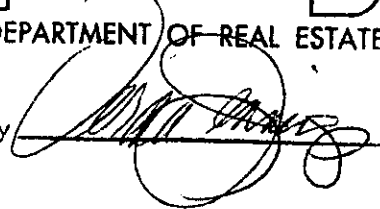


SAAD
1/1/09

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
OCT - 4 2010
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ROBERT SALVATORE SALAMONE,

Respondent.

No. H-30742 LA

ORDER DENYING REINSTATEMENT OF LICENSE AND
GRANTING RIGHT TO A RESTRICTED LICENSE

On April 2, 2004, a Decision was rendered providing for the surrender of the real estate broker license of Respondent.

On January 23, 2008, Respondent petitioned for reinstatement of Respondent's real estate broker license. The Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license, in that:

///
///

On or about November 6, 2002, Respondent was convicted of violating 18 USC 1343 (wire fraud), a felony.

Said crime involves moral turpitude and is substantially related to the functions, qualifications and duties of a real estate licensee pursuant to Section 2910, Title 10, Chapter 6, California Code of Regulations ("Regulations").

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

The Department has developed criteria in Section 2911 of Title 10, California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

Regulation 2911(k) – correction of business practices

Respondent has provided such proof..

Given the violations found and the fact that Respondent has not established that Respondent has complied with Regulation 2911(k) I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate broker license.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate broker license is denied.

I am satisfied, however, that it will not be against the public interest to issue a restricted real estate broker license to Respondent.

A restricted real estate broker license shall be issued to Respondent pursuant to Code Section 10156.5 if Respondent within twelve (12) months from the date hereof providing

Respondent::

(a) qualifies for, takes and passes the written examination required to obtain a real estate broker license;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(b) makes application and pays the appropriate fee for said license;

The restricted license issued to Respondent shall be subject to all of the provisions of Code Section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of Code Section 10156.6:

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

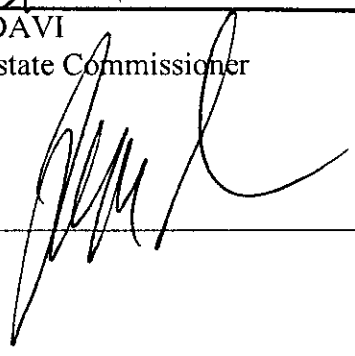
2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, Regulations of the Real Estate Commissioner or conditions attaching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

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

This Order shall become effective at 12 o'clock noon on July 25 2010

IT IS SO ORDERED 6/23/2010

JEFF DAVI
Real Estate Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
APR - 7 2004
DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-30742 LA
)	
ROBERT SALVATORE SALAMONE,)	
)	
)	
)	
Respondent.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On March 2, 2004, an Accusation was filed in this matter against Respondent ROBERT SALVATORE SALAMONE.

On March 16, 2004, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent ROBERT SALVATORE SALAMONE's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated March 16, 2004


1 (attached as Exhibit "A" hereto). Respondent's license
2 certificate(s), pocket card(s) and any branch office license
3 certificate(s) shall be sent to the below listed address so that
4 they reach the Department on or before the effective date of this
5 Order:

6 Department of Real Estate
7 Atten: Licensing Flag Section
8 P.O. Box 187000
9 Sacramento, CA 95818-7000

10 This Order shall become effective at 12 o'clock noon
11 on April 27, 2004.

12 DATED: April 2, 2004.

13 JOHN R. LIBERATOR
14 Acting Real Estate Commissioner

15 
16 _____

1 I understand that by so voluntarily surrendering my
2 license, it can only be reinstated in accordance with the
3 provisions of Section 11522 of the Government Code. I also
4 understand that by so voluntarily surrendering my license, I
5 agree to the following:

