

FILED
OCT 28 2009
DEPARTMENT OF REAL ESTATE

By C. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

GARY NUELL,

Respondent.

No. H-36134 LA

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On July 23, 2009, an Accusation was filed in this matter against Respondent GARY NUELL.

On September 8, 2009, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent GARY NUELL's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated September 8, 2009,

1 (attached as Exhibit "A" hereto). Respondent's license
2 certificate and pocket card shall be sent to the below listed
3 address so that they reach the Department on or before the
4 effective date of this Order:

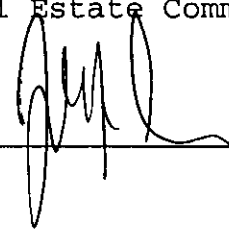
5 Department of Real Estate
6 Attn: Licensing Flag Section
7 P.O. Box 187000
8 Sacramento, CA 95818-7000

9 This Order shall become effective at 12 o'clock noon
10 on November 17, 2009.

11 DATED: _____

9/30/09

12 JEFF DAVI
13 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) DRE No. H-36134 LA
GARY NUELL,)
Respondent.)

DECLARATION

My name is GARY NUELL, and I am currently licensed as a
real estate salesperson and/or have license rights with respect
to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with
the provisions of the Administrative Procedure Act (Sections
11400 et seq., of the Government Code), I wish to voluntarily
surrender my real estate license issued by the Department of
Real Estate ("Department"), pursuant to Business and Professions
Code Section 10100.2.

I understand that by so voluntarily surrendering my
license, I may be relicensed as a broker or as a salesperson only

1 by petitioning for reinstatement pursuant to Section 11522 of the
2 Government Code. I also understand that by so voluntarily
3 surrendering my license, I agree to the following:

4 1. The filing of this Declaration shall be deemed as
5 my petition for voluntary surrender.

6 2. It shall also be deemed to be an understanding and
7 agreement by me that I waive all rights I have to require the
8 Commissioner to prove the allegations contained in the Accusation
9 filed in this matter at a hearing held in accordance with the
10 provisions of the Administrative Procedure Act (Government Code
11 Sections 11400 et seq.), and that I also waive other rights
12 afforded to me in connection with the hearing such as the right
13 to discovery, the right to present evidence in defense of the
14 allegations in the Accusation and the right to cross-examine
15 witnesses.

16 3. I further agree that upon acceptance by the
17 Commissioner, as evidenced by an appropriate order, all
18 affidavits and all relevant evidence obtained by the Department
19 in this matter prior to the Commissioner's acceptance, and all
20 allegations contained in the Accusation filed in the Department
21 Case No. H-36134 LA, may be considered by the Department to be
22 true and correct for the purpose of deciding whether to grant
23 relicensure or reinstatement pursuant to Government Code
24 Section 11522.

25 4. I freely and voluntarily surrender all my licenses
26 and license rights under the Real Estate Law.

27

1 I declare under penalty of perjury under the laws of
2 the State of California that the above is true and correct and
3 that this declaration was executed on September 8, 2009,
4 at Santa Monica, California.

5 Gary Nuell
6 GARY NUELL
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1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
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4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
JUL 23 2009
DEPARTMENT OF REAL ESTATE

By C. J. [Signature]

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) NO. H-36134 LA
11)
12 GARY NUELL,) A C C U S A T I O N
13)
14 Respondent.)

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against GARY NUELL, aka Gary Stephen Nuell ("Respondent"), is
18 informed and alleges as follows:

19 I

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

23 II

24 At all times herein mentioned, Respondent was and
25 still is licensed and/or has license rights under the Real
26 Estate Law (Part 1 of Division 4 of the California Business and
27 Professions Code ("Code") as a real estate salesperson.
28 Respondent was first licensed as a real estate salesperson on

1 July 18, 2005. Respondent's license expires on July 17, 2009.
2 Respondent has renewal rights under Code Section 10201. The
3 Department retains jurisdiction pursuant Code Section 10103.

4 III

5 On or about January 16, 2009, in the Superior Court of
6 California, Los Angeles County, in Case No. BA346325, Respondent
7 was convicted, on a plea of nolo contendere, of violating Health
8 and Safety Code Section 11352(a) (sell/transport controlled
9 substance), a felony. Said crime bears a substantial
10 relationship to the qualifications, functions or duties of a
11 real estate licensee under Section 2910, Title 10, Chapter 6,
12 California Code of Regulations.

13 IV

14 The crime of which Respondent was convicted, as
15 alleged in Paragraph III above, constitutes cause under Code
16 Sections 490 and 10177(b) for the suspension or revocation of
17 all licenses and license rights of Respondent under the Real
18 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 licenses and/or license rights of Respondent,
5 GARY NUELL, under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and
7 further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 21st day of July, 2009.

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14 MARIA SUAREZ
15 Deputy Real Estate Commissioner
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24 cc: Gary Nuell
25 Sotheby's International Realty, Inc.
26 Maria Suarez
27 Sacto.
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