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FILED
DEC - 7 1998
DEPARTMENT OF REAL ESTATE

Lucie A. Zain

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
L. J. JENNINGS,) No. H-7346 SF
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 12, 1996, a Decision was rendered herein
revoking the real estate salesperson license of Respondent, 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 December 5, 1996, and
Respondent has operated as a restricted licensee without cause for
disciplinary action against Respondent since that time.

On August 7, 1998, Respondent petitioned for
reinstatement of said real estate salesperson license, and the
Attorney General of the State of California has been given notice
of the filing of said petition.

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
9 for reinstatement is granted and that a real estate salesperson
10 license be issued to Respondent if Respondent satisfies the
11 following conditions within nine months from the date of this
12 Order:

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

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: December 7, 1998.

22
23 JIM ANTT, JR.
24 Real Estate Commissioner

25
26 
27 BY: John R. Liberator
Chief Deputy Commissioner



FILED
NOV 13 1996
DEPARTMENT OF REAL ESTATE

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Kathleen Contreras

* * *

In the Matter of the Accusation of)	
L. J. JENNINGS,)	NO. H-7346 SF
)	
Respondent.)	OAH NO. N-9606029
)	

DECISION

The Proposed Decision dated October 8, 1996, 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 Decision suspends or revokes one or more real estate licenses 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.

This Decision shall become effective at 12 o'clock noon on December 5, 1996.

IT IS SO ORDERED 11/12, 1996.

JIM ANTT, JR.
Real Estate Commissioner

[Handwritten Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	No. H-7346 SF
L. J. JENNINGS,)	
)	OAH NO. N 9606029
Respondent.)	
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PROPOSED DECISION

This matter was heard before Robert Walker, Administrative Law Judge, Office of Administrative Hearings, State of California, on August 22, 1996, at Oakland, California. The record was held open to give Respondent an opportunity to submit a certified copy of Exhibit C, the December 14, 1995, report of his probation officer. Respondent submitted that on September 9, 1996, and it was marked as Exhibit "D" for identification and admitted in evidence as administrative hearsay. The record was held open for one additional week to give the complainant an opportunity to respond. The complainant made no response, and the record was closed on September 16, 1996.

David Seals, Counsel, represented the complainant, Les R. Bettencourt (Complainant).

James W. Blackman, Attorney at Law, represented the respondent, L. J. Jennings (Respondent).

FINDINGS OF FACT

1. Complainant filed the accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Respondent holds a real estate salesperson license issued by the Department of Real Estate (Department).
3. On October 26, 1995, in the Superior Court for the County of Santa Clara, Respondent was convicted of forgery, a violation of Section 470 of the California Penal Code. The conviction was based on a plea of nolo contendere.
4. The crime of which Respondent was convicted is one involving moral turpitude.

5. Within the terms of section 2910, Title 10, California Code of Regulations, the crime of which Respondent was convicted is a crime that is substantially related to the qualifications, functions or duties of a real estate licensee.

6. The court sentenced Respondent to one year in the county jail but suspended the sentence. The court placed Respondent on probation for two years on condition that he perform 100 hours of community service. At the time of sentencing Respondent had already made full restitution.

7. Respondent completed the 100 hours of community service within six months by doing administrative work for two Oakland groups with which he already was associated, Christmas in April and the East Oakland Community Project. Respondent applied for an early termination of probation and a dismissal of the charges against him pursuant to Penal Code section 1203.4, and on July 31, 1996, the court entered an order granting his application.

8. The circumstances that gave rise to Respondent's conviction are relevant only concerning the issue of mitigation. In 1988 Respondent, with two partners, bought and rehabilitated a piece of residential real estate in Oakland with the intention of reselling it. One of the partners, William Robbins, provided the down payment, and the partners financed the balance of the purchase with a loan from Home Savings Bank. In late 1989 there was a severe reversal in the real estate market, and Respondent and his partners were unable to sell the property for a profit. Mr. Robbins moved out of state, and Respondent was receiving and forwarding his mail to him. The partners fell behind in their loan payments, and Home Savings, the lender, began a trustee sale proceeding to have the property sold and to recover on the security of the deed of trust.

9. At about that time the State of California sent Mr. Robbins a refund on his taxes in the amount of \$12,000. Because Respondent was receiving Mr. Robbins' mail, the State Controller's check went to Respondent's mail box. Respondent contends that he spoke with Mr. Robbins and that Mr. Robbins authorized him to endorse the check and use the funds to preserve the partnership interest in the property. Respondent endorsed the check with the names of Mr. and Mrs. Robbins and with his own name and used the funds to attempt to save the property from being sold at a trustee sale. Subsequently, Mr. Robbins contended that he had not authorized Respondent to endorse the check, and Respondent was charged with forgery. Respondent had no writing to support his contention that Mr. Robbins had authorized him to endorse the check.

