Department of Real Estate FILED 320 West Fourth Street, #350 2 Los Angeles, California 90013 3 (213) 576-6982 JAN 5 2010 Δ DEPARTMENT OF REAL ESTATE 5 6 7 8 BEFORE THE DEPARTMENT OF REAL ESTATE 9 STATE OF CALIFORNIA 10 In the Matter of the Accusation of ) NO. H-35952 LA 11 THOMAS JAY MOREHOUSE, 12 13 Respondent. STIPULATION AND AGREEMENT 14 15 It is hereby stipulated by and between THOMAS JAY 16

<sup>16</sup> MOREHOUSE (hereinafter "Respondent") and Respondent's attorney,
 <sup>17</sup> Frank M. Buda and the Complainant, acting by and through James
 <sup>18</sup> A. Demus, Counsel for the Department of Real Estate, as follows
 <sup>19</sup> for the purpose of settling and disposing of the Accusation
 <sup>20</sup> filed on May 12, 2009 in this matter:

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

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<sup>1</sup> || Stipulation and Agreement.

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.

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

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

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## DETERMINATION OF ISSUES

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1	DETERMINATION OF ISSUES
2	By reason of the foregoing stipulations, admissions
3	and waivers and solely for the purpose of settlement of the
4	pending Accusation without a hearing, it is stipulated and
5	agreed that the following determination of issues shall be made:
6	The conduct of Respondent, as set forth in the
7	Accusation constitutes grounds for suspension or revocation of
8	Respondent's real estate broker license under the provisions of
9	Sections 490 and 10177(b) of the Business and Professions Code.
10.	ORDER
11	WHEREFORE, THE FOLLOWING ORDER is hereby made:
12	All licenses and licensing rights of Respondent THOMAS
13	JAY MOREHOUSE, under the Real Estate Law are revoked; provided,
14	however, a restricted real estate broker license shall be issued
15	to Respondent pursuant to Section 10156.5 of the Business and
16	Professions Code, if Respondent makes application therefor and
17	pays to the Department the appropriate fee within 90 days from
18	the effective date of this Decision. The restricted license
19	issued to Respondent shall be subject to all of the provisions
20	of Section 10156.7 of the Business and Professions Code and to
21	the following limitations, conditions and restrictions imposed
22	under authority of Section 10156.6 of that code:
23	1. The restricted license issued to Respondent may be
24	suspended prior to hearing by Order of the Real Estate
25	Commissioner in the event of Respondent's conviction or plea of
26	nolo contendere to a crime which is substantially related to
27	Respondent's fitness or capacity as a real estate licensee.

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2. <u>The restricted license issued to Respondent may be</u>
 suspended prior to hearing by Order of the Real Estate
 Commissioner on evidence satisfactory to the Commissioner 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.

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

13 4. Respondent shall, within nine months from the 14 effective date of this Decision, present evidence satisfactory 15 to the Real Estate Commissioner that Respondent has, since the 16 most recent issuance of an original or renewal real estate 17 license, taken and successfully completed the continuing 18 education requirements of Article 2.5 of Chapter 3 of the Real 19 Estate Law for renewal of a real estate license. If Respondent 20 fails to satisfy this condition, the Commissioner may order the 21 suspension of the restricted license until the Respondent 22 presents such evidence. The Commissioner shall afford 23 Respondent the opportunity for a hearing pursuant to the 24 Administrative Procedure Act to present such evidence.

