

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN - 3 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

* * *

In the Matter of the Accusation of)
NATHAN MICHAEL BONES,)
Respondent.)
_____)

NO. H-32769 LA
OAH NO. N-2006100632

DECISION

The Proposed Decision dated December 1, 2006, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

This Decision shall become effective at 12 o'clock noon
on January 23, 2007.

IT IS SO ORDERED

JEFF DAVIS
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

NATHAN MICHAEL BONES,

Respondent.

Case No. H-32769 LA

OAH No. N2006100632

PROPOSED DECISION

This matter came on regularly for hearing before Jaime René Román, Administrative Law Judge, Office of Administrative Hearings, State of California, in Sacramento, California, on November 21, 2006.

Daniel Kehew, Staff Counsel, Department of Real Estate, State of California, represented complainant Maria Suarez, Deputy Real Estate Commissioner, State of California.

Nathan Michael Bones (respondent) appeared and represented himself.

Evidence was received and the matter submitted on November 21, 2006.

FACTUAL FINDINGS

1. On April 28, 2006, complainant Les R. Bettencourt, Deputy Real Estate Commissioner, Department of Real Estate (Department), State of California, filed the Accusation in his official capacity against respondent.
2. At all times relevant, respondent is licensed and/or has licensing rights under the Real Estate Law¹ as a real estate salesperson (No. 01326874).
3. On September 23, 2004, in the Superior Court of California, County of Orange, respondent, then 27 years old, was convicted of a violation of Vehicle Code section 4462.5 (displaying false evidence of automobile registration), a misdemeanor and crime of moral turpitude substantially related to the qualifications, functions or duties of a real estate licensee. Respondent was placed on probation for three years and ordered, inter alia, to pay a \$350 fine.

¹ Part 1 of Division 4 of the Business and Professions Code.

4. Respondent, 29 years old, readily acknowledges his singular conviction. A college student, he sought to reduce the fiscal expense of automobile registration renewal by accepting a friend's offer to provide respondent with another vehicle's registration. Respondent, having suffered the ignominy of this conviction and its consequences, readily acknowledges his personal lapse in judgment.

Circumstances in Aggravation

5. Respondent remains on probation to the Superior Court.

6. Respondent failed to advise his real estate broker and employer of the instant proceeding and his underlying conviction and conduct.

Circumstances in Mitigation

7. The facts and circumstances underlying respondent's conviction occurred more than two years ago.

8. Respondent, a college graduate and newly married, has disengaged from the antics and puerile influences of college campus living. He seeks to maintain his licensure to contribute to the support of himself and his wife.

9. Respondent presented competent and credible evidence in the form of his wife, who has known him for four years. She testified to respondent's laudable moral character, insight, honesty, and responsibility. He clearly possesses the support and love of his wife.

10. Respondent was both candid and cooperative in this proceeding.

11. Respondent expressed and displayed sincere remorse.

12. What emerges in this proceeding is a young man who does not seek to shift responsibility for his conviction to others or demonstrate any bitterness for the ignominy surrounding his arrest and conviction. Maintaining and demonstrating an equanimity and acceptance of the sequence of events leading to this proceeding; it is readily apparent from the focus of the Superior Court, its rehabilitative efforts and direction, and this professional disciplinary action that respondent comprehends the import of his errant conduct on professional licensure.

LEGAL CONCLUSIONS

1. Cause exists to revoke or suspend the real estate salesperson's license of respondent for conviction of a crime of moral turpitude substantially related to the qualifications, functions or duties of a real estate licensee pursuant to the provisions of Business and Professions Code sections 490, and 10177, subdivision (b), and as set forth in Findings 2 and 3.

2. A fundamental objective of the Department is to protect the public, the licensed profession, maintain integrity, high standards, and preserve public confidence in the Department's licensure process.²

Against this backdrop, the law looks with favor on one who is reforming. Respondent has clearly demonstrated rehabilitation worthy of salutary consideration. It is equally apparent that it is a process that is progressing beyond his academic achievement or marital union. Accordingly, mindful of the conduct underlying the Accusation (Legal Conclusion 1) and the circumstances in aggravation (Findings 6 through 7) and mitigation (Findings 8 through 14); some ongoing Department scrutiny is warranted; however, the public interest will not be adversely affected by the continued issuance of a properly conditioned real estate salesperson's license to respondent.

ORDER

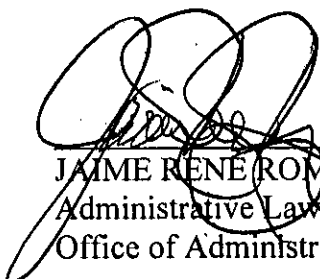
The real estate salesperson license issued to respondent Nathan Michael Bones (No. 01326874) by the Department of Real Estate, State of California, is revoked; provided, however, upon payment of any applicable fees, a restricted real estate salesperson license shall be issued to respondent pursuant to Business and Professions Code section 10156.5. The restricted license issued to respondent shall be subject to all of the provisions of Business and Professions Code section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of said Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
 - A. The conviction of respondent (including a plea of nolo contendere or admission or determination of a violation of court probation) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or
 - B. The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until four years have elapsed from the date of issuance of the restricted license.

² *Camacho v. Youde* (1975) 95 Cal.App.3d 161, 165; *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 816.

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by any prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:
 - (a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
 - (b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.
4. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.
5. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest. Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in respondent's custody and control and periodic summaries of salient information concerning each real estate transaction in which he engaged during the period covered by the report.

Dated: December 1, 2006


JAIME RENÉ ROMAN
Administrative Law Judge
Office of Administrative Hearings

Lucy

KELVIN K. LEE, Counsel (SBN 152867)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982
(Direct) (213) 576-6905

FILED
MAY - 2 2008
DEPARTMENT OF REAL ESTATE

By *Laura B. Jones*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-32769 LA
)
NATHAN MICHAEL BONES,) A C C U S A T I O N
)
Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against NATHAN MICHAEL BONES ("Respondent") alleges as follows:

I

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

II

Respondent is presently licensed and/or has license
rights under the Real Estate Law, Part 1 of Division 4 of the
California Business and Professions Code ("Code"), as a real
estate salesperson.

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III

Respondent made application to the Department of Real Estate of the State of California ("Department") for renewal of a real estate salesperson license on or about October 15, 2002. He was originally licensed by the Department as a real estate salesperson on January 2, 2002.

IV.

On or about September 23, 2004, in the Superior Court of California, County of Orange, Respondent NATHAN MICHAEL BONES, was convicted of one (1) count of violating Section 4462.5 of the California Vehicle Code (Displaying False Evidence of Automobile Registration). This crime involves moral turpitude, and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

V.

The crime of which Respondent was convicted, as described in paragraph IV above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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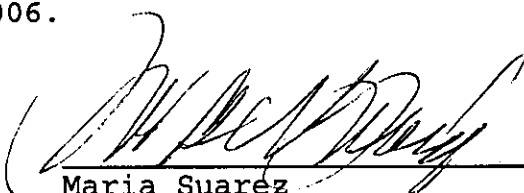
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, NATHAN MICHAEL BONES, under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code) and
7 for such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California, 2006

10 this 28th day of April, 2006.

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13 Maria Suarez
14 Deputy Real Estate Commissioner
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25 cc: NATHAN MICHAEL BONES
26 Elite Team Realty Inc.
27 Maria Suarez
Sacto.