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**FILED**

NOV 25 2015

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of  
ADAM GEORGE BELTER,  
  
Respondent.

CAL BRE NO. H-2945 FR  
OAH NO. 2015060135

In the Matter of the Accusation of  
ADAM GEORGE BELTER,  
  
Respondent.

CAL BRE NO. H-2950 FR  
OAH NO. 2015090071

STIPULATION AND AGREEMENT

AND

DECISION AFTER REJECTION

The California Bureau of Real Estate ("Bureau") filed a First Amended Statement of Issues against ADAM GEORGE BELTER ("Respondent") on May 28, 2015 and an Accusation against Respondent on June 26, 2015.

1 On September 3, 2015, a hearing was held before Angela Villegas,  
2 Administrative Law Judge ("ALJ"), Office of Administrative Hearings, at Los Angeles,  
3 California. Bureau Counsel, James A. Demus, represented the Complainant. Respondent  
4 personally appeared at the hearing and was represented by Daniel T. Clifford, attorney at law.  
5 Oral and documentary evidence was received, and the matter was submitted.

6 On September 22, 2015, the ALJ issued a Proposed Decision, which denied  
7 Respondent's application for a real estate broker license and revoked Respondent's real estate  
8 salesperson license, with the right a restricted real estate salesperson license, following a 30 day  
9 suspension. The requirement that Respondent report any arrest within 72 hours, as set forth in  
10 Title 10, Chapter 6, California Code of Regulations, Section 2930(19), was not included among  
11 the terms and conditions for Respondent's restricted real estate salesperson license.

12 On October 25, 2015, the Commissioner rejected the Proposed Decision of  
13 September 22, 2015.

14 The parties wish to settle this matter without further proceedings.

15 IT IS HEREBY STIPULATED by and between Respondent and the Bureau,  
16 acting by and through James A. Demus, as follows for the purpose of settling and disposing of  
17 the First Amended Statement of Issues and Accusation and filed by the Bureau:

18 1. The Findings of Fact and Legal Conclusions in the Proposed Decision dated  
19 September 22, 2015, of the Administrative Law Judge of the Office of Administrative  
20 Hearings are hereby adopted. The Order in the Proposed Decision is not adopted.

21 2. It is understood by the parties that the Real Estate Commissioner may adopt  
22 the Stipulation and Agreement ("Stipulation") as his decision in this matter, thereby imposing  
23 the penalty and sanctions on Respondent's real estate license as set forth in the below "Decision  
24 and Order". In the event the Commissioner in his discretion does not adopt the Stipulation, the  
25 Stipulation shall be void and of no effect; the Commissioner will review the evidence in the  
26 case, and will issue his Decision after Rejection as his Decision in this matter.

27

1 3. By reason of the foregoing and solely for the purpose of settlement of the  
2 Accusation without further administrative proceedings, it is stipulated and agreed that the  
3 following shall be adopted as the Commissioner's Decision:

4 ORDER

5 WHEREFORE, THE FOLLOWING ORDER is hereby made:

6 1. Respondent ADAM GEORGE BELTER's application for a real estate  
7 broker license is denied.

8 2. All licenses and licensing rights of Respondent ADAM GEORGE BELTER,  
9 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson  
10 license shall be issued to Respondent pursuant to Section 10156.5 of the Business and  
11 Professions Code, if Respondent makes application therefor and pays to the Bureau the  
12 appropriate fee within 90 days from the effective date of this Decision. The restricted license  
13 issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the  
14 Business and Professions Code and to the following limitations, conditions and restrictions  
15 imposed under authority of Section 10156.6 of that code:

16 a. Any restricted real estate license issued to respondent pursuant to this  
17 Decision shall be suspended for 30 days from the date of issuance of the restricted license.

18 b. The restricted license issued to Respondent may be suspended prior to  
19 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or  
20 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or  
21 capacity as a real estate licensee.

22 c. The restricted license issued to Respondent may be suspended prior to  
23 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
24 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
25 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching  
26 to this restricted license.

27

1                    d. Respondent shall not be eligible to apply for the issuance of an unrestricted  
2 real estate license nor for the removal of any of the conditions, limitations or restrictions  
3 of a restricted license until two (2) years have elapsed from the date of issuance of the  
4 restricted license to Respondent.

