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REV-3 103

By Jama P. Orona

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Application of )	No. H-20348 LA
PAUL RENE JOSEPH, )	L-18035
Respondent. )	

ORDER GRANTING UNRESTRICTED LICENSE

On April 23, 1979, a Decision was rendered herein denying the respondent's application for a real estate salesperson license, but granting respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to respondent on June 5, 1979, and respondent has operated, parttime, as a restricted licensee without cause for disciplinary action against him since that time.

On March 5, 1981, respondent petitioned for the removal of restrictions attaching to his real estate salesperson license.

I have considered the petition of respondent and the evidence submitted in support thereof including his record as a

1 restricted licensee. Respondent has demonstrated to my  
2 satisfaction that he meets the requirements of law for the  
3 issuance to him of an unrestricted real estate salesperson license  
4 and that it would not be against the public interest to issue said  
5 license to him.


6  
7 NOW, THEREFORE, IT IS ORDERED that respondent's petition  
8 for removal of restrictions is granted and that a real estate  
9 salesperson license be issued to him after he satisfies the  
10 following conditions within six (6) months from the date of this  
11 Order:

12 1. Submittal of a completed application and payment of  
13 the fee for a real estate salesperson license.

14 2. Submittal of evidence of the completion of 45 hours  
15 of approved continuing education offerings which shall include a  
16 three-hour course in ethics, professional conduct, and legal  
17 aspects of real estate within the four-year period immediately  
18 preceding the date on which the evidence of completion is  
19 submitted to the Department.

20 This Order shall be effective immediately.

21 DATED: MAY 2, 1983

22  
23   
24 \_\_\_\_\_

JAMES A. EDMONDS, JR.  
Real Estate Commissioner

25 cc; Paul Rene Joseph  
26 11221 Elm Street  
27 Lynwood, CA 90262

*Book 7/19*

FILED

JUN -7 1979

DEPARTMENT OF REAL ESTATE  
BY *H. H. ...*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Application of	}	NO. H-20348 LA
PAUL RENE JOSEPH,		L-18035
Respondent.		<u>O R D E R</u>

The Decision of the Real Estate Commissioner dated April 23, 1979, is hereby amended nunc pro tunc by deleting the word "granted" as it appears in the Order of said Decision, on page two (2) in paragraph numbered two (2) thereof; and substituting therefore the word "suspended."

Except as specifically amended herein, said Decision remains unchanged and is in full force and effect.

DATED: 6/1/79

*David H. Fox*  
DAVID H. FOX  
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

FILED

STATE OF CALIFORNIA

APR 26 1979

DEPARTMENT OF REAL ESTATE

BY Laura B. Crona

In the Matter of the Application of )

PAUL RENE JOSEPH,

No. H- 20348 LA

L- 18035

Respondent.

DECISION

March 12, 1979

The Proposed Decision dated of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent.

There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at 12 o'clock noon on May 16, 1979.

IT IS SO ORDERED

4/23/79

David H. Fox

DAVID H. FOX

Real Estate Commissioner,

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application )  
of )  
PAUL RENE JOSEPH, ) No. H-20348 LA  
Respondent. ) L-18035

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PROPOSED DECISION

This matter came on regularly for hearing before Charles L. Antis, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on February 23, 1979. Sean Crahan, Counsel, represented the Department. Respondent appeared in person and was represented by Michael Shaw, Attorney. Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Respondent made application for a real estate salesperson license on September 5, 1978. Said application is presently pending.

II

On June 27, 1974, in the Superior Court of the State of California, County of Los Angeles, in cases numbered A-174482 and A-184723, respondent was convicted on his plea of guilty to the crimes of violating section 11352 of the Health and Safety Code (felony disposition of a controlled substance, Benzedrine) and section 11360 of the Health and Safety Code (unlawful disposition of marijuana), felonies. He was sentenced to state prison for the term prescribed by law and concurrently to one year in the county jail. He was discharged after serving three years in prison.

III

Respondent is 30 years of age, married, with one child. He has been employed for one and one-half years as an instructor. His wife is also employed full time. He has given up all narcotic related activities since 1973. Respondent admits and repents his criminal actions. Respondent has the opportunity of obtaining employment with a real estate firm whose broker is aware of his past convictions and is willing to give him appropriate training and supervision if



a license is granted him.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Grounds for the denial of respondent's application for real estate salesperson license exist pursuant to the provisions of sections 480(a) and 10177(b) of the Business and Professions Code in that respondent has been convicted of a crime involving moral turpitude which bears a substantial relationship to the qualifications, functions or duties of a real estate licensee as set forth in paragraph II of the Findings of Fact hereinabove.

II

Competent evidence of rehabilitation furnished by respondent has been considered as required by section 482 of the Business and Professions Code.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of Paul Rene Joseph for issuance of a real estate salesperson license is hereby denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within six months from the effective date of the decision herein.

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 said Code:

1. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.

2. Said restricted license may be granted 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.

SUSPENDED PER 6/1/79 ORDER.

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

4. Respondent shall submit with his application for license under an employing broker or his application for transfer to a new employing broker, a statement signed by the prospective employing broker which shall certify:

a. That he has read the decision of the Commissioner which granted the right to a restricted license; and

b. That he will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter as a result of the hearing had before me on February 23, 1979, at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: MAR 12 1979

*Charles L. Antis*  
CHARLES L. ANTIS,  
Administrative Law Judge  
Office of Administrative Hearings

CLA:jm

FLA 7

1 SEAN CRAHAN, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, California 90012  
5 (213) 620-4790

NOV-7 1978

DEPARTMENT OF REAL ESTATE  
BY *E. H. ...*

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Application of )  
12 PAUL RENE JOSEPH, )  
13 Respondent. )

NO. H-20348 LA

STATEMENT OF ISSUES

15  
16 The Real Estate Commissioner, in conformity with  
17 Section 10152, Division 4, Business and Professions Code of the  
18 State of California, requires further proof of the honesty and  
19 truthfulness of PAUL RENE JOSEPH, in connection with his  
20 application for a real estate salesperson license filed on  
21 September 5, 1978, and in relation thereto will consider the  
22 following:

23 I

24 On or about June 27, 1974, in the Superior Court of the  
25 State of California, County of Los Angeles, in cases numbered  
26 A-184482 and A-184723, respondent pleaded guilty to violating  
27 Sections 11352 and 11360 of the California Health and Safety Code



1 (Felony Disposition of a Controlled Substance, Benzedrine; and  
2 Unlawful Disposition of Marijuana, respectively) felonies, crimes  
3 involving moral turpitude and crimes substantially related to the  
4 qualifications, functions or duties of a real estate licensee.

5 II

6 Respondent's convictions as set forth above constitute  
7 grounds for the denial of his application for a real estate  
8 salesperson license under the provisions of the California  
9 Business and Professions Code Sections 480 and 10177(b).

10  
11 These proceedings are brought under the provisions of  
12 Section 10100, Division 4 of the Business and Professions Code of  
13 the State of California and Sections 11500 through 11528 of the  
14 Government Code.

15 Dated at Los Angeles, California,  
16 this 7th day of November, 1978.

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19 Deputy Real Estate Commissioner

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22  
23  
24  
25 cc: Paul Rene Joseph  
26 Frederick Darby, Jr.  
27 Sacto  
OAH  
GAR