

FILED

JUN 17 2014

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

By Chaine

* * * *

In the Matter of the Accusation of)
MARK RAYMOND WITTCOFF,)
Respondent.)

No. H-39242 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 3, 2014, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license 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.

FINDINGS OF FACT

I

On December 5, 2013, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondent's last known mailing address on file with the Bureau by certified mail on December 31, 2013.

On April 3, 2014, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

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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 (hereinafter "Code") as a real estate salesperson.

III

On or about January 18, 2013, in the Superior Court of the State of California, County of Los Angeles, in Case No. 2WA01069, Respondent pled *nolo contendere* to and was convicted for violation of Penal Code Section 415(1) (disturbing the peace), a misdemeanor. Respondent was sentenced to one month probation. On or about April 12, 2013, Respondent's conviction was dismissed pursuant to Penal Code Section 1203.4.

IV

The evidence established that the crime of which Respondent was convicted, as described in Paragraph III, is substantially related to the qualifications, functions and duties of a real estate licensee.

V

Respondent did not, within 30 days of the conviction set forth in Paragraph III, above, report it to the Bureau. Respondent's failure to report the conviction constitutes cause under Code Section 10186.2(a) and (b) for discipline of the license and license rights of Respondent under the Real Estate Law.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490, 10177(b), and 10186.2.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

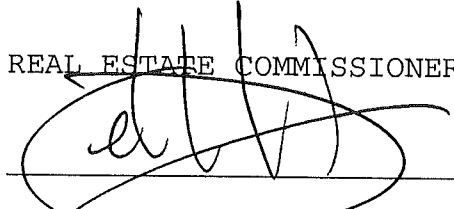
The licenses and license rights of Respondent MARK RAYMOND WITTCOFF under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

JUL 08 2014 This Decision shall become effective at 12 o'clock noon

JUN 13 2014

DATED: _____.

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to read "Jeffrey Mason", is written over a horizontal line. The signature is stylized and somewhat cursive.

By: ~~JEFFREY MASON~~
Chief Deputy Commissioner