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FILED
MAR - 7 2003
DEPARTMENT OF REAL ESTATE
By 

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-29434 LA
WILLIAM AARON ZIGLER,)	L-2002040443
Respondent.)	

ORDER DENYING RECONSIDERATION

On January 7, 2003, a Decision After Rejection was rendered in the above-entitled matter. The Decision After Rejection was to become effective on January 29, 2003, and was stayed by separate Orders to March 10, 2003.

On January 24, 2003, Respondent petitioned for reconsideration of the Decision After Rejection of January 7, 2003.

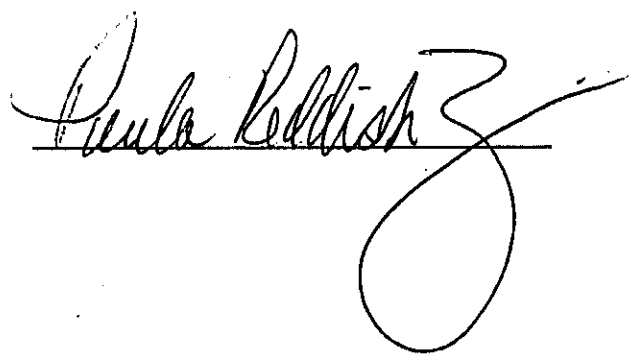
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I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision After Rejection of January 7, 2003 and reconsideration is hereby denied.

IT IS SO ORDERED March 6, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



SABO.
Flay

FILED
FEB 26 2003
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-29434 LA
WILLIAM AARON ZIGLER,)	L-2002040443
Respondent.)	

ORDER STAYING EFFECTIVE DATE

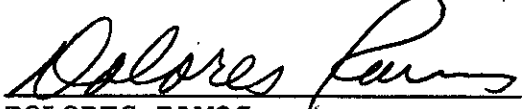
On January 7, 2003, a Decision After Rejection was rendered in the above-entitled matter to become effective January 29, 2003. On January 16, 2003, the effective date of said Decision After Rejection was stayed until February 28, 2003.

IT IS HEREBY ORDERED that the effective date of the Decision After Rejection of January 7, 2003 is stayed for an additional period of 10 days.

The Decision After Rejection of January 7, 2003 shall become effective at 12 o'clock noon on March 10, 2003.

DATED: February 26, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: 
DOLORES RAMOS
Regional Manager

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FILED
JAN 16 2003
DEPARTMENT OF REAL ESTATE

By *Alma Jennings*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-29434 LA
WILLIAM AARON ZIGLER,)	L-2002040443
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On January 7, 2003, a Decision After Rejection was rendered in the above-entitled matter to become effective January 29, 2003.

IT IS HEREBY ORDERED that the effective date of the Decision After Rejection of January 7, 2003, is stayed for a period of 30 days.

The Decision After Rejection of January 7, 2003, shall become effective at 12 o'clock noon on February 28, 2003.

DATED: January 16, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: *Dolores Ramos*
DOLORES RAMOS
Regional Manager

FILED

FILED
JAN - 9 2003
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
WILLIAM AARON ZIGLER,	NO. H-29434 LA
Respondent.	L-2002040443

DECISION AFTER REJECTION

The above-entitled matter came on for hearing before William O. Hoover, Administrative Law Judge, of the Office of Administrative Hearings, at Los Angeles, California, on May 14, 2002.

Complainant was represented by James R. Peel, Counsel. Respondent WILLIAM AARON ZIGLER, was present at the hearing and represented himself.

Evidence was received and the matter stood submitted on May 14, 2002.

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1 On July 8, 2002, the Administrative Law Judge submitted
2 a Proposed Decision which I declined to adopt as the Decision of
3 the Real Estate Commissioner.

4 On August 26, 2002, pursuant to Section 11517(c) of the
5 Government Code of the State of California, Respondent was served
6 with a copy of the Proposed Decision dated July 8, 2002, and with
7 notice that the case would be decided by me upon the record
8 including the transcript of proceedings held on May 14, 2002, and
9 upon any written argument offered by the parties.

10 Argument has been submitted on behalf of the parties.

11 I have given careful consideration to the record in
12 this case, including the transcript of proceedings of
13 May 14, 2002.

14 The following shall constitute the Decision of the Real
15 Estate Commissioner in this matter.

16 FINDINGS OF FACT

17 1. Maria Suarez, Complainant, is a Deputy Real Estate
18 Commissioner of the State of California and made the Statement of
19 Issues in her official capacity.

20 2. On or about October 10, 2001, Respondent applied to
21 the Department of Real Estate of the State of California for a
22 real estate salesperson's license.

