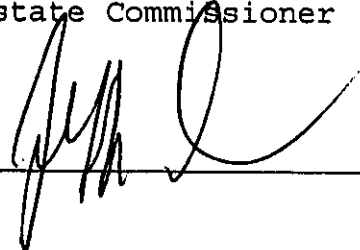
15 (1) Submittal of a completed application and payment
16 of the fee for a real estate salesperson license.

17 (2) Submittal of evidence of having since the most
18 recent issuance of an original or renewal real estate license,
19 taken and successfully completed the continuing education
20 requirements of Article 2.5 of Chapter 3 of the Real Estate
21 Law for renewal of a real estate license.
22

23 This Order shall be effective immediately.

24 Dated: 7-26-87.

25 JEFF DAVI
26 Real Estate Commissioner
27



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Laura B. Allen

* * * * *

In the Matter of the Application of)	No. H-29265 LA
WAYNE WARD ANTHONY,)
)
Respondent.)
_____)

L-2001110300

DECISION

The Proposed Decision dated January 14, 2002, 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 March 11, 2002.

IT IS SO ORDERED February 13, 2002.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator
Chief Deputy Commissioner

FILED
FEB 15 2002
DEPARTMENT OF REAL ESTATE

By *Anna B. Olson*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of:)	No. H-29265 LA
)	
WAYNE WARD ANTHONY,)	OAH No. L-2001110300
)	
Respondent.)	
)	
)	

PROPOSED DECISION

This case was tried before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on December 13, 2001.

James R. Peel, counsel, represented complainant.. N. Gordon Fitzgerald, attorney at law, represented respondent, who appeared personally.

The parties presented oral and documentary evidence and submitted the matter for decision. The Administrative Law Judge proposes:

Findings of Fact

1. Thomas McCrady, complainant, is a Deputy Real Estate Commissioner of the State of California, and caused the Statement of Issues to be served and filed herein while acting solely in his official capacity.

2. On May 8, 2001, respondent filed an application to the above Department for issuance to him of a real estate salesperson license conditioned upon his completion of certain courses of study mandated by section 10153.4 of the Business and Professions Code.

3. The parties have timely filed and served on one another all pleadings, notices and other papers as required by law. The issue presented for decision is whether respondent is a fit and proper person to be licensed under the Real Estate Law in light of a conviction of battery sustained by him in December of 1998.

4. On December 1, 1998, in the Municipal Court for the County of Los Angeles, respondent was convicted on his plea of nolo contendere of a single violation of section 242 of the Penal Code, battery, a misdemeanor. The court placed him on two years probation, on conditions, among others, that he pay a fine of \$550.00, and take sixteen classes of anger management. The respondent obeyed all his conditions of probation, and has obtained an order of the court allowing him to change his plea to not guilty, and setting aside the finding and order of conviction, and dismissing the action, all pursuant to section 1203.4 of the Penal Code.

5. Respondent's conviction arose from an altercation he had which fits the definition of "road rage." As he was driving in his neighborhood, another male motorist exhibited a rude, insulting and provocative gesture. Respondent followed his car, and at the earliest opportunity, confronted his tormentor. A fight ensued. Respondent hit his opponent on the nose, but did not cause either bleeding or a black eye. There are no known medical damages, however, respondent, although not required by the court to do so, paid his opponent \$50.00 on account of any direct costs he might sustain as a result of the fight. His opponent lives in the neighborhood, and continued to bait respondent with repetitions of the offensive gesture, but respondent managed to refrain from rising to the bait. His anger management classes were successful.

6. Respondent has an excellent reputation in the community. He has been active in local elections, and has participated in community projects for mentally handicapped youth. He has helped with fundraising events for the mentally handicapped and for the blind. He has also helped with the management of a Special Olympics program, and with a summer camp program maintained by the Foundation for the Junior Blind. He managed to do all this while studying economics at the University of Colorado, where he expects to be awarded a baccalaureate degree in a few weeks. One of respondent's references was aware of his difficulty with the law, and opined that the misconduct was borne of his youth (he was twenty-three years of age at the time of the offense).

7. The crime of which respondent was convicted involves moral turpitude. Inability to control one's emotions is not a hallmark of a safe and responsible motorist. Respondent put himself, and his opponent as well, into a situation that could easily have caused harm, not only to themselves, but to others.

8. The crime of which respondent was convicted bears a substantial relationship to the duties, functions or qualifications of a real estate licensee. The duties of the profession often are inherently stressful to all those involved in real estate transactions, and demand of the agent a cool, mature head. A real estate licensee must be able to control emotion.

9. Respondent appears to be an intelligent and honest person who has achieved insight into the causes of his behavior, and who is willing to adjust his conduct to the stresses of everyday life. Notwithstanding his achievements, he is presently youthful, and will require time to further mature. Thus, issuance of a restricted license is appropriate.

Conclusions of Law

While cause for denial of respondent's application exists pursuant to sections 480(a) and 10177(b) of the Business and Professions Code by reason of respondent's conviction, the public interest will not be adversely affected by issuance to respondent of a restricted salesperson license in accordance with the provisions of section 10156.5 of the Code subject to the provisions of section 10156.7 thereof and to the provisions set forth in the following Order pursuant to section 10156.6 thereof.

Order

Respondent's application for a real estate salesperson license is denied; provided however, a restricted real estate salesperson 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 the 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 one year has 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 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, 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: January 14, 2002



PAUL M. HOGAN
Administrative Law Judge
Office of Administrative Hearings

PMH:rfm

Sacto
Jawf

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

By June B. Oran

In the Matter of the Application of) Case No. H-29265 LA
) L-2001110300
WAYNE WARD ANTHONY,)
)
Respondent(s))

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, 320 West Fourth Street, Suite 630, Los Angeles, California, on **DECEMBER 13, 2001** at the hour of **9:00 a.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 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.

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.

Dated: November 29, 2001

DEPARTMENT OF REAL ESTATE

By:

James R. Peel

JAMES R. PEEL, Counsel

FOR

cc: Wayne Ward Anthony
Sacto.
OAH

RE 500 JRP:lbo

*facto
file*

FILED
OCT 24 2001

DEPARTMENT OF REAL ESTATE

By Laura B. Dixon

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

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

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of
WAYNE WARD ANTHONY,
Respondent.

No. H-29265 LA

STATEMENT OF ISSUES

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against WAYNE WARD ANTHONY (Respondent) is informed and alleges in his official capacity as follows:

I

On or about May 8, 2001, Respondent applied to the Department of Real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result of that application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

///

///

1 II

2 On or about December 1, 1998, in the Municipal Court
3 for the County of Los Angeles, State of California, Respondent
4 was convicted of violating Penal Code Section 242 (Battery), a
5 crime involving moral turpitude and substantially related to the
6 qualifications, functions or duties of a real estate licensee.

7 III

8 The matter described in Paragraph II constitutes cause
9 for denial of Respondent's application for a real estate license
10 under Sections 480(a) and 10177(b) of the California Business and
11 Professions Code.

12
13 The Statement of Issues is brought under the provisions
14 of Section 10100, Division 4 of the Business and Professions Code
15 of the State of California and Sections 11500 through 11528 of
16 the Government Code.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

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 WAYNE WARD ANTHONY, and for such other and
6 further relief as may be proper in the premises.

7 Dated at Los Angeles, California
8 this 24th day of October, 2001.

9
10
11 

12 Deputy Real Estate Commissioner
13
14
15
16
17
18
19
20
21
22
23
24

25 cc: Wayne Ward Anthony
26 Thomas McCrady
27 Sacto
CW