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NOV 16 2010

DEPARTMENT OF REAL ESTATE

*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of

ODETTE HELENE DORIS SWIFT,

Respondent.

No. H-3624 SAC

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 15, 2002, in Case No. H-3624 SAC, a Decision was rendered revoking the real estate broker license of Respondent effective February 14, 2002, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on February 28, 2002, and Respondent has operated as a restricted licensee since that time.

On June 6, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

///

1 requirements of law for the issuance to Respondent of an unrestricted real estate broker license  
2 and that it would not be against the public interest to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
4 reinstatement is granted and that a real estate broker license be issued to Respondent if  
5 Respondent satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate broker  
7 license within the 12 month period following the date of this Order; and  
8 2. Submits proof that Respondent has completed the continuing education  
9 requirements for renewal of the license sought. The continuing education courses must be  
10 completed either (i) within the 12 month period preceding the filing of the completed  
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 DATED: 11-9-200

14 JEFF DAVI  
15 Real Estate Commissioner  
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FILED  
DEC 06 2005  
DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA  
\* \* \*

In the Matter of the Accusation of ) No. H-3624 SAC  
SHERRY IONE JONES, )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 15, 2002, in Case No. H-3624 SAC, a Decision was rendered revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. No restricted real estate broker license was ever issued to Respondent.

On June 17, 2005, Respondent petitioned for reinstatement of said real estate broker 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

1 requirements of law for the issuance to Respondent of an  
2 unrestricted real estate broker license and that it would not be  
3 against the public interest to issue said license to Respondent.

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

9 1. Respondent shall take and pass the real estate  
10 broker license examination.

11 2. Submittal of a completed application and payment of  
12 the fee for a real estate broker license.

13 This Order shall be effective immediately.

14 DATED: DEC 06 2005, 2005.

15 JEFF DAVI  
16 Real Estate Commissioner  
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1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
JAN 24 2002

DEPARTMENT OF REAL ESTATE  
By *Laurie A. Zisi*

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) No. H-3624 SAC  
13 ODETTE SWIFT and )  
14 SHERRY IONE JONES, ) STIPULATION AND AGREEMENT  
15 Respondents. )  
16

17 It is hereby stipulated by and between Respondents  
18 ODETTE SWIFT and SHERRY IONE JONES (hereinafter "Respondents"),  
19 and the Complainant, acting by and through James L. Beaver,  
20 Counsel for the Department of Real Estate, as follows for the  
21 purpose of settling and disposing of the Accusation filed on  
22 October 29, 2001 in this matter (hereinafter "the Accusation"):

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondents  
25 at a formal hearing on the Accusation, which hearing was to be  
26 held in accordance with the provisions of the Administrative  
27 Procedure Act (APA), shall instead and in place thereof be

DRE No. H-3624 SAC

ODETTE SWIFT and  
SHERRY IONE JONES

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement.

3 2. Respondents have received, read and understand the  
4 Statement to Respondent, the Discovery Provisions of the APA and  
5 the Accusation filed by the Department of Real Estate in this  
6 proceeding.

7 3. On November 13, 2001, Respondents each filed a  
8 Notice of Defense pursuant to Section 11505 of the Government  
9 Code for the purpose of requesting a hearing on the allegations  
10 in the Accusation. Respondents hereby freely and voluntarily  
11 withdraw said Notice of Defense. Respondents acknowledge that  
12 Respondents understand that by withdrawing said Notice of Defense  
13 Respondents will thereby waive Respondents' right to require the  
14 Commissioner to prove the allegations in the Accusation at a  
15 contested hearing held in accordance with the provisions of the  
16 APA and that Respondents will waive other rights afforded to  
17 Respondents in connection with the hearing such as the right to  
18 present evidence in defense of the allegations in the Accusation  
19 and the right to cross-examine witnesses.