11/10/09 Counsel for Complainant

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I have read the Stipulation and Agreement and its torms are understood by as and are agreeable and acceptable to 1 understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11809 and 11513 of the Government Code), and I willingly, intelligently and voluntarily 6 7 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 10 witnesses against me and to present evidence in defense and 71 mitigation of the charges. 13

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by fuxing 13 14 a copy of the signature page, as actually signed by Respondent, 15 to the Department at fax number (213) 576-6917. Respondent 16 agrees, acknowledges and understands that by electronically 17 seading to the Department a fax copy of his actual signature as 19 it appears on the Stipulation and Agreement, that receipt of the 19 faxed copy by the Department shall be as binding on Respondent 20 as if the Department had received the original signed 21

Stipulation and Agreement. 32

23 DATED. 10-30-04 24

JAY WREHOUSE, Respondent. THOMAS

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10-31-09

P. 07/07 FAX NO. OCT-30-09 FRI 11:25 AM I have read the Stipulation and Agreement as to form and content and have advised my glient accordingly ۱ 2.0 BUDA, Attorney for Respondent 2 DATED: FRANK M. 3 4 I have read the Accusation filed herein and the foregoing 5 I am satisfied Stipulation and Agreement signed by Respondent. 6 that the hearing for the purpose of requiring further proof as 1 to the honesty and truthfulness of Respondent need not be called 8 and that it will not be inimical to the public interest to issue 9 a restricted real estate broker license to Respondent. 10 Therefore, IT IS HEREBY ORDERED that a restricted real 11 estate broker licenso be issued to Respondent, if Respondent has 12 otherwise fulfilled all of the statutory requirements for 13 licensure. The restricted license shall be limited, 14 conditioned, and restricted as specified in the foregoing 15 Stipulation and Agreement. 16 The foregoing Stipulation and Agreement is hereby 17 adopted as my Decision in this matter and shall become effective 18 January 25. 2010 19 at 12 o'clock noon on -9, 11-25 IT IS SO ORDERED 20 21 JEFF DAVI REAL ESTATE COMMISSIONER 22 23 24 25 26 27

	JAMBS DEMUS, Counsel (SBN 225005) Department of Real Estate 320 West 4th Street, Suite 350 Los Angeles, California 90013-1105 DEPARTMENT OF REAL ESTATE
3	Telephone: (213) 576-6982 (Direct) (213) 576-6910 . Lawa B. Own
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8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Accusation of ) No. H-35952 LA
12	THOMAS JAY MOREHOUSE, ) A C C U S A T I O N
13	) Respondent. )
14	)
15	The Complainant, Maria Suarez, a Deputy Real Estate
16	Commissioner of the State of California, for cause of Accusation
17	against THOMAS JAY MOREHOUSE, ("Respondent") alleges as follows:
18	1. The Completioner - Deputy Real Estate
19	The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation
20	in her official capacity.
21	2.
- 22	Respondent is presently licensed and/or has license
23	rights under the Real Estate Law, Part 1 of Division 4 of the
24	California Business and Professions Code ("Code"), as a real
25	estate broker.
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. 2	On or about July 14, 2008, in the Superior Court of	
3	California, County of Los Angeles, in case no. 8VY01652,	
4	Respondent was convicted of violating California Vehicle Code	
5	Section 20002(a) (hit and run), a misdemeanor. Said crime bears	í
6	a substantial relationship under Section 2910, Title 10, Chapter	
7	6, California Code of Regulations to the qualifications,	
8	functions or duties of a real estate licensee.	
9	4.	
10	The crime of which Respondent was convicted, as	
11	described in Paragraph 3 above, constitutes cause under Sections	
12	490 and 10177(b) of the Code for the suspension or revocation of	
13	the license and license rights of Respondent under the Real	
14	Estate Law.	
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WHEREFORE, Complainant prays that a hearing be 1 conducted on the allegations of this Accusation and that upon 2 proof thereof, a decision be rendered imposing disciplinary 3 action against all the licenses and license rights of 4 Respondent, THOMAS JAY MOREHOUSE, under the Real Estate Law 5 (Part 1 of Division 4 of the Business and Professions Code) and 6 for such other and further relief as may be proper under other 7 8 applicable provisions of law. 9 Dated at Los Angeles, California 2009. 10 this day of 11 12 Śúarez Mai Real Estate Commissioner Deputy 13 14 15 16 17 18 19 20 21 22 23 24 25 cc: THOMAS JAY MOREHOUSE Maria Suarez 26 Sacto. 27