

FILED

AUG 28 2007

DEPARTMENT OF REAL ESTATE

By J. Fej

1 DEPARTMENT OF REAL ESTATE  
P. O. Box 187000  
2 Sacramento, CA 95818-7000  
3 Telephone: (916) 227-0789  
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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO. H-9726 SF  
13 ) STIPULATION AND AGREEMENT  
14 ODIS DOUGLAS JAMES III, )  
15 Respondent. )

16  
17 It is hereby stipulated by and between Respondent ODIS  
18 DOUGLAS JAMES III, acting by and through his attorney Thomas C.  
19 Lasken, and the Complainant, acting by and through Michael B.  
20 Rich, Counsel for the Department of Real Estate, as follows for  
21 the purpose of settling and disposing of the Accusation filed on  
22 October 20, 2006, in this matter ("the Accusation"):

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondent  
25 at a formal hearing on the Accusation, which hearing was to be  
26 held in accordance with the provisions of the Administrative  
27

1 Procedure Act (APA), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement.

4           2. Respondent has received, read and understands the  
5 Statement to Respondent, the Discovery Provisions of the APA and  
6 the Accusation filed by the Department of Real Estate in this  
7 proceeding.

8           3. On October 30, 2006, Respondent filed a Notice of  
9 Defense pursuant to Section 11505 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondent hereby freely and voluntarily withdraws  
12 said Notice of Defense. Respondent acknowledges that Respondent  
13 understands that by withdrawing said Notice of Defense  
14 Respondent will thereby waive Respondent's right to require the  
15 Commissioner to prove the allegations in the Accusation at a  
16 contested hearing held in accordance with the provisions of the  
17 APA and that Respondent will waive other rights afforded to  
18 Respondent in connection with the hearing such as the right to  
19 present evidence in defense of the allegations in the Accusation  
20 and the right to cross-examine witnesses.

21           4. Respondent, pursuant to the limitations set  
22 forth below, hereby admits that the factual allegations in the  
23 Accusation pertaining to Respondent are true and correct and  
24 stipulates and agrees that the Real Estate Commissioner shall  
25 not be required to provide further evidence of such  
26 allegations.

27           5. It is understood by the parties that the Real

1 Estate Commissioner may adopt the Stipulation and Agreement as  
2 his decision in this matter, thereby imposing the penalty and  
3 sanctions on Respondent's real estate license and license rights  
4 as set forth in the "Order" below. In the event that the  
5 Commissioner in his discretion does not adopt the Stipulation  
6 and Agreement, it shall be void and of no effect, and Respondent  
7 shall retain the right to a hearing and proceeding on the  
8 Accusation under all the provisions of the APA and shall not be  
9 bound by any admission or waiver made herein.

10           6. This Stipulation and Agreement shall not  
11 constitute an estoppel, merger or bar to any further  
12 administrative or civil proceedings by the Department of Real  
13 Estate with respect to any matters which were not specifically  
14 alleged to be causes for accusation in this proceeding.

15                           DETERMINATION OF ISSUES

16           By reason of the foregoing stipulations, admissions  
17 and waivers and solely for the purpose of settlement of the  
18 pending Accusation without hearing, it is stipulated and agreed  
19 that the following Determination of Issues shall be made:

20                           I

21           The acts and omissions of Respondent ODIS DOUGLAS  
22 JAMES III described in the Accusation are grounds for the  
23 suspension or revocation of the licenses and license rights of  
24 Respondent under the provisions of Sections 490 and 10177(b) of  
25 the California Business and Professions Code.

26    ///

27    //

1                                    ORDER

2                                    I

3                    All licenses and licensing rights of Respondent ODIS  
4 DOUGLAS JAMES III under the Real Estate Law are revoked;  
5 provided, however, a restricted real estate salesperson license  
6 shall be issued to said Respondent pursuant to Section 10156.5  
7 of the Business and Professions Code if, within 90 days from the  
8 effective date of the Decision entered pursuant to this Order,  
9 Respondent makes application for the restricted license and pays  
10 to the Department of Real Estate the appropriate fee therefor.

