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BEFORE THE DEPARTMENT OF REAL ESTATE  
DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

By Victoria Dillon  
Victoria Dillon

In the Matter of the Application of )  
EDWARD JAMES GREENSHIELDS, )  
Respondent. )

No. H-1649 SA  
OAH N 9309103

DECISION

The Proposed Decision dated December 16, 1993, 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 application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may again be made for an unrestricted license. Petition for removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for information of Respondent.

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 January 31, 1994.

IT IS SO ORDERED

12/31, 1993.

CLARK WALLACE  
Real Estate Commissioner

Clark Wallace

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of: )	)	NO. H-1649 SA
	)	
EDWARD JAMES GREENSHIELDS,	)	OAH NO. N 9309103
	)	
Applicant.	)	

PROPOSED DECISION

This matter was heard on December 10, 1993, in San Francisco, California, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings, State of California. The Department of Real Estate was represented by John Van Driel, Counsel. The respondent was present and was represented by James W. Haworth, Attorney at Law.

FINDINGS OF FACT

I

The statement of issues herein was made by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

On or about September 30, 1992, respondent Edward James Greenshields submitted to the Department of Real Estate an application, dated June 23, 1992, for a real estate salesperson license.

III

On October 3, 1990, in the Superior Court of California, County of Fresno, respondent was convicted, upon his pleas of guilty, of one count of violating Penal Code section 182 / Health and Safety code section 11360 (conspiracy to sell marijuana), one count of violating Health and Safety Code section 11359 (possession of marijuana for sale), and one count of violating Health and Safety Code section 11358 (cultivation of marijuana). Conspiracy to sell marijuana and possession of marijuana for sale are crimes involving moral turpitude which are substantially related to the

qualifications, functions and duties of a real estate licensee. Respondent was sentenced to serve two consecutive 365-day jail terms and placed on three years formal probation. On August 9, 1993, his probation was terminated and his petition to have the complaint in this matter set aside under Penal Code section 1203.4 was granted.

#### IV

Although he was convicted of three crimes, the facts and circumstances were that he grew and sold marijuana for his personal financial gain.

#### V

Respondent was released from jail in September 1991. He worked for a time in construction and as a part-time handyman. In February 1992, he began training at a real estate loan company to become a loan officer. In June 1992, he was informed that he had passed the real estate license examination. In the erroneous belief that having passed the examination, he could work as a real estate loan officer without waiting for his license, he worked as a real estate loan officer from July 1992 to November 1993. During that time, he performed acts for which a real estate license is required.

#### VI

The above convictions are respondent's only convictions and were not committed in the course of an activity for which a real estate license is required. He has completed probation and his convictions have been set aside under Penal Code section 1203.4. He knows now that passing the license examination did not authorize him to function as real estate loan officer. He appears genuinely remorseful. His demeanor at the administrative hearing was that of a person who is sufficiently rehabilitated so that the issuance to him of a restricted license would not be against the public interest.

#### DETERMINATION OF ISSUES

By reason of the facts set forth in Finding III, cause exists under Business and Professions Code sections 480(a) and 10177(b) to deny respondent's application for a real estate salesperson license. However, by reason of the facts set forth in Finding VI, the following order is appropriate.

#### ORDER

The application of respondent Edward James Greenshields

for a real estate salesperson's license is denied; provided, however, that a restricted real estate salesperson license shall be issued to said respondent pursuant to Section 10156.5 of the Business and Professions Code if he makes application and pays the fee therefor within ninety (90) days from the effective date of this Decision. The restricted license 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 that Code:

1. The 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 relationship to his fitness or capacity as a real estate licensee.
2. The 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 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 date of issuance of the restricted license to respondent.
4. Respondent shall submit with any application for a license under an employing real estate broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing broker which shall certify:
  - a. That the employing broker has read the Decision of the Real Estate Commissioner which granted the right to a restricted license;
  - 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'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 principals, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to timely present such evidence, 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 such evidence and the Commissioner has given written notice to respondent that the suspension has been lifted.

6. Pursuant to Section 10154 of the Business and Professions Code, if respondent has not satisfied the requirements for an unqualified license under Section 10153.4 of the Code, 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 (4) years after the date of issuance of the preceding restricted license.

DATED: December 16, 1993



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JERRY MITCHELL  
Administrative Law Judge  
Office of Administrative Hearings

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

EDWARD JAMES GREENSHIELDS,

}

By Victoria Dillon

Case No. H-1649 SA Victoria Dillon

OAH No. N 9309103

Respondent

CONTINUED

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at \_\_\_\_\_

OFFICE OF ADMINISTRATIVE HEARINGS

455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102

on December 10, 1993 (2 hr. hearing), at the hour of 2:30 p.m.,  
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: November 23, 1993

By John Van Driel  
JOHN VAN DRIEL, Counsel

*wd*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

EDWARD JAMES GREENSHIELDS,

}

By *Victoria Dillon*  
Victoria Dillon

Case No. H-1649 SA

OAH No. N 9309103

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at \_\_\_\_\_  
OFFICE OF ADMINISTRATIVE HEARINGS

455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102

on November 29, 1993 (2 hr. hearing), at the hour of 1:30 p.m.,  
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you:

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

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DEPARTMENT OF REAL ESTATE

Dated: October 4, 1993

By *John Van Driel*  
JOHN VAN DRIEL, Counsel

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MARJORIE P. MERSEL, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, California 90012

(213) 897-3937

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DEPARTMENT OF REAL ESTATE  
BY *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Application of )  
EDWARD JAMES GREENSHIELDS, )  
Respondent. )

No. H-1649 SA

STATEMENT OF ISSUES

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against EDWARD JAMES GREENSHIELDS (herein "Respondent") alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

II

Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about September 30, 1992,



1 with the knowledge and understanding that any license issued as a  
2 result of said application would be subject to the conditions of  
3 Section 10153.4 of the California Business and Professions Code.

4 III

5 On or about October 3, 1990, in the Superior Court of  
6 California, Fresno, California, Respondent pled guilty to and was  
7 convicted of violating Section 182 of the California Penal Code,  
8 Section 11360 Health and Safety Code (Conspiracy to Sell  
9 Marijuana), Health and Safety Code Section 11359 (Possession for  
10 Sale Marijuana), and Health and Safety Code Section 11358  
11 (Cultivation of Marijuana), felonies and crimes involving moral  
12 turpitude which bear a substantial relationship under Section  
13 2910, Title 10, California Code of Regulations, to the  
14 qualifications, functions or duties of a real estate licensee.

15 IV

16 The crimes of which Respondent was convicted, as alleged  
17 in Paragraph III, above, constitute cause for denial of  
18 Respondent's application for a real estate license under Sections  
19 480(a) and 10177(b) of the California Business and Professions  
20 Code.

21  
22 These proceedings are brought under the provisions of  
23 Section 10100, Division 4 of the Business and Professions Code of  
24 the State of California and Sections 11500 through 11528 of the  
25 Government Code.

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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent EDWARD JAMES GREENSHIELDS and for such and other and further relief as may be proper in the premises.

Dated at Santa Ana, California  
this 27th day of August, 1993.

THOMAS MCCRADY  

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Thomas McCrady  
Deputy Real Estate Commissioner

cc: Edward James Greenshields  
Medallion Mortgage Company  
Sacto.  
DKB