10. When Respondent endorsed the check, he deposited it in his account at Great Western Bank. The State Controller issued a second check to Mr. Robbins and required Great Western

to reimburse the state for the funds the state had paid on the original check. That left the bank to bear the loss, and Respondent reimbursed the bank and made it whole.

11. Respondent is employed with a loan broker in Oakland and has been since 1991. He has been married since 1986 and has two children.

12. Before the forgery incident Respondent was already extensively involved in community service activities in Oakland, and he has continued to devote a substantial amount of time to worthy causes. He was one of the founders of the Christmas in April program, is on the board of directors, and has devoted hundreds of hours to it. That program is dedicated to rehabilitating the homes of senior and low income homeowners to make the homes safer and more comfortable. Christmas in April organizes volunteers who actually work on and rehabilitate homes. Respondent also is on the board of directors of the East Oakland Community Project, a homeless shelter. He has devoted hundreds of hours to that project, too.

13. Respondent is active in a number of professional and trade organizations. They include the East Oakland Community Development Corporation, which is dedicated to the development of economically sound neighborhoods within East Oakland; LeTIP Oakland Montclair, a business networking group; the Oakland Association of Realtors, a chapter of the National Association of Realtors; and the Association of Real Property Brokers, a chapter of the National Association of Real Property Brokers. Respondent is or has been an officer in most of these organizations. Respondent also is active in the Gethsemane Community Church and has served as Brotherhood President and a Sunday School Teacher.

14. At the time of Respondent's sentencing a number of people wrote letters commending him. The letters were from business acquaintances and associates, clients, people who had worked with him in community organizations, his wife, and his father-in-law. They described the Respondent, variously, as hard working, caring, helpful, fair, honest, trustworthy, dedicated, responsible, and dependable.

15. Respondent is ashamed of having been convicted of a crime and seems to be sincere in his resolve to lead a life that is respectable and productive. He contends that he will forever be disappointed with himself for having endorsed the check and that, now, he is particularly careful not to do anything that might jeopardize his ability to provide for his family.

16. There are no known complaints against Respondent concerning his work as a licensee.

DETERMINATION OF ISSUES

1. By reason of the matters set forth in Findings 3 through 5, cause to revoke Respondent's license exists pursuant to Business and Professions Code sections 490 and 10177(b).

2. By reason of the matters set forth in Findings 6, 7, and 12 through 16, it appears that Respondent has been substantially rehabilitated. In fact, it appears that the incident that gave rise to his conviction was an aberrant incident and that, otherwise, he has led a rather exemplary life. Thus, it would not be contrary to the public interest for Respondent to hold a restricted license subject to terms of probation. It would not be appropriate to impose no discipline, however, because the conviction was less than one year ago and because the underlying conduct was so closely related to the sort of responsibilities a licensee is expected to discharge.

ORDER

All licenses and licensing rights of Respondent under the Real Estate Law are revoked; 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 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 the Business and Professions Code:

1. 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 or plea of guilty or nolo contendere to a crime that is substantially related to Respondent's fitness or capacity as a real estate licensee.
2. 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.
3. 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.


4. 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 Department of Real Estate, that shall certify:

a. That the employing broker has read the Decision of the Commissioner that granted the right to a restricted license; and

b. 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.

5. 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 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 the Respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: October 8, 1996


ROBERT WALKER
Administrative Law Judge

COPY

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2 Department of Real Estate
3 185 Berry Street, Room 3400
4 San Francisco, California 94107-1770
5
6 Telephone: (415) 904-5917
7

FILED
APR 11 1996

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 L.J. JENNINGS,)
13 Respondent.)
14 _____)

No. H-7346 SF
ACCUSATION

15 The Complainant, LES R. BETTENCOURT, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against L.J. JENNINGS (hereinafter "Respondent"), is
18 informed and alleges as follows:

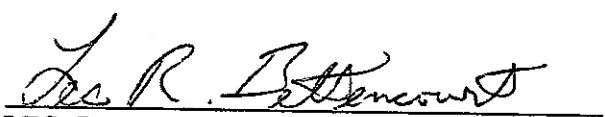
19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 California Business and Professions Code (hereinafter "Code") as a
23 real estate salesperson.

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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 licenses and license rights of Respondent, 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 provisions of law.


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at San Francisco, California,
this 1st day of April, 1996.