5                    e. Respondent shall submit with any application for license under an employing  
6 broker, or any application for transfer to a new employing broker, a statement signed by the  
7 prospective employing real estate broker on a form approved by the Bureau of Real Estate  
8 which shall certify:

9                    (i) That the employing broker has read the  
10                    Decision of the Commissioner which granted  
11                    the right to a restricted license; and

12                    (ii) That the employing broker will exercise  
13                    close supervision over the performance by  
14                    the restricted licensee relating to activities  
15                    for which a real estate license is required.

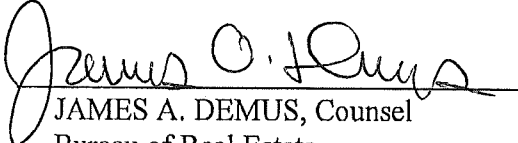
16                    f. Respondent shall, within nine (9) months from the effective date of this  
17 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,  
18 since the most recent issuance of an original or renewal real estate license, taken and  
19 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the  
20 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this  
21 condition, Respondent's real estate license shall automatically be suspended until Respondent  
22 presents evidence satisfactory to the Commissioner of having taken and successfully completed  
23 the continuing education requirements. Proof of completion of the continuing education  
24 courses must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,  
25 Sacramento, CA 95813-7013.

26                    g. Respondent shall notify the Commissioner in writing within 72 hours of any  
27 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post

1 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of  
2 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
3 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
4 constitute an independent violation of the terms of the restricted license and shall be grounds  
5 for the suspension or revocation of that license.

6 h) All licenses and licensing rights of Respondent are indefinitely suspended  
7 unless or until Respondent pays the sum of \$1,594.95 for the Commissioner's reasonable cost  
8 of the investigation and enforcement which led to this disciplinary action. Said payment shall  
9 be in the form of a cashier's check made payable to the Bureau of Real Estate. The  
10 investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag  
11 Section at P.O. Box 137013, Sacramento, CA 95813-7013, and shall be made no later than six  
12 (6) months after the issuance of a restricted real estate salesperson license to Respondent.

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16 DATED

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JAMES A. DEMUS, Counsel  
Bureau of Real Estate

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19 I have read the Stipulation and its terms are understood by me and are agreeable  
20 and acceptable to me. I willingly and voluntarily agree to enter into this Stipulation.

21 Respondent can signify acceptance and approval of the terms and conditions of  
22 this Stipulation by faxing a copy of the signature page, as actually signed by Respondent, to the  
23 Bureau at the following fax number: (213) 576-6917. Respondent agrees, acknowledges and  
24 understands that by electronically sending to the Bureau a fax copy of his actual signature as it  
25 appears on the Stipulation, that receipt of the fax copy by the Bureau shall be as binding on him  
26 as if the Bureau had received the original signed Stipulation.  
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November 9, 2015

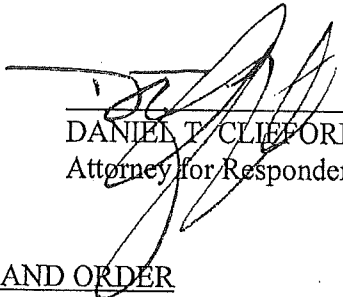


DATED

ADAM GEORGE BELTER  
Respondent

*I have read the Stipulation and Agreement as to form and content and have advised my client accordingly.*

November 9, 2015



DATED

DANIEL T. CLIFFORD,  
Attorney for Respondent

DECISION AND ORDER

The foregoing Stipulation and Agreement and Decision After Rejection is hereby adopted as my Decision in this matter.

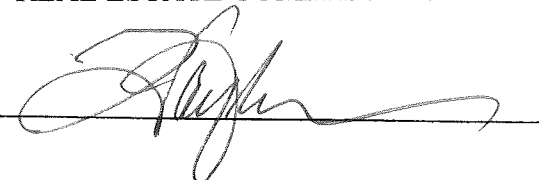
This Decision shall become effective at 12 o'clock noon on

DEC 15 2015,

IT IS SO ORDERED

11/22/2015

WAYNE S. BELL  
REAL ESTATE COMMISSIONER



*last*

**FILED**

OCT 27 2015

BUREAU OF REAL ESTATE  
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BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of	)	CalBRE No. H-2945 FR
ADAM GEORGE BELTER,	)	OAH No. 2015060135
Respondent.	)	
In the Matter of the Accusation of	)	CalBRE No. H-2950 FR
ADAM GEORGE BELTER,	)	OAH No. 2015090071
Respondent.	)	

NOTICE

TO: ADAM GEORGE BELTER, Respondent, and DANIEL T. CLIFFORD, his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated September 22, 2015, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated September 22, 2015, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on September 16, 2015, and any written argument hereafter submitted on behalf of Respondents and Complainant.

