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DEC 28 2011

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)	No. H-35143 LA
)	
MILES MONTGOMERY FARQUHAR,)	
)	
Respondent.)	
)	

ORDER GRANTING UNRESTRICTED LICENSE

On October 31, 2008, 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 December 3, 2008 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about July 14, 2010, 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
5 subject to the following understanding and conditions:

6 1. The license issued pursuant to this order shall be deemed to be the first renewal
7
8 of Respondent's real estate salesperson license for the purpose of applying the provisions of
9 Section 10153.4.

10 2. Within twelve (12) months from the date of this order Respondent shall:

11 (a) Submit a completed application and pay the appropriate fee for a real estate
12 salesperson license, and

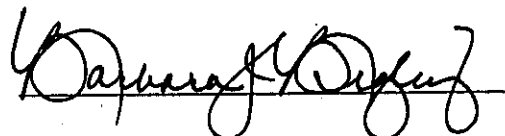
13 (b) Submit evidence of having taken and successfully completed the courses
14 specified in subdivisions (a)(1), (2), (3), (4) and (5) of Section 10170.5 of the Real Estate Law
15 for renewal of a real estate license.

16 3. Upon renewal of the license issued pursuant to this order, Respondent shall
17 submit evidence of having taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
19 license.
20
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22 This Order shall be effective immediately.

23 Dated: 11/17/11

24 BARBARA J. BIGBY
25 Acting Real Estate Commissioner

26 
27

By James B. Stone

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

10 *In the Matter of the Application of*

11 MILES MONTGOMERY FARQUHAR

13 Respondent

) No. H- 35143 LA
)
)

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

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

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on July 24, 2008, in connection with my application for a real estate
21 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
22 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
23 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
24 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
25 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real estate salesperson license. I further
27 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 request 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.

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

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


- 13 1. The license shall not confer any property right in the privileges to be exercised including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:
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- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That 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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver 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 Waiver, 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.

10/13/2008
Dated


MILES MONTGOMERY FARQUHAR, Respondent

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I have read the Statement of Issues 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 MILES MONTGOMERY FARQUHAR 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 10/31/08


Jeff Davi
Real Estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner

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file*

FILED
JUL 24 2008
DEPARTMENT OF REAL ESTATE

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

By Laura B. Demus

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-35143 LA
MILES MONTGOMERY FARQUHAR,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against MILES MONTGOMERY FARQUHAR, ("Respondent"), is informed and alleges in her official capacity as follows:

1.

On or about October 9, 2007, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license.

2.

On or about July 20, 2004, Respondent was convicted in the Superior Court of California, County of Orange, Case No.

1 04SF0020, for violating California Health & Safety Code Section
2 11359 (possession of marijuana for sale), a felony. Said crime
3 involves moral turpitude and bears a substantial relationship
4 under Section 2910, Title 10, Chapter 6, California Code of
5 Regulations, to the qualifications, functions or duties of a
6 real estate licensee.

7 3.

8 The crime of which Respondent was convicted, as
9 alleged in Paragraph 2 above, constitutes cause for denial of
10 Respondent's application for a real estate license under
11 Business and Professions Code Sections 475(a)(2), 480(a) and
12 10177(b).

13 These proceedings are brought under the provisions of
14 Section 10100, Division 4 of the Business and Professions Code
15 of the State of California and Sections 11500 through 11528 of
16 the California Government Code.

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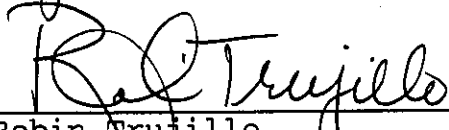
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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson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

8 Dated at Los Angeles, California
9 this 22 day of July, 2008.

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11 
12 Robin Trujillo
13 Deputy Real Estate Commissioner
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25 cc: Miles Montgomery Farquhar
26 Windstone Mortgage Corporation
27 Robin Trujillo
Sacto.