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FILED
OCT 15 1998

DEPARTMENT OF REAL ESTATE

By Juan Antonio

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
SHEIK YUSEF BIN-HASSON MUHAMMAD,) No. H-3117 SAC
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 27, 1995, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On February 2, 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.

I have considered the petition of Respondent and the
evidence and arguments in support thereof. Respondent has
demonstrated to my satisfaction that Respondent meets the
requirements of law for the issuance to Respondent of an
unrestricted real estate salesperson license and that it would not



1 be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
4 for reinstatement is granted and that a real estate salesperson
5 license be issued to Respondent if Respondent satisfies the
6 following conditions within nine months from the date of this
7 Order:

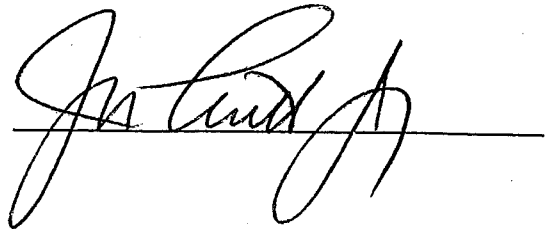
8 1. Submittal of a completed application and payment of
9 the fee for a real estate salesperson license.

10 2. Submittal of evidence of having, since the most
11 recent issuance of an original or renewal real estate license,
12 taken and successfully completed the continuing education
13 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
14 for renewal of a real estate license.

15 This Order shall be effective immediately.

16 DATED: 10/1, 1998.

17
18 JIM ANTT, JR.
19 Real Estate Commissioner
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FILED
JUL 18 1997

DEPARTMENT OF REAL ESTATE

Shelly Ely

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
SHEIK YUSEF BIN-HASSON MUHAMMAD,) NO. H-3117 SAC
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 27, 1995, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On November 14, 1996, 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.

I have considered the petition of Respondent and the
evidence and arguments in support thereof. Respondent has
demonstrated to my satisfaction that Respondent meets the
requirements of law for the issuance to Respondent of an
unrestricted real estate salesperson license and that it would not



1 be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
4 for reinstatement is granted and that a real estate salesperson
5 license be issued to Respondent if Respondent satisfies the
6 following conditions within six months from the date of this
7 Order:

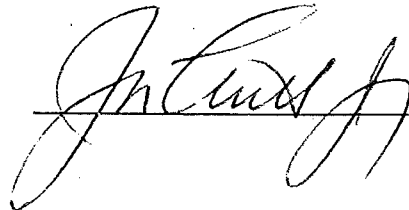
8 1. Submittal of a completed application and payment of
9 the fee for a real estate salesperson license.

10 2. Submittal of evidence of having, since the most
11 recent issuance of an original or renewal real estate license,
12 taken and successfully completed the continuing education
13 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
14 for renewal of a real estate license.

15 This Order shall be effective immediately.

16 DATED: 7-9-97

17 JIM ANTT, JR.
18 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT 11 1995
DEPARTMENT OF REAL ESTATE

* * *

In the Matter of the Accusation of)
SHEIK YUSEF BIN-HASSON MUHAMMAD)
aka JEFFREY LEONARD PROPHET,)
Respondent.)

By

NO. H-3117 SAC

OAH NO. N-9506066

DECISION

The Proposed Decision dated September 8, 1995, 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.

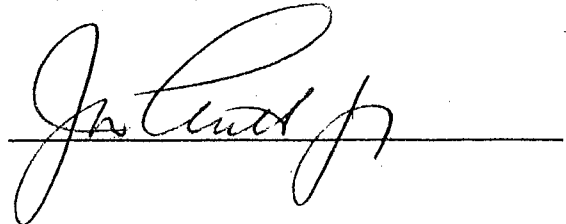
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

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 October 31, 1995.

IT IS SO ORDERED 9-27, 1995.

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	No. H-3117 SAC
	)	
SHEIK YUSEF BIN-HASSON MUHAMMAD,	)	OAH No. N-9506066
aka JEFFREY LEONARD PROPHET,	)	
	)	
	)	
Respondent.	)	
_____	)	

PROPOSED DECISION

On August 10, 1995, in Sacramento,, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by David B. Seals, Counsel, Department of Real Estate.

Respondent represented himself.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Complainant Charles W. Koenig made the Accusation in his official capacity as Deputy Real Estate Commissioner of the State of California.

II

A. On June 25, 1980, respondent was convicted in the Superior Court of California, County of Sacramento, on his plea of guilty, of violating section 556(b) (Fraudulent Insurance Claim) of the California Insurance Code. This crime was a felony involving moral turpitude. It is substantially related to the qualifications, functions or duties of a real estate licensee. As a result of this conviction, respondent received a suspended imposition of sentence, and was placed on formal probation for four years with conditions which included serving six months in the county jail.

The facts and circumstances surrounding this conviction are that on January 4, 1980, there was a fire in respondent's house. On January 21, 1980, respondent filed a claim with the Equitable Insurance Company representing that certain personal property was damaged in that fire. In fact, respondent knew the property had not been damaged in the fire.

B. On December 2, 1983, respondent was convicted in the Superior Court of California, County of Sacramento, on his plea of guilty, of violating section 476(A)(a) (Check Fraud) of the California Penal Code. This crime was a felony involving moral turpitude. It was substantially related to the qualifications, functions or duties of a real estate licensee. As a result of his conviction, respondent received a suspended imposition of sentence, and was placed on formal probation for five years with conditions that included paying restitution in the amount of \$2,585.83.

The facts and circumstances surrounding this conviction are that between January 7, 1981, and October 25, 1982, respondent issued numerous checks knowing that he had insufficient funds in the bank account upon which the checks were drawn.