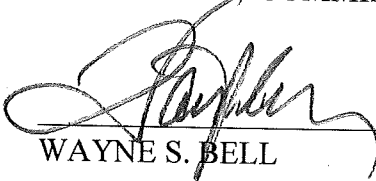
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Written argument of Respondents to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of September 16, 2015, at the Los Angeles office of the Bureau of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of Complainant to be considered by me must be submitted within 15 days after receipt of the argument of Respondents at the Los Angeles office of the Bureau of Real Estate unless an extension of the time is granted for good cause shown.

DATED: 10/25/2015

REAL ESTATE COMMISSIONER

  
\_\_\_\_\_  
WAYNE S. BELL



BEFORE THE  
BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

ADAM GEORGE BELTER,

Respondent.

Case No. H-2945 FR

OAH No. 2015060135

In the Matter of the Accusation Against:

ADAM GEORGE BELTER,

Respondent.

Case No. H-02950 FR

OAH No. 2015090071

**PROPOSED DECISION**

Administrative Law Judge Angela Villegas, State of California, Office of Administrative Hearings, heard these matters on September 16, 2015, in Los Angeles, California.

James Demus, counsel for the Bureau of Real Estate, Department of Consumer Affairs, State of California (Bureau), represented complainant.

Daniel T. Clifford, attorney at law, of Clifford & Brown, represented respondent, who was also present.

Evidence was received, and the matters were submitted for decision September 16, 2015.

**CONSOLIDATION**

On September 3, 2015, complainant filed a motion to consolidate the two matters entitled above, on grounds that both matters involve identical facts. Respondent did not oppose the motion; on the contrary, in correspondence dated July 17, 2015, and filed September 1, 2015, respondent's counsel agreed to consolidation.

Under Government Code section 11507.3, subdivision (a), consolidation is appropriate “[w]hen proceedings . . . involve a common question of law or fact[.]” These proceedings involve common, indeed identical, questions of fact. Accordingly, at the commencement of the administrative hearing, the matters were ordered consolidated. Pursuant to California Code of Regulations, title 1, section 1016, subdivision (d), the parties agreed to the issuance of a single proposed decision for both matters.

## FACTUAL FINDINGS

1. Complainant Brenda Smith, a Deputy Real Estate Commissioner of the State of California, filed the First Amended Statement of Issues and the Accusation in her official capacity. After being served with the First Amended Statement of Issues, respondent filed a Notice of Defense requesting a hearing. After being served with the Accusation, respondent’s counsel sent correspondence indicating respondent would be presenting a defense in both proceedings, which complainant agreed to accept as a Notice of Defense to the Accusation.
2. On April 18, 2011, the Bureau<sup>1</sup> issued real estate salesperson license number S/01896162 to respondent. Respondent’s salesperson license has no history of discipline, and will expire April 17, 2019, unless renewed.
3. On November 19, 2013, respondent applied to the Bureau for a real estate broker license; the Bureau received the Application on November 22, 2013. No license was issued.
4. On June 11, 2012, in the Superior Court of California, County of Ventura, respondent was convicted on his guilty plea of violating Vehicle Code section 23152, subdivision (a) (driving under the influence of an intoxicant (DUI)), a misdemeanor. (Conviction 1.)
5. The court placed respondent on formal probation for 36 months, on condition that he obey all laws, serve five days in county jail (less credit for one day; respondent was allowed to serve work release in lieu of jail time), refrain from driving with any intoxicant in his body, complete a 90-day alcohol education program, refrain from unlicensed and/or uninsured driving, and pay fines and fees totaling \$3,746.90
6. Respondent paid the fines and fees. The conduct leading to Conviction 3 (see Factual Findings 12-15) occurred within the probationary period, though the evidence did not disclose any formal determination that respondent had violated his probation. Respondent also testified that he failed to complete his entire work release period, resulting in the issuance of a warrant for his arrest. He has since satisfied that obligation, and explained that the reason for his failure to complete the work release earlier was his misunderstanding as to

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<sup>1</sup> The Bureau was then known as the Department of Real Estate.

how many days he was obligated to serve. Respondent started his alcohol education class in March 2015, and expects to complete it by December 2016 or January 2017.

