

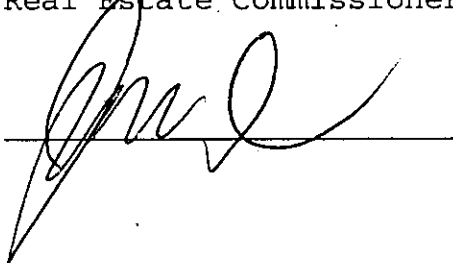


If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria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

This Decision shall become effective at 12 o'clock noon on November 2, 2006.

IT IS SO ORDERED

10-20-06  
JEFF DAVI  
Real Estate Commissioner

A handwritten signature in black ink, appearing to read "Jeff Davi", is written over a horizontal line. The signature is stylized and cursive.

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of:

GODSTIME ERHAHON,

Respondent.

Case No. <sup>32610</sup> H-32510 LA.

OAH No. L2006040171

**PROPOSED DECISION**

Sandra L. Hitt, Administrative Law Judge, Office of Administrative Hearings, heard this matter on August 11, 2006, at Los Angeles, California.

Lissette Garcia Real Estate Counsel for the Department of Real Estate (DRE), represented Complainant.

Godstime Erhahon (Respondent) appeared in propria persona.

Oral and documentary evidence was received and the matter submitted on August 11, 2006, the Administrative Law Judge makes the following Proposed Decision.

**FINDINGS OF FACT**

1. Complainant, Janice Waddell, Deputy Real Estate Commissioner of the State of California, filed the Statement of Issues in her official capacity.
2. Respondent applied to DRE for a salesperson license from DRE on August 5, 2005. His application was denied, and this hearing ensued.
3. On August 1, 2002, in the Superior Court of the State of California, County of Los Angeles, in case number BA220138, Respondent pled guilty and was convicted of a violation of California Penal Code section 118 (perjury), a felony. Imposition of sentence was suspended, and Respondent was placed on formal probation for three years. As a condition of his probation, Respondent was ordered to spend 64 days in the county jail, with credit for 43 days actually served and 21 days of "good time/work time." Respondent was also ordered to pay fines and fees of \$400, which he has done. On February 14, 2005, Respondent achieved early termination of his probation. Respondent has had his conviction dismissed pursuant to Penal Code section 1203.4.

4. The facts and circumstances underlying Respondent's conviction are as follows: Respondent is an immigrant to this country. In or around 1993, he submitted a written application for a California Identification Card (ID card) in the name of Patrick Rowland, to the Department of Motor Vehicles. Respondent signed the application, under penalty of perjury, stating that his name was Patrick Rowland. Rowland is Respondent's father's name. Respondent had an auto repair business at the time he used the fake ID. His customers called him Patrick Rowland. Respondent claims that he kept the ID card until it expired. He does not remember if he used the card to obtain credit.

Respondent was not arrested until approximately eight years later, in 2001, when the police came to his house with a search warrant. The police asked Respondent if he had an ID card, and he answered "yes." Respondent said that the ID card had expired by the time of his arrest, and that at the time of his arrest, he had a California Driver's license in his real name.

5. Respondent has been married for almost 20 years. He and his wife have three children, ages 18, 10, and 8. The oldest son attends California State University at Fullerton. Respondent plays basketball with his children and takes them swimming. He is a devoted family man. He also takes his family to church at the Temple of Deliverance Ministry in North Hollywood, which was founded approximately three years ago. Since the church's founding, Respondent and his wife have been very involved in the church. He has attended Bible classes on Thursday nights. Now Respondent and his wife are church leaders. Respondent is involved in the mercy ministry, and takes two days of work each month to help bring food to the needy. After his conviction, Respondent sought counseling through the Temple of Deliverance Ministry.

Respondent successfully completed the real estate courses necessary for him to take and pass the real estate examination. Respondent is now employed at Pinnacle Mortgage as a clerical assistant. Pinnacle is willing to employ him in a licensed capacity should he receive a real estate salesperson's license.

Respondent submitted several letters of reference in his support. One of the letters was from the President of Pinnacle Mortgage Corporation where Respondent currently works. Respondent's employer has discussed the circumstances of Respondent's conviction with him on several occasions and believes Respondent is an honest individual; Respondent's employer agrees to closely supervise Respondent's work as a licensed real estate professional should Respondent be granted a license. Respondent also submitted a letter of character reference from his Pastor, who has known Respondent for 18 years. Respondent's Pastor recommends him as a man of exemplary character who serves the church as an usher and also volunteers in the church's outreach program. Finally, Respondent submitted a reference from a friend who has known Respondent for over 20 years and is aware of his conviction. The friend stated that he knows Respondent to be a responsible, hard working family man who serves as an elder in his church.

