

BEFORE THE DEPARTMENT OF REAL ESTATE
OF THE STATE OF CALIFORNIA

FILED

MAR 23 1978

DEPARTMENT OF REAL ESTATE

BY *Sylvia H. Hens*

In the Matter of the Application of)

AARON ALEXANDER JOHNSON, aka)

AARON JOHNSON PAGE, aka)

AARON JOHNSON SHABAZZ,)

Respondent.)

NO. H-802 SD

L-15397

In the Matter of the Accusation of)

AARON ALEXANDER JOHNSON,)

aka AARON JOHNSON PAGE,)

aka AARON JOHNSON SHABAZZ,)

Respondent.)

NO. H-803 SD

L-15405

DECISION

The Proposed Decision dated February 6, 1978,
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.

This Decision shall become effective at 12 o'clock
noon on April 12, 1978.

IT IS SO ORDERED 3/20/78.

David H. Fox

DAVID H. FOX
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE
OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	)	
AARON ALEXANDER JOHNSON, aka)	)	NO. H-802 SD
AARON JOHNSON PAGE, aka)	)	
AARON JOHNSON SHABAZZ,)	)	L-15397
Respondent.)	)	

In the Matter of the Accusation of)	)	
AARON ALEXANDER JOHNSON,)	)	NO. H-803 SD
aka AARON JOHNSON PAGE,)	)	
aka AARON JOHNSON SHABAZZ,)	)	L-15405
Respondent.)	)	

PROPOSED DECISION

The above matters, having been previously consolidated, came on regularly for hearing before P. M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at San Diego, California, on January 18, 1978, at the hour of 2:30 p.m. Marjorie P. Mersel, Counsel, represented the complainant. Respondent appeared but was not represented by counsel. Evidence, both oral and documentary, having been introduced, and the matter submitted, the Administrative Law Judge finds the following facts:

I

The application which is the subject matter of Case No. H-802 SD was filed by respondent on June 27, 1977; the Commissioner's Statement of Issues was filed in response thereto on October 13, 1977.

II

The complainant in Case No. H-803 SD is John C. Kamps, a Deputy Real Estate Commissioner of the State of California, who filed the Accusation therein in his official capacity.

III

Aaron Alexander Johnson, aka Aaron Johnson Page, aka Aaron Johnson Shabazz (hereinafter referred to as respondent), was licensed by the Department of Real Estate of the State of California as a real estate salesman, and his license expired on

March 4, 1977; respondent retains a right of renewal of said license until March 4, 1979 pursuant to Section 10201 of the California Business and Professions Code. Said license was renewed and will expire on July 17, 1981.

IV

On or about April 8, 1977 in the Municipal Court of California, County of San Diego South Bay Judicial District respondent was convicted of the crime of violating Penal Code Section 488 (Petty Theft), a crime involving moral turpitude.

V

The crime of which respondent was convicted bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee.

VI

The Municipal Court suspended imposition of sentence and placed respondent on summary probation for one year on condition that he not commit the same or similar offenses, and that he perform fourteen hours of volunteer work on or before June 6, 1977.

VII

The events leading up to respondent's conviction involved the obtaining of children's clothing worth about \$125.00 from a department store by use of a credit card. Respondent pleaded nolo contendere to a charge of petty theft. While of the opinion that although his former wife was involved in the offense, he could not testify against her because of the marital privilege.

VIII

Additional evidence was offered to prove the following:

- A. Respondent has no prior criminal record, and has performed on probation without incident.
- B. Respondent is divorced, and has custody of the older two of his three children pursuant to agreement between him and his ex-wife.
- C. Respondent has obtained an Associate of Arts Degree, and has taken courses in marketing and business management, which he believes useful to his proposed operations as a real estate broker.
- D. Respondent has performed without complaints concerning his business dealings as a licensed real estate salesperson, and also in other responsible positions in which he has been bonded.

IX

All competent evidence of rehabilitation furnished by respondent in connection with his application for a broker's license has been considered.

* * * * *

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

Grounds exist for the denial of respondent's application for a real estate broker's license, and for the suspension or revocation of his real estate salesperson's license pursuant to Sections 480, 490 and 10177(b) of the Business and Professions Code, by reason of his conviction of the offense of petty theft, as described in Findings IV and V above.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. The application of respondent for a real estate broker's license is denied.

2. The real estate salesperson's license of respondent is hereby revoked, provided, however, a restricted real estate salesperson's license may be issued respondent upon the following terms and conditions:

(1) A restricted real estate salesperson's 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.

(2) 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:

(3) 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.

(4) Said restricted license 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 this restricted license.

(5) 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 has elapsed from the date of issuance of the restricted license to respondent.

(6) 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:

- (1) That he has read the Decision of the Commissioner which granted the right to a restricted license; and
- (2) That he will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

(7) Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

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 January 18, 1978, at San Diego, California, and recommend its adoption as the Decision of the

Real Estate Commissioner.

DATED: FFR 6 1978



P. M. HOGAN

Administrative Law Judge

Office of Administrative Hearings

PMH:mh

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2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
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8 (213) 620-4790

FILED

OCT 13 1977

DEPARTMENT OF REAL ESTATE
BY R. M. [Signature]

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of

12 AARON ALEXANDER JOHNSON, aka
13 Aaron Johnson Page, aka
14 Aaron Johnson Shabazz,

15 Respondent.

No. H-802 SD

STATEMENT OF ISSUES

16
17 The Real Estate Commissioner, in conformity with
18 Section 10152, Division 4, Business and Professions Code of the
19 State of California, requires further proof of the honesty and
20 truthfulness of AARON ALEXANDER JOHNSON, aka Aaron Johnson Page,
21 aka Aaron Johnson Shabazz in connection with his application for
22 a real estate broker license filed on June 27, 1977, and in
23 relation thereto will consider the following:

24 I

25 On or about April 8, 1977, in the Municipal Court of
26 California, County of San Diego South Bay Judicial District,
27 respondent was convicted of the crime of violating Penal Code

1 Section 488 (Petty Theft), a crime involving moral turpitude.

2 II

3 The crime which respondent was convicted of bears a
4 substantial relationship to the qualifications, functions or
5 duties of a real estate licensee.

6 III

7 Respondent's criminal record as alleged above is
8 grounds for denying his application for a real estate license
9 under Sections 480, 10177(b) and 10177(f) of the Business and
10 Professions Code of the State of California.

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

16 Dated at San Diego, California
17 this 13th day of October, 1977.

18
19 JOHN C. KAMPS
20 Deputy Real Estate Commissioner

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24
25 cc: Aaron Alexander Johnson
26 aka Aaron Johnson Page
27 aka Aaron Johnson Shabazz
Sacto.
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