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FILED
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DEPARTMENT OF REAL ESTATE

K. Medeiros

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-30252 LA
DUSTIN MICHAEL WIDNER,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On October 24, 2003, 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 December 11, 2003. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

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1 On August 21, 2006, Respondent petitioned for the
2 removal of restrictions attaching to Respondent's real estate
3 salesperson 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 would
9 not be against the public interest to issue said license to
10 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: 10/4/07

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26 JEFF DAVI
Real Estate Commissioner
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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 August 21, 2003, 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 she may in her 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
2 issuance 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 her discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

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

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

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

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
- 3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts
5 for which a license is required.

6 DATED this 6th day of October, 2003.

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8 DUSTIN MICHAEL WIDNER, Respondent

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

14 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
15 respondent DUSTIN MICHAEL WIDNER if respondent has otherwise fulfilled all of the statutory
16 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
17 the foregoing Stipulation and Waiver.

18 This Order is effective immediately.

19 DATED this 2nd day of October, 2003.

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21 Paula Reddish Zinnemann
22 Real Estate Commissioner

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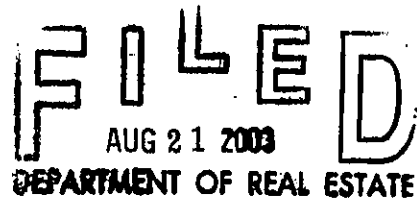
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4 Los Angeles, CA 90013

5 (213) 576-6982
6 (213) 576-6914



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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Application of) No. H-30252 LA
12)
13 DUSTIN MICHAEL WIDNER,) STATEMENT OF ISSUES
14)
15 Respondent.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against DUSTIN MICHAEL WIDNER (hereinafter "Respondent"), alleges
19 in her official capacity as follows:

20 1.

21 On or about May 6, 2002, Respondent made application to
22 the Department of Real Estate of the State of California for a
23 real estate salesperson license.

24 2.

25 On or about October 9, 1998, in the Superior Court of
26 California, County of Orange, in Case Number 98SM50234 MA,
27 Respondent was convicted of one count each of violating Vehicle

1 Code Section 31 (providing false information to a police officer)
2 and Health & Safety Code Section 12671 (possession of illegal
3 fireworks). Providing false information to a police officer is a
4 misdemeanor and crime of moral turpitude which is substantially
5 related to the qualifications, functions and duties of a real
6 estate licensee. Respondent was sentenced to three years
7 probation, the terms of which included 120 hours of Cal Trans
8 work, using and possessing no burglary tools or bomb making
9 equipment and payment of \$200 to the victim witness emergency
10 fund. Respondent's probation terminated in 2001.

11 3.

12 On or about February 25, 1999, in the Superior Court of
13 California, County of San Diego, in Case No. M771059, Respondent
14 was convicted on his plea of guilty to one count of violating
15 Penal Code Section 602(j) (trespass), a crime which by its
16 circumstances involved moral turpitude and which is substantially
17 related to the qualifications, functions and duties of a real
18 estate licensee. Respondent was sentenced to three years
19 probation, which included payment of \$400.00 in fines, making
20 restitution to the victim, participating in 30 days public
21 service, and participating in a shoplifter's course. On or
22 about March 24, 2003, Respondent's petition to have his
23 conviction set aside and dismissed pursuant to Penal Code Section
24 1203.4 was granted.

25 4.

26 Respondent's convictions, as set forth in Paragraphs 2
27 and 3, constitute grounds for denial of Respondent's application

1 for a real estate license pursuant to Business and Professions
2 Code Sections 480(a) and 10177(b).

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

7 WHEREFORE, the Complainant prays that the above-
8 entitled matter be set for hearing and, upon proof of the charges
9 contained herein, that the Commissioner refuse to authorize the
10 issuance of, and deny the issuance of, a real estate salesperson
11 license to Respondent DUSTIN MICHAEL WIDNER and for such other
12 and further relief as may be proper under the law.

13 Dated at Los Angeles, California

14 this 18th day of August, 2003.

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18 Deputy Real Estate Commissioner
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25 cc: Dustin Michael Widner
26 Beta Mortgage Services/Barry W. Madosky
27 Sacto.
Maria Suarez
LF