FILED

JUN - 8 2010

DEPARTMENT OF MEAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of )

NO. H-36278 LA

WILL FITZGERALD STATEN.

Respondent.

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 February 2, 2010 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 convictions for crimes.

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 <u>Criteria of Rehabilitation</u> are attached hereto for the information of Respondent.

## FINDINGS OF FACT

1.

On September 21, 2009, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, Provisions of APA Relating to Discovery, and Notice

of Defense were mailed by certified mail, return receipt requested, to Respondent on September 28, 2009. On October 7, 2009, a second attempt at service was made by regular mail to Respondent.

On February 2, 2010, 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.

2.

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 as a real estate salesperson. Respondent was first licensed by the Department of Real Estate of the State of California as a real estate salesperson on or about February 23, 2005.

3.

On or about December 16, 2008, in the Superior Court of California, County of Los Angeles, Case No. 8S404457, Respondent was convicted of violating California Penal Code Section 485 (theft of lost property), a misdemeanor.

4.

The evidence established that the crimes of which Respondent was convicted were substantially related to the qualifications, functions and duties of a real estate licensee.

## DETERMINATION OF ISSUES

1.

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

2.

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

## ORDER

The license and license rights of Respondent
WILL FITZGERALD STATEN 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 JUN 2 8 2010 .
DATED: 6/1/10
JEFF DAVI
Real Estate Commissioner
Danua X Dolla
BY: Barbara J. Bigby
Chief Deputy Commissioner

Department of Real Estate 320 West Fourth Street, Suite 350 Los Angeles, California 90013-1105 2 (213) 576-6982 3 4 5 6 7 BEFORE THE DEPARTMENT OF REAL ESTATE 8 9 STATE OF CALIFORNIA In the Matter of the Accusation of ) 11 WILL FITZGERALD STATEN, 13 Respondent. 14 15 16 this matter. 19 IT IS SO ORDERED AND day of February, 2010. 20 EFF DAVI 22 23

FILED

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DEPARTMENT OF REAL ESTATE

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DEFAULT ORDER

Respondent, WILL FITZGERALD STATEN, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in

Estate Commissioner

DOLORES WEEKS

Regional Manager

JULIE L. TO, Counsel (SBN 219482)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982 (Direct) (213) 576-6916

## FILED

SEP 2 8 2009

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of ) No. H-36278 LA ) WILL FITZGERALD STATEN, ) A C C U S A T I O N Respondent.

The Complainant, Joseph Aiu, a Deputy Real Estate

Commissioner of the State of California, for cause of Accusation

against WILL FITZGERALD STATEN, a.k.a. Willie Fitzgerald Staten

or Willie Staten ("Respondent"), alleges as follows:

1.

The Complainant, Joseph Aiu, a Deputy Real Estate

Commissioner of the State of California, makes this Accusation
in his official capacity.

2.

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

3.

On or about December 16, 2008, in the Superior Court of the State of California, County of Los Angeles, Case No. 8S404457, Respondent was convicted of violating California Penal Code Section 485 (theft of lost property), a misdemeanor. Respondent was sentenced to two years probation; ordered to pay fines; and ordered to perform 10 days of Cal Trans community service.

4.

This conviction, by its facts and circumstances, is a crime of moral turpitude and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

5.

The crime of which Respondent was convicted constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent, WILL FITZGERALD STATEN, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law. Dated at San Diego, California day of Deputy Real Estate Commissioner

cc: WILL FITZGERALD STATEN

Joseph Aiu Sacto.