7. The incident leading to Conviction 1 occurred on October 23, 2011. Respondent was driving home to Bakersfield from his bartending job in Santa Barbara, where he had consumed alcohol. He fell asleep at the wheel and his car weaved across lanes. After being pulled over, he failed field sobriety tests.<sup>2</sup>

8. On July 13, 2012, in the Superior Court of California, County of Kern, respondent was convicted on his nolo contendere plea of violating Vehicle Code section 23152, subdivision (b) (driving with blood alcohol concentration of .08% or greater (DUI)), a misdemeanor. (Conviction 2.)

9. The court placed respondent on three years' court probation, on condition that he obey all laws, serve two days in custody (less two days' credit), complete a nine-month alcohol education program, refrain from unlicensed and/or uninsured driving, refrain from the use of intoxicants, stay away from places where intoxicants are sold, refrain from driving with any intoxicant in his body, and pay \$1,871 in fines and fees.

10. Respondent paid the fines and fees. Although the evidence did not disclose any formal finding that he had violated his probation, the conduct leading to Conviction 3 (see Factual Findings 12-15) occurred during the probationary period. Respondent started his alcohol education program in March 2015; it is the same program in which he is enrolled in connection with Conviction 1.

11. The incident leading to Conviction 2 occurred on May 1, 2011. Respondent was driving home from a friend's house, where he had consumed alcohol. He fell asleep at the wheel, ran off the road, and collided with a fence.

12. On February 6, 2015, in the Superior Court of California, County of Kern, respondent was convicted on his nolo contendere plea of violating Vehicle Code section 14601.1, subdivision (a) (driving with license suspended), a misdemeanor. (Conviction 3.)

13. The court placed respondent on court probation for three years, on condition that he obey all laws, refrain from unlicensed and/or uninsured driving, and pay a fine of \$1,509.

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<sup>2</sup> Respondent acknowledged in his Conviction Detail Report (ex. 9) and in his testimony that he had also taken the drug "ecstasy," for the first and only time, at the time of this incident. Respondent's possession of that drug was the subject of a second count in respondent's criminal case, and he was placed into a deferred entry of judgment program for that charge, which does not form any part of the basis for either the First Amended Statement of Issues or the Accusation.

14. Respondent remains on probation for Conviction 3. He is making payments on his fine, but has not yet finished paying it.

15. Conviction 3 arose from a traffic stop on December 26, 2013. Respondent drove his vehicle even though he was aware his license had been suspended due to one or both of his prior DUIs.

16. Conviction 3 was not entered until more than a year from the date of the underlying incident, because on April 25, 2014, respondent broke his left lower leg. He required surgery, and for several months was unable to leave his home except for doctor visits. He was not able to return to his normal activity level until January 2015.

17. Respondent regrets the conduct that led to his convictions, and is grateful he did not injure anyone when he drove while intoxicated. With regard to the incidents leading to Convictions 1 and 2, respondent explained that, at the time, he was under emotional stress and financial pressure, and had to work two jobs, one of which was bartending. His bartending jobs often kept him out until 3:00 or 4:00 a.m. He feels bartending created pressure to drink alcohol, and that he used alcohol to self-medicate his feelings of stress. After the second DUI incident, respondent realized "changes needed to be made" (Respondent's testimony), and in late 2011, he stopped working as a bartender.

18. Respondent ceased consuming alcohol for a time, but in the last year or so, he has returned to having one or two glasses of wine occasionally with dinner.<sup>3</sup> When he drinks alcohol now, however, he does not drive. Instead, he uses Uber or Lyft. He has "thrown [him]self into work" (respondent's testimony), and feels no pressure to drink alcohol in connection with his work.

19. Respondent also returned to community college for the Spring 2015 semester, and plans to return again for the Spring 2016 semester. When he finishes his community college studies, he plans to transfer to California State University, Bakersfield, to work toward his bachelor's degree.

20. Respondent has worked in the real estate industry, in various capacities, most of his adult life. Since becoming licensed as a real estate salesperson, he has enjoyed a great deal of success, winning several accolades and awards. He is involved with the Bakersfield Association of Realtors, where he serves on the technology and commercial investment committees. Through his employer, respondent has helped secure donations for silent auctions to raise money for Relay for Life. Respondent presented declarations from a client and from his former broker attesting to his work ethic, professionalism, and trustworthiness, and confirming respondent's expressions of remorse for his criminal conduct. Respondent cannot imagine himself in any career other than real estate, and would find the loss of his real estate livelihood devastating financially and emotionally.

