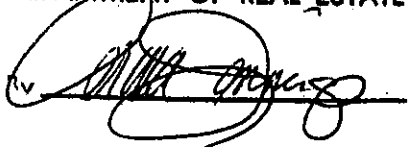


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DEC 8 7 2010
DEPARTMENT OF REAL ESTATE


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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)	No. H-32356 LA
)	
DAVID RAY PITNER,)	
)	
Respondent.)	
)	

ORDER GRANTING UNRESTRICTED LICENSE

On January 5, 2006, a Decision was rendered herein denying the real estate salesperson license of Respondent, 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 February 3, 2006, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about April 13, 2009, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following conditions:

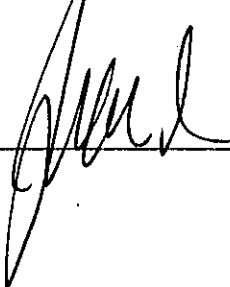
6 1. Submits a completed application and pays the fee for a real estate salesperson
7 license within the 12 month period following the date of this Order; and

8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed application,
11 or (ii) within the 12 month period following the date of this Order.

12 This Order shall be effective immediately.

13 Dated: 11-30-2010

14 JEFF DAVI
15 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

FILED
JAN 05 2006
DEPARTMENT OF REAL ESTATE

By _____

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

10 *In the Matter of the Application of*

11 DAVID RAY PITNER,

14 Respondent

)
) No. H- 32356 LA
)

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

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

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on December 21, 2005, in connection with my application for a real
20 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
21 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
22 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
26 further 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 requests 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. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
- 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
- 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
26
27

1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and

6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of a course in real estate practices and one of
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
18 the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

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

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 12/23/05
4 Dated

5 
6 DAVID RAY PITNER., Respondent

7 ***


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

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

16 This Order is effective immediately.

17 IT IS SO ORDERED January 5, 2006

18 Jeff Davi
19 Real Estate Commissioner

20 
21 By: DOLORES WEEKS
22 Regional Manager
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572
LISSETE GARCIA, Counsel (SBN 211552)
1 Department of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013-1105

3 Telephone: (213) 576-6982
4 (Direct) (213) 576-6914

FILED
DEC 21 2005
DEPARTMENT OF REAL ESTATE

By CS

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11
12 In the Matter of the Application of) NO. H-32356 LA
13 DAVID RAY PITNER,) STATEMENT OF ISSUES
14 Respondent.)
15

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against DAVID RAY PITNER ("Respondent"), is informed and alleges
19 in her official capacity as follows:

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California ("Department") for a real
23 estate salesperson license on or about August 27, 2004, with the
24 knowledge and understanding that any license issued as a result
25 of said application would be subject to the conditions of
26 Business and Professions Code Section 10153.4.
27

FIRST CAUSE FOR DENIAL
(CRIMINAL CONVICTIONS)

II

On or about October 21, 1997, in the San Diego County Judicial District, State of California, Case No. CN067405, Respondent was convicted of violating Vehicle Code Section 23103(a) (Reckless Driving). Respondent was placed on probation for two (2) years, the terms and conditions of which included completing five (5) days Work Release Program in lieu of jail, and payment of court fines. This conviction is substantially related under Sections 2910(a)(8), Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

III

On or about February 15, 2001, in the Tahoe Justice Court, State of Nevada, in Case No. 09404796, Respondent was convicted of a violation of DCC 9.24.030 (Disorderly Conduct), a misdemeanor, after exposing his buttocks to a security guard at Caesar's Tahoe Casino Hotel. Respondent was ordered to pay a fine of \$186.00.

The crimes of which Respondent was convicted, as alleged in Paragraphs II and III above, constitute cause for denial of Respondent's application for a real estate license under Business and Professions Code Sections 475(a)(2), 480(a) and 10177(b).

FAILURE TO REVEAL CONVICTION

IV

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3 In response to Question 25 of the license application,
4 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
5 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
6 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
7 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE". Respondent
8 did not respond and failed to reveal the conviction described in
9 Paragraph III, above.

V

10
11 Respondent's failure to disclose the conviction, as
12 set forth in Paragraph III, above, in his license application,
13 constitutes the attempt to procure a real estate license by
14 fraud, misrepresentation, or deceit, or by making a false
15 statement of material fact required to be revealed in said
16 application, which is grounds for denial of the issuance of a
17 license under Business and Professions Code Sections 475(a)(1),
18 480(c) and/or 10177(a).

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

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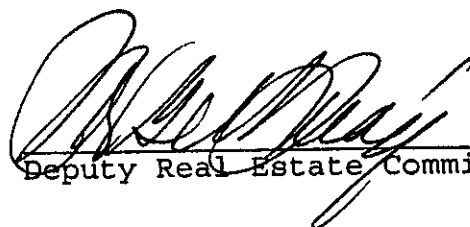
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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson license to Respondent, DAVID RAY PITNER,
6 and for such other and further relief as may be proper in the
7 premises.

8 Dated at Los Angeles, California

9 this 15th day of December, 2005.

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11 
12 Deputy Real Estate Commissioner
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24 cc: David Ray Pitner
25 Sacto.
26 Maria Suarez
27