III

On December 28, 1994, respondent applied to the Department for a real estate salesperson license. Based upon his application, a license was issued on December 30, 1994.

IV

On November 1, 1990, the verdict of guilty in respondent's fraudulent insurance claim conviction was set aside and the accusatory pleading (Information) was dismissed pursuant to section 1203.4 of the California Penal Code.

On August 5, 1991, the verdict of guilty in respondent's check fraud conviction was set aside and the

accusatory pleading was dismissed pursuant to section 1203.4 of the California Penal Code.

V

Question No. 25 of respondent's December 1994 application asked, "Have you ever been convicted of any violation of law?" In response to this question respondent answered "No."

In the instructions for this question, the application made it clear that all convictions had to be disclosed whether or not the plea or verdict was set aside, the conviction was dismissed, expunged, or pardoned. The instructions also say that convictions while the applicant was a minor must be disclosed unless the record of conviction had been sealed pursuant to section 1203.45 of the California Penal Code.

The above instructions were in the application. They applied to the question concerning criminal convictions. Respondent read these instructions. After he answered "No" to the above question, respondent added, "Omit due to Section 1203.45 of the California Penal Code." No other response to the question was included in the application.

VI

Respondent's failure to reveal the convictions set forth in Finding II in his application constitutes the procurement of a real estate license by knowing misrepresentation of a material fact, making a material misstatement of fact, or knowingly omitting to state a material fact. At the time of his application, respondent read the instructions contained in the application regarding criminal convictions. It was in these instructions that section 1203.45 of the California Penal Code was mentioned. The instructions made it clear that this section applied to minors. Respondent knew that he was not a minor at the time of the above convictions. Respondent's convictions were set aside pursuant to section 1203.4 of the California Penal Code. They were not "sealed" pursuant to section 1203.45 of said Code. Respondent knew the difference.

DETERMINATION OF ISSUES

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

Cause for discipline of respondent's license was established for violation of sections 498 and 10177(a) of the Business and Professions Code, by reason of Finding VI.

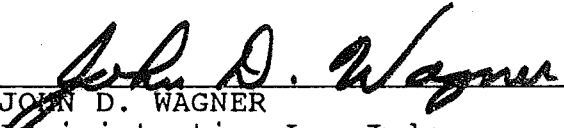
ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent Sheik Yusef Bin-Hasson Muhammad, aka Jeffrey Leonard Prophet, under the real estate law are revoked.

Dated:

September 8, 1995


JOHN D. WAGNER
Administrative Law Judge
Office of Administrative Hearings

FILED
JUN 13 1995
DEPARTMENT OF REAL ESTATE

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

In the Matter of the Accusation of

SHEIK YUSEF BIN-HASSON MUHAMMAD,
aka JEFFREY LEONARD PROPHET,

Case No. H-3117 SAC

OAH No. N-9506066

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

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

The Office of Administrative Hearings, 501 J Street, Suite 220,

Second Floor Hearing Rooms, Sacramento, California 95814

on Thursday -- August 10, 1995, at the hour of 11:00 AM
or as soon thereafter as the matter can be heard, upon the Accusation 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.

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.

Dated: June 12, 1995

DEPARTMENT OF REAL ESTATE

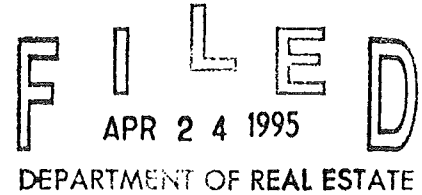
By

David B. Seals
DAVID B. SEALS

Counsel

1 DAVID B. SEALS, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789



By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 SHEIK YUSEF BIN-HASSON MUHAMMAD,)
13 aka JEFFREY LEONARD PROPHET,)
14 Respondent.)

NO. H-3117 SAC

ACCUSATION

15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California for cause of Accusation
17 against SHEIK YUSEF BIN-HASSON MUHAMMAD aka JEFFREY LEONARD
18 PROPHET (hereinafter "Respondent") is informed and alleges as
19 follows:

20 I

21 The Complainant, Charles W. Koenig, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity and not otherwise.

24 II

25 Respondent was issued a real estate salesperson license
26 on or about December 30, 1994, following Respondent's application
27 therefor filed on or about December 28, 1994.

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III

In response to Question 25 of said application, to wit:
"Have you ever been convicted of any violation of law?",
Respondent answered "No".

IV

On or about June 25, 1980, in the Superior Court of
California, County of Sacramento, Respondent was convicted of
violation of Section 556(b) of the California Insurance Code
(False/Fraudulent Insurance Claim), a felony and a crime involving
moral turpitude which is substantially related under Section 2910,
Title 10, California Code of Regulations to the qualifications,
functions or duties of a real estate licensee.

V

On or about December 2, 1983, in the Superior Court of
California, County of Sacramento, Respondent was convicted of
violation of Section 476(a) of the California Penal Code (Check
Fraud), a felony and a crime involving moral turpitude which is
substantially related under Section 2910, Title 10, California
Code of Regulations to the qualifications, functions or duties of
a real estate licensee.

VI

Respondent's failure to reveal the convictions set forth
above in said application constitutes the procurement of a real
estate license by fraud, misrepresentation, or deceit, or by
making a material misstatement of fact in said application.

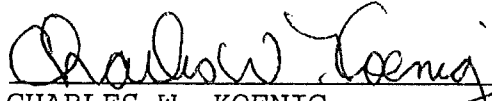
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VII

The facts alleged above constitute cause under Sections 498 and 10177(a) of the Code for the suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 18th day of April, 1995.