23 3. On July 22, 1994 before the Ventura County Superior
24 Court in Case No. CR33832 Respondent was sentenced, following his
25 plea of guilty, for violations of Health and Safety Code Sections
26 11352 (two counts) (sale/transportation of cocaine), 11351 (sale
27 of cocaine) including an admission to an enhancing allegation

1 based on the quantity of cocaine, 11359 (possession of marijuana
2 for sale) and 11360 (sale/transportation of marijuana). Each of
3 the offenses involve moral turpitude and are substantially
4 related to the qualifications, functions and duties of the
5 licensed activity.

6 4. The court suspended the imposition of sentence for
7 five (5) years and placed Respondent on formal probation subject
8 to standard and special terms and conditions. These terms and
9 conditions included requirements that Respondent serve 305 days
10 in jail, pay a restitution fee and fine in excess of \$6,000,
11 consent to search and seizure of his person and property, attend
12 Narcotics Anonymous (NA) meetings and participate in an AIDS
13 Education class.

14 5. The facts and circumstances of the offenses are
15 summarized from Respondent's probation officer's reports and from
16 Respondent's own testimony. In March 10 and 11, 1994 Respondent
17 and four other individuals were involved in a conspiracy to sell
18 cocaine to an undercover police officer. Respondent was the
19 primary contact person. Following a sample buy, a larger
20 transaction involving a pound of cocaine was arranged. At the
21 time of arrest Respondent and his co-conspirators possessed 498.2
22 grams of cocaine and 40.46 grams of marijuana. Respondent
23 admitted that he had been selling marijuana, methamphetamine and
24 cocaine for a year and a half because it provided him with money,
25 free drugs, and made him feel popular. At the time of his
26 conviction Respondent was 18 years old.

27

1 6. Respondent complied with the terms and conditions
2 of his probation and, upon his motion, was granted early release
3 (approximately six (6) months) by the court on February 19, 1999.

4 7. Respondent was convicted on January 7, 2000 for
5 violation of Vehicle Code Section 23152(b) (driving with blood
6 alcohol content of .08% or greater).

7 8. Respondent's driving under the influence conviction
8 occurred in Case No. 95F04941 before the Los Angeles County
9 Municipal Court. Respondent was placed on three years probation
10 subject to specified terms and conditions. These terms and
11 conditions included the requirements that Respondent participate
12 in a six (6) month first offender program, obey all laws and pay
13 certain fines and fees. The facts and circumstances of the
14 offense are that on November 7, 1999 Respondent was driving home
15 after a party, was stopped by law enforcement and found to be
16 under the influence of alcohol. Respondent is still on probation
17 for this offense with a scheduled termination date of January
18 2003.

19 9. Respondent completed his jail sentence for the drug
20 convictions in March 1995. He enrolled at California State
21 University-Northridge in August 1995 and began work part time for
22 J.D. Powers. In 1997 or 1998 Respondent quit college to work
23 full time and has maintained steady and successful employment
24 since. He currently manages the customer service department of
25 Tonos, an online music company.

26 ///

27 ///

*Sacto
July*

FILED
AUG 26 2002
DEPARTMENT OF REAL ESTATE

By *Jana B. [Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Application of)	
WILLIAM AARON ZIGLER,	No. H-29434 LA
Respondent.	L-2002040443

NOTICE

TO: WILLIAM AARON ZIGLER, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 8, 2002, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 8, 2002, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on May 14, 2002, and any written argument hereafter submitted on behalf of Respondent and Complainant.

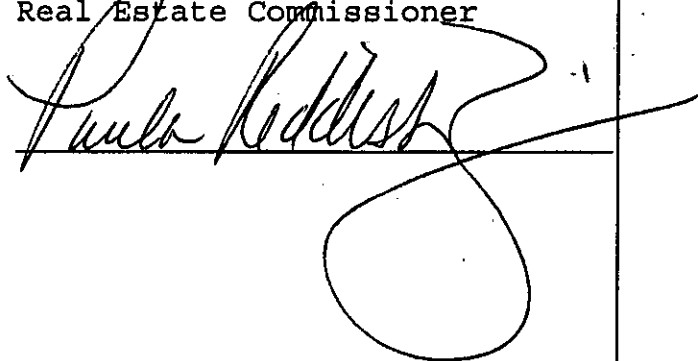
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Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of May 14, 2002, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of Complainant to be considered by me must be submitted within 15 days after receipt of the argument of Respondent at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: August 21, 2002

PAULA REDDISH ZINNE MANN
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

WILLIAM AARON ZIGLER

Respondent.

Case No. H-29434 LA

OAH NO. L2002040443

PROPOSED DECISION

William O. Hoover, Administrative Law Judge, Office of Administrative Hearings, heard this matter on May 14, 2002 in Los Angeles, California.

