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P.149

FILED
AUG 23 2011

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-34171 LA
)	
CASEY ALLEN FORESTER,)	
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 25, 2007, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to apply for a restricted salesperson license. On November 19, 2007, a restricted salesperson license was issued to Respondent.

On or about January 5, 2010, Respondent petitioned for reinstatement of said real estate salesperson license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

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.

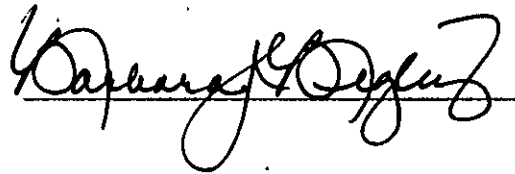
3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following requirements:

- 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
11 application, or (ii) within the 12 month period following the date of this Order.
12

13
14 This Order shall be effective immediately.

15 Dated: 6/29/11
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17 BARBARA J. BIGBY
18 Acting Real Estate Commissioner

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FILED
OCT 30 2007
DEPARTMENT OF REAL ESTATE

1 Department of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

3 (213) 576-6982
4 (213) 576-6910

By Lawrence B. Stein

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	NO. H-34171 LA
)	L-2007090488
12	CASEY ALLEN FORESTER,)	
)	
13	Respondent.)	
)	<u>STIPULATION AND AGREEMENT</u>
14)	

15 It is hereby stipulated by and between CASEY ALLEN
16 FORESTER (hereinafter "Respondent") and Respondent's attorney,
17 Jozef G. Magyar and the Complainant, acting by and through James
18 A. Demus, Counsel for the Department of Real Estate, as follows
19 for the purpose of settling and disposing of the Accusation
20 filed on August 7, 2007 in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27

1 Stipulation and Agreement.

2 2. Respondent has received, read and understands the
3 Statement to Respondent, the Discovery Provisions of the APA and
4 the Accusation filed by the Department of Real Estate in this
5 proceeding.

6 3. Respondent, pursuant to the limitations set forth
7 below, hereby admits that the factual allegations of the
8 Accusation filed in this proceeding are true and correct and the
9 Real Estate Commissioner shall not be required to provide
10 further evidence of such allegations.

11 4. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation and Agreement as
13 his Decision in this matter, thereby imposing the penalty and
14 sanctions on Respondent's real estate license and license rights
15 as set forth in the below "Order". In the event that the
16 Commissioner in his discretion does not adopt the Stipulation
17 and Agreement, it shall be void and of no effect, and Respondent
18 shall retain the right to a hearing and proceeding on the
19 Accusation under all the provisions of the APA and shall not be
20 bound by any admission or waiver made herein.

21 5. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation and
23 Agreement shall not constitute an estoppel, merger or bar to any
24 further administrative or civil proceedings by the Department of
25 Real Estate with respect to any matters which were not
26 specifically alleged to be causes for accusation in this
27 proceeding.

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct of Respondent, as set forth in the Accusation constitutes grounds for suspension or revocation of Respondent's real estate salesperson license under the provisions of Sections 490 and 10177(b) of the Business and Professions Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent CASEY ALLEN FORESTER, under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code, if Respondent makes application therefor and pays to the Department the appropriate fee within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of

1 nolo contendere to a crime which is substantially related to
2 Respondent's fitness or capacity as a real estate licensee.

3 2. The restricted license issued to Respondent may be
4 suspended prior to hearing by Order of the Real Estate
5 Commissioner on evidence satisfactory to the Commissioner that
6 Respondent has violated provisions of the California Real Estate
7 Law, the Subdivided Lands Law, Regulations of the Real Estate
8 Commissioner, or conditions attaching to this restricted
9 license.

10 3. Respondent shall not be eligible to apply for the
11 issuance of an unrestricted real estate license nor for the
12 removal of any of the conditions, limitations or restrictions
13 of a restricted license until two (2) years have elapsed from
14 the date of issuance of the restricted license to Respondent.

15 4. Respondent shall, within nine months from the
16 effective date of this Decision, present evidence satisfactory
17 to the Real Estate Commissioner that Respondent has, since the
18 most recent issuance of an original or renewal real estate
19 license, taken and successfully completed the continuing
20 education requirements of Article 2.5 of Chapter 3 of the Real
21 Estate Law for renewal of a real estate license. If Respondent
22 fails to satisfy this condition, the Commissioner may order the
23 suspension of the restricted license until the Respondent
24 presents such evidence. The Commissioner shall afford
25 Respondent the opportunity for a hearing pursuant to the
26 Administrative Procedure Act to present such evidence.

