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SHANNON M. CHAMBERS, Counsel (SBN 212459)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6916

FILED
JAN 31 2005
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-31363 LA
)	L-2004110052
SCOTT GEORGE SAMUEL)	
)	STIPULATION AND
)	WAIVER
Respondent.)	
)	

It is hereby stipulated between SCOTT GEORGE SAMUEL, hereinafter ("Respondent") and the Complainant, acting by and through SHANNON M. CHAMBERS, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on October 7, 2004 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of

1 requiring further proof of Respondent's honesty and truthfulness
2 and to prove other allegations therein, or that he may in his
3 discretion waive the hearing and grant Respondent a restricted
4 real estate salesperson license based upon this Stipulation and
5 Waiver. Respondent also understands that by filing the
6 Statement of Issues in this matter the Real Estate Commissioner
7 is shifting the burden to Respondent to make a satisfactory
8 showing that Respondent meets all of the requirements for
9 issuance of a real estate salesperson license. Respondent
10 further understands that by entering into this stipulation and
11 waiver, Respondent will be stipulating that the Real Estate
12 Commissioner has found that the Respondent has failed to make
13 such a showing, thereby justifying the denial of the issuance to
14 Respondent of an unrestricted real estate salesperson license.

15 Respondent hereby admits the allegations of the
16 Statement of Issues filed against Respondent are true and
17 correct and requests that the Real Estate Commissioner in his
18 discretion issue a restricted real estate salesperson license to
19 Respondent under the authority of Section 10156.5 of the
20 Business and Professions Code.

21 Respondent is aware that by signing this Stipulation
22 and Waiver, Respondent is waiving Respondent's right to a
23 hearing and the opportunity to present evidence at the hearing
24 to establish Respondent's rehabilitation in order to obtain an
25 unrestricted real estate salesperson license if this Stipulation
26 and Waiver is accepted by the Real Estate Commissioner.
27

1 However, Respondent is not waiving Respondent's right to a
2 hearing and to further proceedings to obtain a restricted or
3 unrestricted license if this Stipulation and Waiver is not
4 accepted by the Commissioner.

5 Respondent further understands that the following
6 terms, conditions, limitations, and restrictions will attach to
7 a restricted license issued by the Department of Real Estate
8 pursuant hereto:

9
10 1. The license shall not confer any property right in the
11 privileges to be exercised including the right of
12 renewal, and the Real Estate Commissioner may by
13 appropriate order suspend the right to exercise any
14 privileges granted under this restricted license in
15 the event of:

16
17 a. The conviction of Respondent (including a plea of
18 nolo contendere) to a crime which bears a
19 substantial relationship to Respondent's fitness
20 or capacity as a real estate licensee; or

21 b. The receipt of evidence that Respondent has
22 violated provisions of the California Real Estate
23 Law, the Subdivided Lands Law, Regulations of the
24 Real Estate Commissioner or conditions attaching
25 to this restricted license.

26 2. Respondent shall not be eligible to apply for the
27 issuance of an unrestricted license nor the removal of

1 any of the terms, conditions, limitations, or
2 restrictions attaching to the restricted license until
3 two years have elapsed from the date of issuance of
4 the restricted license to Respondent.

5 3. With the application for license, or with the
6 application for transfer to a new employing broker,
7 Respondent shall submit a statement signed by the
8 prospective employing broker on a form approved by the
9 Department of Real Estate wherein the employing broker
10 shall certify as follows:

11 a. That broker has read the Statement of Issues
12 which is the basis for issuance of the
13 restricted license; and

14 b. That broker will carefully review all
15 transaction documents prepared by the
16 restricted licensee and otherwise exercise
17 close supervision over the licensee's
18 performance of acts for which the license is
19 required.
20

21 4. During the term of any restricted license, Respondent
22 shall submit to the Department of Real Estate as of
23 the last day of each March, June, September, and
24 December, proof satisfactory to the Real Estate
25 Commissioner of Respondent's ongoing participation and
26 attendance in a recognized Substance Abuse Program.
27 Said proof shall be submitted to the Crisis Response

Team Manager of the Los Angeles Office of the

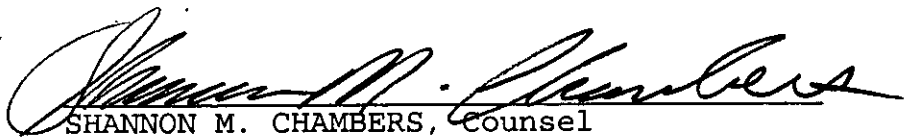
Department of Real Estate and shall be verified as true and accurate by Respondent under penalty of perjury.

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

6. Pursuant to Section 10154, if I have not satisfied the
requirements for an unqualified license under Section
10153.4, Respondent shall not be entitled to renew the

1 restricted license, and shall not be entitled to the
2 issuance of another license which is subject to
3 Section 10153.4 until four years after the date of the
4 issuance of the preceding restricted license.