6 The filing of this Declaration shall be deemed as my
7 petition for voluntary surrender. It shall also be deemed to be
8 an understanding and agreement by me that I waive all rights I
9 have to require the Commissioner to prove the allegations
10 contained in the Accusation filed in this matter at a hearing
11 held in accordance with the provisions of the Administrative
12 Procedure Act (Sections 11400 et seq. of the Government Code),
13 and that I also waive other rights afforded to me in connection
14 with the hearing such as the right to discovery, the right to
15 present evidence in defense of the allegations in the Accusation
16 and the right to cross-examine witnesses. I further agree that
17 upon acceptance by the Commissioner, as evidenced by an
18 appropriate order, all affidavits and all relevant evidence
19 obtained by the Department in this matter prior to the
20 Commissioner's acceptance, and all allegations contained in the
21 Accusation filed in the Department Case No. H-30742 LA, may be
22 considered by the Department to be true and correct for the
23 purpose of deciding whether or not to grant reinstatement of my
24 license pursuant to Government Code Section 11522.

25 Respondent can signify acceptance and approval of
26 the terms and conditions of this Declaration by faxing a copy
27 of its signature page, as actually signed by Respondent, to

1 the Department at the following telephone/fax number: (213)
2 576-6917. Respondent agrees, acknowledges and understands
3 that by electronically sending to the Department a fax copy of
4 his actual signature as it appears on the Declaration, that
5 receipt of the faxed copy by the Department shall be as
6 binding on Respondent as if the Department had received the
7 original signed Declaration.

8 I declare under penalty of perjury under the laws of
9 the State of California that the above is true and correct and
10 that I freely and voluntarily surrender my license and all
11 license rights attached thereto.

12 3.16.04 Whittier 
13 Date and Place Ca ROBERT SALVATORE SALAMONE

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

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013-1105

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

FILED
MAR - 2 2004
DEPARTMENT OF REAL ESTATE

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-30742 LA
12)
13 ROBERT SALVATORE SALAMONE,) A C C U S A T I O N
14 dba Re Max Classic Real Estate,)
15 Respondent.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against ROBERT SALVATORE SALAMONE, dba Re Max Classic Real Estate
19 (hereinafter "Respondent"), is informed and alleges as follows:

20 1.

21 The Complainant, Maria Suarez, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 her official capacity.

24 2.

25 At all times herein mentioned, Respondent was and still
26 is licensed and/or has license rights under the Real Estate Law
27

1 (Part 1 of Division 4 of the Business and Professions Code). At
2 all times mentioned herein, Respondent was licensed as a real
3 estate broker. Respondent was first licensed by the Department
4 as a real estate broker in 1990. Prior to that, beginning in
5 1975, Respondent was licensed as a real estate salesperson.

6 Prior Discipline

7 3.

8 On or about September 15, 1999, in Department of Real
9 Estate Case No. H-27899 LA, Respondent's real estate broker
10 license was suspended for five days, which suspension was stayed
11 for one year, upon findings that Respondent violated Business and
12 Professions Code Section 10137 and Title 10, Chapter 6 of the
13 California Code of Regulations, Regulation 2752.

14 Criminal Conviction

15 4.

16 On or about November 6, 2002, in the United States
17 District Court, Central District of California, in Case No.
18 SACR 02-156(A)-GLT, Respondent was convicted of violating 18
19 U.S.C 1343,2(b) (wire fraud; causing an act to be done), a felony
20 and crime of moral turpitude which is substantially related to
21 the qualifications, functions and duties of a real estate
22 licensee. Respondent was sentenced to serve five months in
23 prison, followed by two years supervised release, and was ordered
24 to make restitution in the amount of \$92,842.00 as well as pay a
25 fine of \$3,000.00.

26 5.

27 The facts and circumstances leading to Respondent's

1 WHEREFORE, the Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondent
5 ROBERT SALVATORE SALAMONE, dba Re Max Classic Real Estate, under
6 the Real Estate Law and for such other and further relief as may
7 be proper under applicable provisions of law.

8 Dated at Los Angeles, California
9 this 27th day of February, 2004.

10
11 
12 Deputy Real Estate Commissioner
13
14
15
16
17
18
19

20 cc: Robert Salvatore Salamone
21 Sacto.
22 Maria Suarez
23 EE
24
25
26
27