

*Back
2/14/06*

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
FEB 14 2006
DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-32284 LA
)	
MICHAEL ANTHONY SCHWABLE,)	
)	
Respondent.)	
)	
)	

DISMISSAL

On January 11, 2006, respondent withdrew his application for a real estate salesperson license and his Notice of Defense requesting a hearing. The Statement of Issues herein filed on October 31, 2005, against respondent MICHAEL ANTHONY SCHWABLE is dismissed.

IT IS SO ORDERED this 12 day of February, 2006.

JEFF DAVI
Real Estate Commissioner

[Signature]

Handwritten initials/signature in the top left corner.

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

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED
OCT 31 2005
DEPARTMENT OF REAL ESTATE

By *K. Niederhelt*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-32284LA
MICHAEL ANTHONY SCHWABLE,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against MICHAEL ANTHONY SCHWABLE (Respondent) is informed and alleges in her official capacity as follows:

1.

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about May 10, 2004, with the knowledge and understanding that any license issued as a result of said application would be subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

2.

1
2 In response to Question 25 of said license application,
3 to wit: "Have you ever been convicted of any violation of law?
4 Convictions expunged under Penal Code Section 1203.4 must be
5 disclosed. However, you may omit minor traffic citations which
6 do not constitute a misdemeanor or felony offense." Respondent
7 checked the box denoting "Yes", but failed to disclose the
8 convictions set forth below.

9
10 3.

11 On October 23, 2004, in the Superior Court of
12 California, County of Los Angeles, in Case No. 4DW06583,
13 respondent was convicted upon a plea of nolo contendere to one
14 count of Penal Code Section 484(a) (theft of personal property),
15 a misdemeanor.

16
17 4.

18 On April 30, 2003, in the Superior Court of California,
19 County of Los Angeles, in Case No. 2JM10711, respondent was
20 convicted upon a plea of nolo contendere to one count of Penal
21 Code Section 415(1) (challenge to fight in public with the
22 underlying conduct being inflicting corporal injury on spouse), a
23 misdemeanor.

24
25 5.

26 On November 17, 1997, in the Superior and Municipal
27 Courts of California, County of San Bernardino, in Case No.

1 MVA01596, respondent was convicted upon a plea of nolo contendere
2 to one count of Penal Code Section 242 (battery), a misdemeanor.

3
4 6.

5 On March 31, 1997, in the Municipal Court of Monrovia
6 Courthouse Judicial District, County of Los Angeles, State of
7 California, in Case No. 7SA00102, respondent was convicted upon a
8 plea of nolo contendere to one count of Penal Code Section 602(1)
9 (trespass to occupied property without consent), a misdemeanor.
10

11 7.

12 On April 11, 1997, in the Municipal Court of Pomona
13 Judicial District, County of Los Angeles, State of California, in
14 Case No. 7PM00889, respondent was convicted upon a plea of nolo
15 contendere to one count of Penal Code Section 166(a)(4)
16 (violation of restraining order) a misdemeanor.
17

18 8.

19 On July 17, 1991, in the Superior Court of California,
20 Los Angeles County Judicial District, County of Los Angeles, in
21 Case No. A09454222, respondent was convicted to one count of
22 Penal Code Section 594(a) (vandalism), a misdemeanor.

23 9.

24 On May 15, 1990, in the Superior Court of California, ,
25 in Case No. 907108341, respondent was convicted upon guilty pleas
26 to two counts of Penal Code Section 459 (burglary) and to one
27

1 count of Penal Code Section 484(g) (fraudulent use of credit
2 card), misdemeanors.

3 10.

4 These crimes, by their facts and circumstances, involve
5 moral turpitude and are substantially related under Section 2910,
6 Chapter 6, Title 10 of the California Code of Regulations, to the
7 qualifications, functions or duties of a real estate licensee.

8 11.

9 Respondent's failure to reveal the convictions set
10 forth above, in his application, constitutes an attempt to
11 procure a real estate license by fraud, misrepresentation or
12 deceit or by making a material misstatement of fact on his
13 application, which is cause for denial of respondent's
14 application for a real estate salesperson's license under Code
15 Sections 10177(a) and 480(c).
16

17 12.

18 These crimes constitutes cause for denial of
19 respondent's application for a real estate license under Sections
20 480(a) and/or 10177(b) of the Business and Professions Code.

21 These proceedings are brought under the provisions of
22 Section 10100, Division 4 of the California Business and
23 Professions Code and Sections 11500 through 11529 of the
24 California Government Code.

25 ///

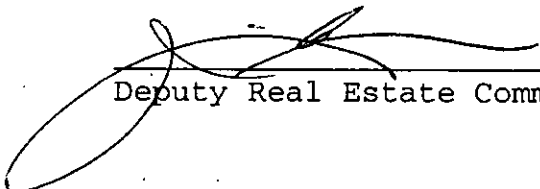
26 ///

27

1 WHEREFORE, the Complainant prays that 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 MICHAEL ANTHONY SCHWABLE, and for such
6 other and further relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this *12 August 2005*

9
10 
11 Deputy Real Estate Commissioner

12
13
14
15
16
17
18
19
20
21
22
23
24 cc: Michael Anthony Schwable
25 Colonial Properties Inc.
26 Janice Waddell
27 Sacto
LWA