11                    The restricted license issued to Respondent shall be  
12 subject to all of the provisions of Section 10156.7 of the  
13 Business and Professions Code and to the following limitations,  
14 conditions and restrictions imposed under authority of Section  
15 10156.6 of that Code:

- 16                    1. The restricted license issued to Respondent may  
17                                    be suspended prior to hearing by Order of the  
18                                    Real Estate Commissioner in the event of  
19                                    Respondent's conviction or plea of nolo  
20                                    contendere to a crime which is substantially  
21                                    related to Respondent's fitness or capacity as a  
22                                    real estate licensee.
- 23                    2. The restricted license issued to Respondent may  
24                                    be suspended prior to hearing by Order of the  
25                                    Real Estate Commissioner on evidence satisfactory  
26                                    to the Commissioner that Respondent has violated  
27                                    provisions of the California Real Estate Law, the

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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 (2) 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 which shall certify:

- (a) That the employing broker has read the Decision of the Commissioner which 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 the Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of

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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.

6/20/07  
DATED

*Michael B. Rich*  
MICHAEL B. RICH, Counsel  
Department of Real Estate

\* \* \*

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and

1 mitigation of the charges.


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6.12.2007  
DATED

  
ODIS DOUGLAS JAMES III  
Respondent

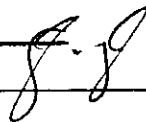
Approved as to form and content by counsel for Respondent.

May 31, 2007  
DATED

  
THOMAS C. LASKEN  
Attorney for Respondent

\* \* \*

The foregoing Stipulation and Agreement is hereby adopted by as my Decision in this matter as to Respondent ODIS DOUGLAS JAMES III and shall become effective at 12 o'clock noon on SEP 17 2007.

IT IS SO ORDERED , 2007.

JEFF DAVI  
Real Estate Commissioner



FILED  
OCT 20 2006

DEPARTMENT OF REAL ESTATE

By A. El

1 MICHAEL B. RICH, Counsel  
State Bar No. 84257  
2 Department of Real Estate  
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4 Telephone: (916) 227-0789  
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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 )  
12 ODIS D. JAMES III, ) NO. H-9726 SF  
13 Respondent. ) ACCUSATION  
14 )

15 The Complainant, E.J. HABERER II, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against ODIS D. JAMES III (hereinafter referred to as  
18 Respondent), is 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 Business and Professions Code) (Code) as a real estate  
23 salesperson.

24 II

25 The Complainant, E. J. HABERER II, a Deputy Real  
26 Estate Commissioner of the State of California, makes this  
27 Accusation in his official capacity.



1 III

2 On or about December 3, 2004, in the Superior Court,  
3 County of Santa Clara, State of California, in case number  
4 CC453948, Respondent was convicted of violating Section 422 of  
5 the California Penal Code (Willfully threaten to commit a crime  
6 which will result in death or great bodily injury to another),  
7 Section 246.3 of the California Penal Code (Willfully discharges  
8 firearm in grossly negligent manner that could result in death  
9 or injury), and Section 273a(a) of the California Penal Code  
10 (Willfully causes or permits any child to suffer or inflicts  
11 unjustifiable physical pain or mental suffering, or causes  
12 injury to or endangers that child's health), crimes involving  
13 moral turpitude and/or crimes which bear a substantial  
14 relationship under Section 2910, Title 10, California Code of  
15 Regulations, to the qualifications, functions, or duties of a  
16 real estate licensee.

17 IV

18 The facts alleged above, constitute cause under  
19 Sections 490 and/or 10177(b) of the Code for suspension or  
20 revocation of all licenses and license rights of Respondent  
21 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 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 the provisions of law.

  
\_\_\_\_\_  
E. J. HABERER II  
Deputy Real Estate Commissioner

Dated at Oakland, California,  
this 25<sup>th</sup> day of April, 2006.