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**FILED**  
DEC - 5 2008  
DEPARTMENT OF REAL ESTATE

*Handwritten signature:*  
K. Medelsohn

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-31141 LA  
RICHARD JOEL MASLAN, )  
Respondent. )

ORDER DENYING REINSTATEMENT OF LICENSE

On December 15, 2004, an Order was rendered herein accepting Respondent's petition for voluntary surrender of his real estate salesperson license. Said Order was effective January 10, 2005.

On or about April 24, 2007, Respondent petitioned for reinstatement of said license and 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

1 undergone sufficient rehabilitation to warrant the reinstatement  
2 of Respondent's real estate salesperson license, in that:

3 I

4 On August 4, 2004, an Accusation was filed by the  
5 Department of Real Estate ("Department"), against Respondent.  
6 The Accusation stated the following: On or about October 22,  
7 2002, in the Superior Court of California, County of Los  
8 Angeles, Respondent was convicted of eight (8) counts of  
9 violating Penal Code Section 487(a) (grand theft by  
10 embezzlement).

11 Respondent was ordered to pay restitution to three (3)  
12 separate victims, in the amount of \$1,192,109, \$ 237,355.40 and  
13 \$ 367,076.

14 Said crimes were felonies involving moral turpitude,  
15 and bear a substantial relationship to the qualifications,  
16 functions or duties of a real estate licensee pursuant to  
17 Section 2910, Title 10, Chapter 6, California Code of  
18 Regulations ("Regulations").

19 Said conviction constituted cause to revoke or suspend  
20 Respondent's real estate license and license rights pursuant to  
21 Sections 490 and 10177(b) of the California Business and  
22 Professions Code.

23 Respondent, in his Declaration of petition to  
24 surrender his real estate license, stated that all allegations  
25 contained in Accusation H-31141 LA may be considered by the  
26 Department to be true and correct for the purpose of deciding  
27 whether or not to grant reinstatement of his license.

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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 Regulation 2911 to assist in evaluating the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

2911 (b) & (j) - Respondent has not provided proof that Respondent has paid restitution ordered by the court, or that he has made bona fide efforts toward paying said monetary obligations.

2911 (c) - Respondent has not provided proof that Respondent's conviction has been expunged.

2911 (j) - Respondent has not provided proof that he has paid or made bona fide efforts to pay one State tax lien and two Federal tax liens filed against him in 2002, 2003 and 2004; or that he has paid two civil judgments against him.

Given the fact that Respondent has not established that Respondent has complied with Regulations 2911(b), 2911(c), and 2911(j), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

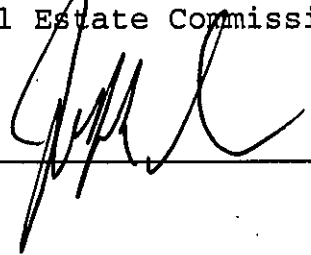
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NOW, THEREFORE, IT IS ORDERED that Respondent's  
petition for reinstatement of Respondent's real estate  
salesperson license is denied.

This Order shall become effective at 12 o'clock noon  
DEC 26 2008  
on \_\_\_\_\_.

DATED: 11-25-08

JEFF DAVI  
Real Estate Commissioner

  
\_\_\_\_\_

**FILED**  
DEC 20 2004  
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-31141 LA
	)	
RICHARD JOEL MASLAN,	)	L-2004080559
	)	
	)	
	)	
Respondent.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On August 4, 2004; an Accusation was filed in this matter against Respondent RICHARD JOEL MASLAN.

