

FILED

MAR 10 2021

DEPT. OF REAL ESTATE

@Selow

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:) DRE No. H-41847 LA
THEODORE BRIAN CHILDERS,)
Respondent(s).)

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 January 22, 2021 and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, THEODORE BRIAN CHILDERS (“Respondent”); (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds of a criminal conviction and Respondent’s failure to timely report the conviction to the Department of Real Estate.

Pursuant to Government Code Section 11521, the California Department of Real Estate (“the Department”) may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department’s power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner’s Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On October 19, 2020, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to

Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on December 9, 2020.

2.

On January 22, 2021, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

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 ("the Code") as a real estate broker. Respondent's real estate broker license expired on August 31, 2019. Pursuant to Code section 10201, Respondent retains renewal rights for two years. The Department of Real Estate retains jurisdiction over the lapsed license pursuant to Section 10103 of the Code.

4.

To date, the Department of Real Estate has incurred costs totaling \$989.05.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on December 9, 2020, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

The criminal conviction, as described in Paragraph 5 of the Findings of Fact, constitutes cause under Sections 490, 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

2.

Respondent's failure to disclose the conviction constitutes cause under Section 10186.2 of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

3.

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

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ORDER

All licenses and licensing rights of Respondent THEODORE BRIAN CHILDERS under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on MAR 30 2021.

DATED: 3-1-21.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

FILED

JAN 22 2021

DEPT. OF REAL ESTATE

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1 Department of Real Estate
320 West Fourth St, Ste 350
2 Los Angeles, CA, 90013

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of:) DRE NO. *H-41847 LA*
12)
THEODORE BRIAN CHILDERS,) DEFAULT ORDER
13)
Respondent.)
14)

15 Respondent THEODORE BRIAN CHILDERS, having failed to file a Notice
16 of Defense within the time required by Section 11506 of the Government Code, is now in
17 default. It is, therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED FEB 11 2021

19 DOUGLAS R. McCAULEY
20 REAL ESTATE COMMISSIONER

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22 By: *Chika Sunquist*
23 CHIKA SUNQUIST
Assistant Commissioner, Enforcement
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