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DEPARTMENT OF REAL ESTATE

By L. Amst

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of  
IRWIN DONALD ARCHER,  
Respondent.

No. H-30837 LA

ORDER GRANTING UNRESTRICTED LICENSE

On May 14, 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 June 19, 2004, and Respondent has operated as a restricted licensee since that time.

On February 1, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

1                    NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of  
2 restrictions is granted and that a real estate salesperson license be issued to Respondent if, within  
3 twelve (12) months from the date of this Order, Respondent shall:

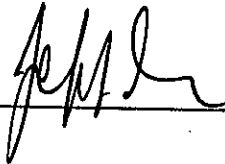
4                    1.    Submit a completed application and payment of the fee for a real estate  
5 salesperson license.

6                    2.    Submit evidence of having, since the most recent issuance of an original or  
7 renewal real estate license, taken and successfully completed the continuing education  
8 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate  
9 license.

10                   This Order shall become effective immediately.

11                   IT IS SO ORDERED    10-14-09  
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13                   JEFF DAVI  
14                   Real Estate Commissioner

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1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

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JUN - 9 2004  
DEPARTMENT OF REAL ESTATE

*[Signature]*

7 **DEPARTMENT OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of*

11  
12 IRWIN DONALD ARCHER,

13  
14 Respondent

)  
) No. H- 30837 LA  
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)

) **STIPULATION AND**  
) **WAIVER**  
)  
)

15 I, IRWIN DONALD ARCHER, respondent herein, do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have  
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee  
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
20 filed by the Department of Real Estate on April 7, 2004, in connection with my application for a real estate  
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of  
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other  
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate  
24 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of  
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory  
26 showing that I meet all the requirements for issuance of a real estate salesperson license. I further  
27 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 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.

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 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
7 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
8 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending  
9 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt  
10 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received  
11 the original signed Stipulation and Waiver.

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13 \_\_\_\_\_  
14 Dated

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16 IRWIN DONALD ARCHER, Respondent  
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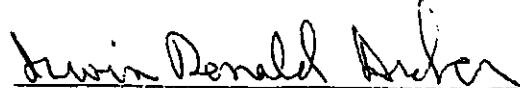
1 a. That broker has read the Statement of Issues which is the basis for the issuance of the  
2 restricted license; and

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 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
7 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
8 number (213) 576 6917. Respondent agrees, acknowledges and understands that by electronically sending  
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10 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received  
11 the original signed Stipulation and Waiver.

12 4/26/04

13 \_\_\_\_\_  
14 Dated

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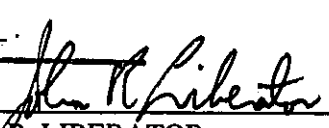
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public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

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

This Order is effective immediately.

IT IS SO ORDERED

May 14, 2004

  
JOHN R. LIBERATOR  
Acting Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

*[Signature]*

JAMES R. PEEL, Counsel (SBN 47055)  
Department of Real Estate  
320 West Fourth Street, Ste. 350  
Los Angeles, California 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 )	No. H-30837 LA
IRWIN DONALD ARCHER, )	<u>STATEMENT OF ISSUES</u>
Respondent. )	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against IRWIN DONALD ARCHER (Respondent) is informed and alleges in her official capacity as follows:

I

On or about June 26, 2003, Respondent applied to the Department of Real Estate of the State of California for a real estate salesperson license.

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II

In response to Question 25 of said application, to wit, "Have you ever been convicted of any violation of law?", Respondent answered "Yes", and disclosed convictions for driving under the influence, domestic violence, and fighting in public.

III

On or about July 25, 1988, Respondent was convicted of violating Penal Code Section 415 (disturbing the peace).

IV

On or about March 23, 1990, Respondent was convicted of violating Penal Code Section 273.5(A) (inflict corporal injury on spouse), a crime involving moral turpitude.

V

On or about June 26, 1997, in the Municipal Court of California, County of Organge, Respondent was convicted of violating Penal Code Section 273.5(A) (inflict corporal injury on spouse), a crime involving moral turpitude..

VI

On or about February 22, 2002, in the Superior Court of California, County of San Barnardino, Respondent was convicted of violating Vehicle Code Section 23152(a) (driving under the influence).

VII

The matters referred to in Paragraphs III, IV, V, and VI are substantially related to the duties, functions, and qualifications, of a real estate licensee.

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VIII

The matters referred to in Paragraphs III, IV, V, and VI, are grounds to deny Respondent's application for a real estate license under Sections 480 and 10177(b) of the Business and Professions Code.

IX

Respondent's failure to reveal the matter set forth in Paragraph IV in said application constitutes the attempted procurement of a real estate license by fraud, misrepresentation, and deceit, or by making a material misstatement of fact in the application or by knowingly making a false statement of fact required to be revealed in said application, which failure is cause for denying Respondent's application for a real estate license under Sections 480(c) and 10177(b) of the Business and Professions Code of the State of California.

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.

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, IRWIN DONALD ARCHER, and for such other and further relief as may be proper in the premises.

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1 Dated at Los Angeles, California,

2 this 30th day of March 2004

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5 Deputy Real Estate Commissioner  
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10 cc: Irwin Donald Archer  
11 McKenna & James, Inc.  
12 Maria Suarez  
13 Sacto.  
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