James R. Peel, Staff Counsel, represented Thomas McGrady ("complainant"), Deputy Real Estate Commissioner, Department of Real Estate ("Department"), State of California.

William Aaron Zigler ("respondent") appeared and represented himself.

The matter was submitted on May 14, 2002. An undated character reference letter was received at the Office of Administrative Hearings in Los Angeles on May 20, 2002 and marked for identification as respondent's Exhibit G. As the letter constituted an ex parte communication and was received after the close of the evidentiary record it was not admitted into evidence nor was it considered for any purpose.

FACTUAL FINDINGS

1. Complainant made and filed this Statement of Issues in his official capacity. The Statement of Issues alleges that respondent's criminal convictions provide a basis for denial of his application for licensure.

2. Respondent submitted to the Department an application for a real estate salesperson's license, dated September 19, 2001. The application was submitted with the knowledge and understanding that any license issued would be subject to the educational requirements specified in Business and Professions Code section 10153.4. Respondent submitted with his application evidence of successful completion, on September 17, 2001 of

courses in "Escrow" and "Property Management" both of which are listed within Business and Professions Code section 10153.2.

3. The Department declined to grant the application as requested and informed respondent that he was entitled to an evidentiary hearing to determine whether the requested license should be issued. Respondent timely requested and is entitled to the instant hearing pursuant to Government Code section 11500 et seq. The standard of proof is preponderance of the evidence and respondent has the burden of establishing that he is entitled to licensure.

4. On July 22, 1994 before the Ventura County Superior Court in Case No. CR33832 was sentenced, following his plea of *guilty*, for violations of Health and Safety Code sections 11352 (two counts) (sale/transportation of cocaine), 11351 (sale of cocaine) including an admission to an enhancing allegation based on the quantity of cocaine, 11359 (possession of marijuana for sale) and 11360 (sale/transportation of marijuana). Each of the offenses involve moral turpitude and are substantially related to the qualifications, functions and duties of the licensed activity.

5. The court suspended the imposition of sentence for five (5) years and placed respondent on formal probation subject to standard and special terms and conditions. These terms and conditions included requirements that respondent to serve 305 days in jail, pay a restitution fee and fine in excess of \$6,000, consent to search and seizure of his person and property, attend Narcotics Anonymous (NA) meetings and participate in an AIDS Education class.

6. The facts and circumstances of the offenses are summarized from respondent's probation officer's reports and from respondent's own testimony. In March 10 and 11, 1994 respondent and four other individuals were involved in a conspiracy with to sell cocaine to an undercover police officer. Respondent was the primary contact person. Following a sample buy a larger transaction involving a pound of cocaine was arranged. At the time of arrest respondent and his co-conspirators possessed 498.2 grams of cocaine and 40.46 grams of marijuana. Respondent admitted that he had been selling marijuana, methamphetamine and cocaine for a year and a half because it provided him with money, free drugs, and made him feel popular. At the time of his conviction respondent was 18 years old.

7. Respondent complied with the terms and conditions of his probation and, upon his motion, was granted early release (approximately six (6) months) by the court on February 19, 1999. Respondent disclosed on his application a misdemeanor conviction for a violation of Penal Code section 417.4 (brandishing an imitation firearm) that was unrelated to the drug convictions. He stated that he received a concurrent sentence for that offense. That offense is not alleged in the pleadings and was not considered in rendering this proposed decision. Respondent also disclosed his conviction on January 7, 2000 for violation of Vehicle Code section 23152(b) (driving with blood alcohol content of .08% or greater).

8. Respondent's driving under the influence conviction occurred in Case No. 9SF04941 before the Los Angeles County Municipal Court. Respondent was placed on three years summary probation subject to specified terms and conditions. These terms and conditions included the requirements that respondent participate in a six (6) month first offender program, obey all laws and pay certain fines and fees. The facts and circumstances of the offense are that on November 7, 1999 respondent was driving home after a party, was stopped by law enforcement and found to be under the influence of alcohol. Respondent is still on probation for this offense with a scheduled termination date of January 2003.

9. Respondent completed his jail sentence for the drug convictions in March 1995. He enrolled at California State University-Northridge in August 1995 and began work part time for J.D. Powers. In 1997 or 1998 respondent quit college to work full time and has maintained steady and successful employment since. He currently manages the customer service department of Tonos, an online music company. An annual performance review and evaluation conducted in January 2002, reflects a superior (highest) rating in every category applicable. This written evaluation is consistent with the comments made in numerous character reference letters and with the testimony from the many individuals who testified on respondent's behalf. The comments unanimously attest to respondent's honesty integrity, and concern for others. He is described as diligent, hardworking individual who always strives to improve whatever situation he is faced with. Most recently respondent has reapplied to a junior college in an effort to obtain an associate of arts degree.