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<sup>3</sup> Respondent's Conviction Detail Report, dated April 22, 2015, indicated he was not drinking alcohol at that time.

21. Respondent, now 32 years old, lives alone, though he has a close relationship with his family of origin. He recently purchased a house. He feels he has matured since the incidents leading to his convictions, and intends to do everything he can to prevent a recurrence of his earlier mistakes.

22. The Bureau's reasonable costs of investigation are \$1,564.95.<sup>4</sup>

## LEGAL CONCLUSIONS

### *Accusation*

1. Complainant established cause to discipline respondent's salesperson license, based on his convictions. (Factual Findings 4-15.) (Bus. and Prof. Code, §§ 490; 10177, subd. (b).)

2. (a) Convictions 1 and 2, taken together, are substantially related to the qualifications, functions, and duties of a real estate licensee, because they constitute "[t]wo or more convictions involving the consumption or use of alcohol . . . when at least one of the convictions involve[s] driving and the use or consumption of alcohol[.]" (Cal. Code Regs., tit. 10 (Regulation), § 2910, subd. (a)(11).) (Factual Findings 4-11.)

(b) Conviction 3 is substantially related to the licensed activity of a real estate salesperson under Regulation section 2910, subdivision (a)(7), because it involved "failing to comply with a statutory requirement that a license . . . be obtained from a duly constituted public authority before engaging in a . . . course of conduct." (Factual Findings 12-15.) Conviction 3 also violated the terms of respondent's probation for Convictions 1 and 2, and was thus substantially related to his licensed real estate activity under Regulation section 2910, subdivision (a)(9) ("willful failure to comply with a court order"). (Factual Findings 4-15.)

(c) All three of respondent's convictions, taken together, "demonstrate[ ] a pattern of repeated and willful disregard of law[.]" and hence are substantially related to his licensed real estate activity under Regulation section 2910, subdivision (a)(10). (Factual Findings 4-15.)

3. Although respondent did not demonstrate complete rehabilitation, his showing was sufficient under Regulation section 2912 to warrant discipline of his salesperson license short of outright revocation.

4. All of respondent's convictions are relatively recent, and respondent has not had time to establish a solid track record of reform in the period since. (Regulation § 2912, subd. (a).) (Factual Findings 6-21.) None of the convictions has been expunged. (Factual

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<sup>4</sup> The Bureau did not present evidence of its prosecution costs.

Findings 6-15.) (Regulation § 2912, subd. (c).) Respondent remains on probation for Conviction 3 (Factual Finding 14) (Regulation § 2912, subd. (e)), and his compliance with the terms of his probation for Convictions 1 and 2 has been spotty, though he has paid his fines and fees fully for those convictions, and is making payments for Conviction 3. (Factual Findings 4-15.) (Regulation § 2912, subds. (e) and (g).)

5. The recency of respondent's convictions, and the conduct leading to them, and his less-than-perfect compliance with the terms of his criminal probation, are worrisome. Nevertheless, the steps respondent has taken recently provide a measure of assurance that his attitude has changed since the conduct that led to his convictions. (Regulation § 2912, subd. (m).)

6. Respondent no longer works as a bartender, and he stopped consuming alcohol for a time. (Factual Findings 17 and 18.) (Regulation § 2912, subds. (f) and (h).) He is enrolled in an alcohol education program (Factual Findings 6 and 10), and although he has returned to consuming alcohol occasionally, he has not returned to the out-of-control drinking in which he previously engaged. (Factual Findings 7-18.) (Regulation § 2912, subd. (m).) Moreover, when he drinks now, he does not drive. (Factual Finding 18.)

7. Respondent has a stable family and living situation (Factual Finding 21) (Regulation § 2912, subd. (j)), has gone back to college (Factual Finding 19) (Regulation § 2912, subd. (k)), and has contributed time and effort to Relay for Life. (Factual Finding 20.) (Regulation § 2912, subd. (l).) He enjoys success and admiration in his real estate practice, has no history of discipline, and would suffer financial and emotional loss if he were unable to continue with his career. (Factual Findings 2 and 20.) (Regulation § 2912, subd. (h).)