5
6 1-12-05
7 Dated


SHANNON M. CHAMBERS, Counsel
Department of Real Estate

8 * * *

9
10 I have read the Stipulation and Waiver, and its terms
11 are understood by me and are agreeable and acceptable to me. I
12 understand that I am waiving rights given to me by the
13 California Administrative Procedure Act (including but not
14 limited to Sections 11506, 11508, 11509, and 11513 of the
15 Government Code), and I willingly, intelligently, and
16 voluntarily waive those rights, including the right of a hearing
17 on the Statement of Issues at which I would have the right to
18 cross-examine witnesses against me and to present evidence in
19 defense and mitigation of the charges.
20

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

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that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

1/7/05
Dated SCOTT GEORGE SAMUEL, Respondent

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver is 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, 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 1-25-05
JEFF DAVIS
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

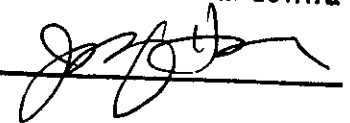
STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-31363 LA
)
SCOTT GEORGE SAMUEL,) OAH No. L-2004110052
)
 _____)
 Respondent

FILED
 NOV 22 2004
 DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

To the above-named Respondent(s):

By 

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, JANUARY 20, 2005, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

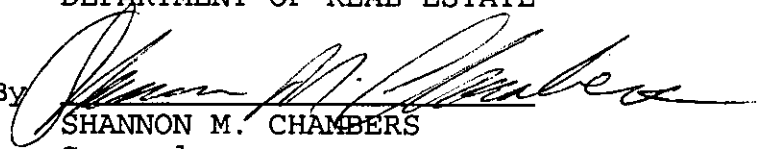
The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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: November 22, 2004

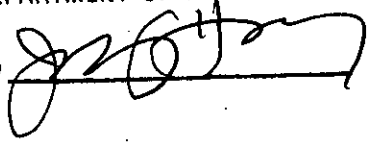
By 
 SHANNON M. CHAMBERS
 Counsel

cc: Scott G. Samuel
 Woodbridge Homefinders Inc.
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 OAH
 RE 500 (Rev. 8/97)

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FILED
OCT 07 2004
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-31363 LA
)	
SCOTT GEORGE SAMUEL)	
)	<u>STATEMENT OF ISSUES</u>
)	
Respondent.)	
)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against SCOTT GEORGE SAMUEL ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues against Respondent in her official capacity.

///
///
///

2.

1 Respondent made application to the Department of Real
2 Estate of the State of California for a real estate salesperson
3 license on or about February 9, 2004, with the knowledge and
4 understanding that any license issued as a result of said
5 application would be subject to the conditions of Business and
6 Professions Code ("Code") Section 10153.4.
7

8 3.

9 (CRIMINAL CONVICTIONS)

10 On or around November 13, 2000, in Superior Court of
11 California, County of Orange, Harbor Justice Center, State of
12 California, in Case No.00HF0534, Respondent SCOTT GEORGE SAMUEL,
13 was convicted of violating California Health and Safety Code
14 ("Health and Safety Code") Section 11378(B) (Possession of a
15 Controlled Substance MDMA); Health and Safety Code Section
16 11377(b) (Possession of Controlled Substance For Sale Anabolic
17 Steroids); Health and Safety Code Section 11377(a) (Possession
18 of Controlled Substance (Ecstasy) and convicted of violating
19 California Business and Professions Code Section 4140
20 (Possession of Hypodermic Needle Syringe). These crimes involve
21 moral turpitude and are substantially related under Title 10,
22 Chapter 6, Section 2910, California Code of Regulations, to the
23 qualifications, functions or duties of a real estate licensee.
24

25 4.

26 On or around November 29, 2000, in Superior Court of
27 California, County of Orange, State of California, in Case

1 No.SH99SF0678, Respondent SCOTT GEORGE SAMUEL, was convicted of
2 violating California Health and Safety Code ("Health and Safety
3 Code") Section 11378(A) (Possession of a Controlled Substance
4 Methylenedioxxymethamphetamine); Health and Safety Code Section
5 11350(A) (Possession of Narcotic/Controlled Substance Cocaine),
6 and convicted of violating California Business and Professions
7 Code Section 4140 (Possession of Hypodermic Needle Syringe).
8 These crimes involve moral turpitude and are substantially
9 related under Title 10, Chapter 6, Section 2910, California Code
10 of Regulations, to the qualifications, functions or duties of a
11 real estate licensee.

12 5.

13 The crimes of which Respondent was convicted as
14 alleged herein above in Paragraphs 3, and 4, constitutes cause
15 for denial of Respondent's application for a real estate license
16 under Code Sections 475(a)(2); 480 (a)(1) and or 10177(b).
17

18 The Statement of Issues is brought under the
19 provisions of Section 10100, Division 4 of the Business and
20 Professions Code of the State of California and Sections 11500
21 and 11529 of the Government Code.

22 ///

23 ///

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1 WHEREFORE, Complainant prays that the above entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent, SCOTT GEORGE SAMUEL, and for such other
6 and further relief as may be proper under other provisions of
7 law.

8 Dated at Los Angeles, California

9 this 20th day of September, 2004.

10
11 
12 Maria Suarez
13 Deputy Real Estate Commissioner

14 Cc: SCOTT GEORGE SAMUEL
15 Michael T. Collins - Woodbridge Homefinders Incorporated
16 Maria Suarez
17 LA.
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