On December 7, 2004, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent RICHARD JOEL MASLAN's petition for voluntary surrender of his real estate salesperson 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


1 December 7, 2004 (attached as Exhibit "A" hereto). Respondent's  
2 license certificate and pocket card shall be sent to the below  
3 listed address so that they reach the Department on or before the  
4 effective date of this Order:

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

8 This Order shall become effective at 12 o'clock noon  
9 on January 10, 2005.

10 DATED: December 15 2004.

11  
12 JEFF DAVI  
13 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	No. H-31141 LA
RICHARD JOEL MASLAN, )	OAH No.L-2004080559
Respondent. )	

DECLARATION

My name is RICHARD JOEL MASLAN and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

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-31141 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 12/7/04 Beverly Hills, Ca.  
13 Date and Place

  
14 RICHARD JOEL MASLAN

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SAC

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

In the Matter of the Accusation of )  
 )  
**RICHARD JOEL MASLAN,** )  
 )  
 )  
\_\_\_\_\_ )  
Respondent (s)

Case No. H-31141 LA

OAH No. L-2004080559

**FILED**  
SEP 21 2004  
DEPARTMENT OF REAL ESTATE

**NOTICE OF HEARING ON ACCUSATION**

**To the above-named Respondent (s):**

**You are hereby notified** that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on THURSDAY, DECEMBER 9, 2004, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation 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.

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 his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: September 21, 2004

By Martha J. Rosett  
MARTHA J. ROSETT, Counsel

cc: Richard Joel Maslan  
Hilton & Hyland Real Estate, Inc.  
Sacto.  
OAH

5.02

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) 576-6907

**FILED**  
AUG - 4 2004  
DEPARTMENT OF REAL ESTATE

~~\_\_\_\_\_~~

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of ) No. H-31141 LA  
12 )  
13 RICHARD JOEL MASLAN, ) A C C U S A T I O N  
14 )  
15 Respondent. )

16 The Complainant, Janice Waddell, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against RICHARD JOEL MASLAN (hereinafter "Respondent") is  
19 informed and alleges as follows:

20 1.

21 The Complainant, Janice Waddell, 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 (Part 1 of Division 4 of the Business and Professions Code,

1 hereinafter "Code"). At all times mentioned herein, Respondent  
2 was licensed as a real estate salesperson. Respondent was first  
3 licensed by the Department on or about February 21, 2001.

4 3.

5 On or about October 22, 2002, in the Superior Court of  
6 California, County of Los Angeles, in case number BA214581,  
7 Respondent was convicted by a jury of eight (8) counts of  
8 violating Penal Code Section 487(a) (Grand Theft by  
9 Embezzlement), a crime of moral turpitude, which is substantially  
10 related to the qualifications, functions and duties of a real  
11 estate licensee pursuant to Title 10, Chapter 6 of the California  
12 Code of Regulations, Regulation 2910(a)(8). As to five of the  
13 eight counts, Respondent was also found the amount of property  
14 stolen exceeded \$100,000.00. Following an appeal of the  
15 sentencing, on or about December 16, 2003, Respondent was  
16 sentenced to serve thirty-two months in the Department of  
17 Corrections Restitution Center. Respondent was also ordered to  
18 pay three separate victims restitution in the following amounts:

- 19 a) Manny Gordon Trading: \$1,192,109.00;  
20 b) Irving Nelkins Co.: \$ 237,355.40; and  
21 c) Rima Investors Cash; \$ 367,076.00.

22 4.

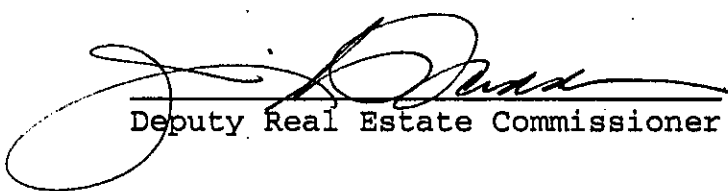
23 Respondent's conviction, as set forth in Paragraph 3  
24 above, constitutes grounds to suspend or revoke Respondent's real  
25 estate license and license rights pursuant to Code Sections  
26 10177(b) and 490.

27 ///

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 RICHARD JOEL MASLAN under the Real Estate Law and for such other  
6 and further relief as may be proper under applicable provisions  
7 of law.

8 Dated at Los Angeles, California

9 this 30 day of July, 2004.

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12 Deputy Real Estate Commissioner  
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25 cc: Richard Joel Maslan  
26       Hilton & Hyland Real Estate Inc./Jeffrey Jonathon Hyland  
27       Sacto.  
       Janice Waddell  
       DW