10. One letter in particular from a health teacher referred to respondent's voluntary participation in his class. Respondent uses his own background to speak to students about the consequences of involvement with illegal drugs. Respondent's father testified to the positive changes he has observed in his son and the trust he has in him in financial or other matters.

11. Respondent's father is also a licensed real estate salesperson although his license is presently inactive. He expressed a desire to activate his license and open his own brokerage and work with respondent. Respondent is single but supports his four year old daughter who lives with her mother.

12. In evaluating the extent of respondent's rehabilitation, the provisions of California Code of Regulations section 2911 are instructive and were considered. It has been over three years since respondent's release from probation connected to his drug convictions. With the exception of his conviction for driving under the influence (DUI) respondent has other wise demonstrated that he is committed to becoming and remaining a productive, law abiding citizen. He has been gainfully and successfully employed and seeks to continually better himself educationally and job wise. He has gained the respect and trust of his employers, co-workers and friends and has the full support of his father. Although respondent's DUI conviction is troubling due to its proximity to his release from the earlier probation; it is not viewed as an impediment to licensure. Upon consideration of all the facts and circumstances it does not appear that the granting of a restricted license would be adverse to the public interest.

LEGAL CONCLUSIONS

1. Business and Professions Code sections 480(a) and 10177(b) provide that the Department may deny issuance of a real estate license to anyone convicted of any felony or a crime of moral turpitude, if the crime or act is substantially related to the qualifications, functions or duties of a licensee of the Department (See California Code of Regulations section 2910).

2. Cause for denial of respondent's application based on his convictions for offenses substantially related to the qualifications, functions and duties of the licensed activity, pursuant to Business and Professions Code sections 480(a) and 10177(b), exists by reason of Factual Findings 1-6.

3. Cause for issuance of a restricted (conditional) license based on a substantial showing of rehabilitation, pursuant to California Code of Regulations section 2911, has been established by reason of Factual Findings 1-12.

ORDER

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted (conditional) real estate salesperson license shall be issued to respondent pursuant to section 10153.4 and 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.

NOT APPROVED

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 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: 7/8/02


WILLIAM O. HOOVER
Administrative Law Judge
Office of Administrative Hearings

NOT RECORDED

Sacto
May

FILED
MAY 1 2002
DEPARTMENT OF REAL ESTATE

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

Laura B. Perna

In the Matter of the Application of) Case No. H-29434 LA
)
WILLIAM A. ZIGLER,) L-2002040443
)
)
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 **MAY 14, 2002** 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 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: May 1, 2002

DEPARTMENT OF REAL ESTATE

By: *James R. Peel*
JAMES R. PEEL, Counsel

cc: William Aaron Zigler
Sacto.
OAH

RE 500 JRP:lbo

John

FILED
MAR 26 2002
DEPARTMENT OF REAL ESTATE

Laura B. Crane

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
5
6
7
8 Telephone: (213) 576-6982
9 -or- (213) 576-6913 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

10
11 In the Matter of the Application of) No. H-29434 LA
12 WILLIAM AARON ZIGLER,) STATEMENT OF ISSUES
13 Respondent.)
14

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against WILLIAM AARON ZIGLER (Respondent) is informed and alleges
18 in her official capacity as follows:

I

19
20 On or about October 10, 2001, Respondent applied to the
21 Department of Real Estate of the State of California for a real
22 estate salesperson license with the knowledge and understanding
23 that any license issued as a result of that application would be
24 subject to the conditions of Section 10153.4 of the Business and
25 Professions Code.

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II

On or about July 22, 1994, in the Superior Court for the County of Ventura, State of California, Respondent was convicted of violating Health and Safety Code Sections 11352 (two counts of sale of cocaine), 11351 (possess cocaine for sale), 11360 (sale of marijuana) and 11359 (possess marijuana for sale), felonies involving moral turpitude and substantially related to the qualifications, functions and duties of a real estate licensee.

III

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

IV

In Aggravation, on or about January 6, 2000, in the Municipal Court for the County of Los Angeles, State of California, Respondent was convicted of violating Vehicle Code Section 23152(B) (.08% or more, by weight, of alcohol in his blood, while driving a motor vehicle).


The Statement of Issues is 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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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent WILLIAM AARON ZIGLER, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California
this 20th day of March, 2002.



MARIA SUAREZ
Deputy Real Estate Commissioner

cc: William Aaron Zigler
Maria Suarez
Sacto
JP

lbo