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DATED: _____

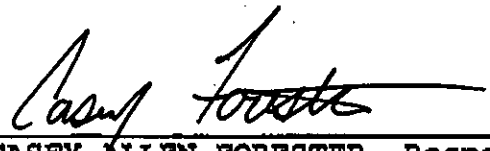
JAMES DEMUS Counsel for Complainant

* * *

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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

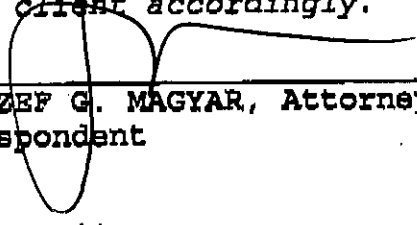
DATED: 10/01/07


CASEY ALLEN FORESTER, Respondent

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I have read the Stipulation and Waiver as to form and content and have advised my client accordingly.

DATED: 10-3-07



JOZEF G. MAGYAR, Attorney for
Respondent

I have read the Accusation filed herein and the foregoing Stipulation and Waiver 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.

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____.

JEFF DAVI
REAL ESTATE COMMISSIONER

1 DATED:

10/12/07

James Demus
2 JAMES DEMUS Counsel for Complainant

3 * * *

4 I have read the Stipulation and Agreement and its
5 terms are understood by me and are agreeable and acceptable to
6 me. I understand that I am waiving rights given to me by the
7 California Administrative Procedure Act (including but not
8 limited to Sections 11506, 11508, 11509 and 11513 of the
9 Government Code), and I willingly, intelligently and voluntarily
10 waive those rights, including the right of requiring the
11 Commissioner to prove the allegations in the Accusation at a
12 hearing at which I would have the right to cross-examine
13 witnesses against me and to present evidence in defense and
14 mitigation of the charges.

15 Respondent can signify acceptance and approval of the
16 terms and conditions of this Stipulation and Agreement by faxing
17 a copy of the signature page, as actually signed by Respondent,
18 to the Department at fax number (213) 576-6917. Respondent
19 agrees, acknowledges and understands that by electronically
20 sending to the Department a fax copy of his actual signature as
21 it appears on the Stipulation and Agreement, that receipt of the
22 faxed copy by the Department shall be as binding on Respondent
23 as if the Department had received the original signed
24 Stipulation and Agreement.

25 DATED: _____

26 _____
CASEY ALLEN FORESTER, Respondent

1
2 I have read the Stipulation and Agreement as to form and
3 content and have advised my client accordingly.

4 DATED: _____
5 JOZEF G. MAGYAR, Attorney for
6 Respondent

7 ***

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

14 Therefore, IT IS HEREBY ORDERED that a restricted real
15 estate salesperson license be issued to Respondent, if
16 Respondent has otherwise fulfilled all of the statutory
17 requirements for licensure. The restricted license shall be
18 limited, conditioned, and restricted as specified in the
19 foregoing Stipulation and Agreement.

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision in this matter and shall become effective
22 at 12 o'clock noon on NOV 19 2007.

23 IT IS SO ORDERED

24 JEFF DAVI
25 REAL ESTATE COMMISSIONER
26
27

fact

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6910

FILED

AUG - 7 2007

DEPARTMENT OF REAL ESTATE

BY: *Jane B. Dem*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-34171 LA
CASEY ALLEN FORESTER,)	<u>A C C U S A T I O N</u>
Respondent.)	

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

1.

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

2.

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.

1 3.

2 On or about September 20, 2005 in the Superior Court
3 of California, County of Orange, in case no. 05NF0144,
4 Respondent was convicted of violating California Penal Code
5 Section 245(a)(1) (aggravated assault), a misdemeanor. The
6 underlying facts of this crime involve moral turpitude, which
7 bears a substantial relationship under Section 2910, Title 10,
8 Chapter 6, California Code of Regulations to the qualifications,
9 functions or duties of a real estate licensee.

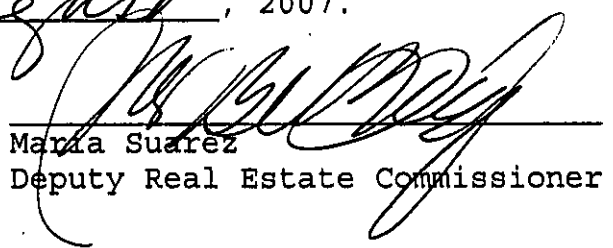
10 4.

11 The crime of which Respondent was convicted, as
12 described in Paragraph 3 above, constitutes cause under Sections
13 490 and 10177(b) of the Code for the suspension or revocation of
14 the license and license rights of Respondent under the Real
15 Estate Law.

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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, CASEY ALLEN FORESTER, 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
10 this 3rd day of August, 2007.



Maria Suarez
Deputy Real Estate Commissioner

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cc: CASEY ALLEN FORESTER
Western Capital Mortgage
Maria Suarez
Sacto.