Respondent was respectful of DRE and these proceedings. He showed remorse for his crime. He has had no other convictions.

### CONCLUSIONS OF LAW

1. Cause exists to deny Respondent's Application under section 480, subdivision (a) and section 10177, subdivision (b) of the California Business and Professions Code. California Business and Professions Code section 480 provides in pertinent part that "The Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made." Section 2910, subdivision (a) (2) Chapter 6, Title 10 of the California Code of Regulations (Regulations of the Real Estate Commissioner) provides in pertinent part: a crime shall be deemed to be substantially related if it involves...the uttering of a false statement. Respondent uttered a false statement, under penalty of perjury, when he applied for a California ID card in the name of Patrick Rowland.

2. California Code of Regulations, Title 10, section 2911 sets forth the criteria for rehabilitation following a conviction when a license has been denied. Respondent has shown rehabilitation since his conviction and the underlying crime 13 years ago (Finding 4). Specifically, Respondent has met criterion (a) (passage of time since conviction or crime) (Finding 4). Respondent has met Criterion (e); he has completed his probation (Finding 3). Respondent has shown stability of family life (Criterion (h), Finding 5). Respondent has shown new and different business and social relationships (Criterion (m), Finding 5). Respondent works in the mortgage industry; he supports his family, and he is supporting his oldest son through college (Finding 5). Respondent has shown involvement in social programs (Criterion (l), Finding 5); he is a leader in his church and is actively involved in the charitable activities of the church (Finding 5). Post conviction, Respondent successfully completed classes in real estate (Criterion (i), Finding 5). Respondent has had his conviction expunged (Criterion (d), Finding 3).

4. Although Complainant has cause to deny Respondent's application, it would be consistent with the public interest to issue him a restricted license as set forth in Regulations of the Real Estate Commissioner, Regulation 2930. The crime underlying Respondent's conviction is 13 years old (Finding 4) and he has shown substantial rehabilitation. Under these circumstances, the public interest can be protected through the issuance of a restricted license to Respondent, provided it is conditioned as set forth in the order below.

### ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Respondent's application for a Real Estate Salesperson License is 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. The restricted license issued to the 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. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence 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.

2. 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 attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to Respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:


(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

4. Respondent's restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified license under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

Date: September 11, 2006

  
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SANDRA L. HITT  
Administrative Law Judge  
Office of Administrative Hearings

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(Direct) (213) 576-6914

**FILED**  
MAR 24 2008  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-32610 LA  
)  
GODSTIME E. ERHAHON, ) STATEMENT OF ISSUES  
)  
Respondent. )  
)

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against GODSTIME E. ERHAHON ("Respondent"), is informed and alleges in her official capacity as follows:

I

On or about August 5, 2005, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the California Business and Professions Code ("Code").



II

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2 On or about August 1, 2002, in Superior Court of  
3 California, County of Los Angeles, case number BA220138,  
4 Respondent was convicted of a violation of Penal Code Section  
5 118 (perjury), a felony. Respondent was sentenced to 3 years  
6 formal probation, 64 days county jail (credit for time served)  
7 and probation fine of \$200.00. Said crime involves moral  
8 turpitude and bears a substantial relationship under Section  
9 2910, Title 10, Chapter 6, California Code of Regulations, to  
10 the qualifications, functions or duties of a real estate  
11 licensee.

12  
13 III

14 The crime of which Respondent was convicted, as  
15 alleged in Paragraph II above, constitutes cause for denial of  
16 Respondent's application for a real estate license under  
17 Business and Professions Code Sections 475, 480(a) and 10177(b).

18 These proceedings are brought under the provisions of  
19 Section 10100, Division 4 of the Business and Professions Code  
20 of the State of California and Sections 11500 through 11528 of  
21 the California Government Code.

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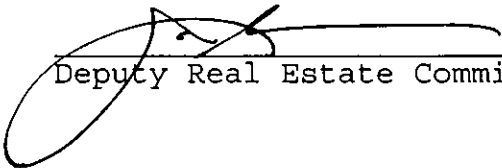
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1 WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of, a real  
5 estate salesperson license to Respondent, GODSTIME E. ERHAHON,  
6 and for such other and further relief as may be proper in the  
7 premises.

8 Dated at Los Angeles, California

9 this 9 day of March, 2006.

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13 Deputy Real Estate Commissioner  
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24 cc: Godstime E. Erhahon  
25 Bradley J. Hertan/Pinnacle Mortgage Corporation  
26 Janice Waddell  
27 Sacto.