8. Respondent is sorry for the conduct that led to his convictions, and through the changes he has made, intends to avoid repeating his mistakes. (Factual Findings 17 and 21.) (Regulation § 2912, subd. (m). See *Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940; *Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058 [acknowledgment of, and acceptance of responsibility for, previous wrongdoing are cornerstones of rehabilitation].)

9. Under all of these circumstances, revoking respondent's real estate salesperson license outright would be unduly punitive. Instead, the appropriate discipline is a 30-day suspension, followed by a period of restricted licensure. A period of suspension will allow respondent to reflect further on the seriousness of his past conduct, and the importance of making better decisions going forward. A four-year period of restricted licensure will allow the Bureau to exercise enhanced scrutiny of respondent's conduct for the remainder of his probation for Conviction 3, plus almost two years thereafter, and thereby ensure that respondent is trustworthy and reliable over the longer term.

10. Complainant established entitlement to reimbursement of the Bureau's reasonable costs of investigation, totaling \$1,594.95. (Factual Finding 22.)

*First Amended Statement of Issues*

11. Cause exists to deny respondent's application for a broker license, based on his convictions. (Bus. & Prof. Code, §§ 480, subd. (a); 10177, subd. (b).)<sup>5</sup> The substantial relationships between respondent's convictions and the qualifications, functions, and duties of a real estate licensee are the same as set forth in Legal Conclusion 2, above.

12. Respondent showed some progress toward rehabilitation, but his presentation was insufficient under Regulation section 2911 to warrant licensure as a real estate broker at this time. The rehabilitation factors set forth in Regulation section 2911 are nearly congruent with those set forth in Regulation section 2912,<sup>6</sup> and the discussion of respondent's rehabilitation set forth in Legal Conclusions 3 through 8 also applies here.

13. Respondent's showing of rehabilitation was insufficient to warrant his licensure as a broker, even on a restricted basis, at this time. Licensure as a broker would afford respondent greater prestige and place more responsibility on him. Neither of these things would be appropriate at this time, given the uncertainty that surrounds respondent's commitment to reform; after all, he is still working to fulfill the obligations of his court-ordered alcohol education program, and remains on probation for Conviction 3. (Factual Findings 5-14.)

14. Moreover, while respondent showed that the revocation of his salesperson license would work a hardship on him, he made no similar showing as to the denial, at this time, of a broker license. (Factual Finding 20; Legal Conclusion 7.) Accordingly, respondent must develop a longer track record of law-abiding behavior before he can be considered for licensure as a real estate broker consistent with protection of the public.

ORDER

1. Respondent Adam George Belter's application for a real estate broker license is denied.

2. All licenses and licensing rights of respondent Adam George Belter under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to respondent for a period of four years, pursuant to Section 10156.5 of the Business and Professions Code, if respondent makes application therefor and pays to the

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<sup>5</sup> Business and Professions Code section 475, subdivision (a)(2), cited in the Accusation, does not furnish grounds for denial; it merely specifies the scope of Division 1.5 of the Business and Professions Code.

<sup>6</sup> For the purposes of this proceeding, there is no material difference between the two regulations.

*Not Adopted*

Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions, and restrictions imposed under authority of Section 10156.6 of that Code:

(a) Any restricted real estate license issued to respondent pursuant to this Decision shall be suspended for 30 days from the date of issuance of the restricted license.

(b) The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction of or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

(c) The restricted license issued to respondent may be 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 the restricted license.

(d) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, nor for the removal of any of the conditions, limitations, or restrictions of a restricted license, until two years have elapsed from the effective date of this Decision. Upon the successful conclusion of the four-year period of restricted licensure, respondent shall be eligible to have his license fully restored.

(e) Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Bureau of Real Estate which shall certify:

(i) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(ii) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

(f) Further, respondent shall obtain a statement such as the one described in paragraph 2(e), above, from his current employer, and shall submit the statement to the Bureau within 15 days of the effective date of this Decision.

(g) Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully

Not Adopted



Not Restricted

completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

(h) Respondent shall pay \$1,594.95 to the Bureau of Real Estate in reimbursement of its reasonable investigation costs, under a payment plan approved by the Bureau. Repayment of this sum, in full, shall be a condition precedent to the restoration of an unrestricted license to respondent.

Dated: September 22, 2015

DocuSigned by:  
*Angela Villegas*  
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ANGELA VILLEGAS  
Administrative Law Judge  
Office of Administrative Hearings