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FILED
APR 13 2009
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-30738 LA
GREGORY PHILIP ERNST,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On April 2, 2004, 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 May 5, 2004.

On February 15, 2008, Respondent petitioned for removal of restrictions attaching to his real estate salesperson license.

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

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

15 This Order shall be effective immediately.

16 Dated: _____

3/29/09

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18 JEFF DAVI
19 Real Estate Commissioner
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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 requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

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

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

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

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and

6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of two of the courses listed in Section
13 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real
14 estate finance, or advanced real estate appraisal. If I fail to timely present to the Department
15 satisfactory evidence of successful completion of the two required courses, the restricted license
16 shall be automatically suspended effective eighteen (18) months after the date of its issuance.
17 Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have
18 submitted the required evidence of course completion and the Commissioner has given written
19 notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 3/11/04

4 Dated


5 _____
6 GREGORY PHILIP ERNST, Respondent

7 ***

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

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

16 This Order is effective immediately.

17 IT IS SO ORDERED

April 2, 2004


18 _____
19 JOHN E. LIBERATOR
20 Acting Real Estate Commissioner

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St. #350
4 Los Angeles, CA 90013

4 (213) 576-6982
5 (213) 576-6914

FILED
MAR - 1 2004
DEPARTMENT OF REAL ESTATE

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H-30738 LA
12)
13 GREGORY PHILIP ERNST,) 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 GREGORY PHILIP ERNST ("Respondent"), alleges in her
19 official capacity as follows:

20 1.

21 On or about January 15, 2003, pursuant to the
22 provisions of Section 10153.3 of the Business and Professions
23 Code ("Code"), Respondent made application to the Department of
24 Real Estate of the State of California for a real estate
25 salesperson license with the knowledge and understanding that any
26 license issued as a result of said application would be subject
27 to the conditions of Section 10153.4 of the Code.

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2.

Effective on or about January 29, 2002, Respondent's prior application for a real estate salesperson license was denied, pursuant to Business and Professions Code Sections 10177(b) and 480(a) due to the conviction set forth in Paragraph 3 below.

3.

On or about May 6, 1999, in the Superior Court of California, County of Los Angeles, in Case No. NA039721, Respondent was convicted of one count of violating California Health and Safety Code Section 11378 (possession of controlled substance for sale), a felony and crime of moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee. Respondent was sentenced to three years probation, the terms and conditions of which included serving 180 days in jail or in a live-in program, registration as a narcotics offender, and payment of fines. On or about May 30, 2002, Respondent's probation was terminated, his plea of guilty set aside, and the case was dismissed pursuant to Penal Code Section 1203.4.

4.

The Department's prior denial of Respondent's application for a real estate salesperson license, as set forth in Paragraph 2 above, constitutes grounds for denial of Respondent's application for a real estate salesperson license pursuant to Business and Professions Code Section 10177(f).

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5.

Respondent's conviction, as set forth in Paragraph 3, above, constitutes grounds for denial of Respondent's application for a real estate license pursuant to Code Sections 480(a) and 10177(b).

These proceedings are 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.

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 GREGORY PHILIP ERNST and for such other and further relief as may be proper under the law.

Dated at Los Angeles, California

this 27th day of February, 2004.


Deputy Real Estate Commissioner

cc: Gregory Philip Ernst
Sacto.
Maria Suarez
TF