20 4. This Stipulation is based on the factual  
21 allegations contained in the Accusation. In the interests of  
22 expediency and economy, Respondents choose not to contest these  
23 allegations, and understand that, as a result thereof, these  
24 factual allegations, without being admitted or denied, will serve  
25 as a prima facie basis for the disciplinary action stipulated to  
26 herein. The Real Estate Commissioner shall not be required to  
27 provide further evidence to prove said factual allegations.

DRE No. H-3624 SAC

ODETTE SWIFT and  
SHERRY IONE JONES

1 Respondents' Statement In Mitigation is attached hereto and  
2 incorporated herein by this reference.

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

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

18 DETERMINATION OF ISSUES

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

23 I

24 The acts and omissions of Respondents as described in  
25 the Accusation are grounds for the suspension or revocation of the  
26 licenses and license rights of Respondents under Section 11018.2  
27 of the Code in conjunction with Section 10177(d) of the Code.

DRE No. H-3624 SAC

OJETTE SWIFT and  
SHERRY IONE JONES

ORDER

I

1  
2  
3 All licenses and licensing rights of Respondent ODETTE SWIFT  
4 under the Real Estate Law are revoked; provided, however, a  
5 restricted real estate broker license shall be issued to said  
6 Respondent pursuant to Section 10156.5 of the Business and  
7 Professions Code if, within 90 days from the effective date of the  
8 Decision entered pursuant to this Order, Respondent makes  
9 application for the restricted license and pays to the Department  
10 of Real Estate the appropriate fee therefor. The restricted license  
11 issued to Respondent shall be subject to all of the provisions of  
12 Section 10156.7 of the Business and Professions Code and to the  
13 following limitations, conditions and restrictions imposed under  
14 authority of Section 10156.6 of that Code:

15 1. The restricted license issued to Respondent may be  
16 suspended prior to hearing by Order of the Real Estate Commissioner  
17 in the event of Respondent's conviction or plea of nolo contendere  
18 to a crime which is substantially related to Respondent's fitness  
19 or capacity as a real estate licensee.

20 2. The restricted license issued to Respondent may be  
21 suspended prior to hearing by Order of the Real Estate Commissioner  
22 on evidence satisfactory to the Commissioner that Respondent has  
23 violated provisions of the California Real Estate Law, the  
24 Subdivided Lands Law, Regulations of the Real Estate Commissioner  
25 or conditions attaching to the restricted license.

26 3. Respondent shall not be eligible to apply for the  
27 issuance of an unrestricted real estate license nor for the

DRE No. H-3624 SAC

ODETTE SWIFT and  
SHERRY IONE JONES



1 removal of any of the conditions, limitations or restrictions of  
2 a restricted license until two (2) years have elapsed from the  
3 effective date of this Decision.

4 4. Respondent shall, within nine months from the  
5 effective date of the Decision, present evidence satisfactory to  
6 the Real Estate Commissioner that Respondent has, since the most  
7 recent issuance of an original or renewal real estate license,  
8 taken and successfully completed the continuing education  
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
10 for renewal of a real estate license. If Respondent fails to  
11 satisfy this condition, the Commissioner may order the suspension  
12 of the restricted license until the Respondent presents such  
13 evidence. The Commissioner shall afford Respondent the  
14 opportunity for a hearing pursuant to the Administrative  
15 Procedure Act to present such evidence.

16 5. Respondent shall, within six (6) months from the  
17 issuance of the restricted license, take and pass the  
18 Professional Responsibility Examination administered by the  
19 Department including the payment of the appropriate examination  
20 fee. If Respondent fails to satisfy this condition, the  
21 Commissioner may order the suspension of the restricted license  
22 until Respondent passes the examination.

23 6. Any restricted real estate broker license issued  
24 to Respondent may be suspended or revoked for a violation by  
25 Respondent of any of the conditions attaching to the restricted  
26 license.

27 ///

DRE No. H-3624 SAC

ODETTE SWIFT and  
SHERRY IONE JONES

II

1                   All licenses and licensing rights of Respondent SHERRY  
2 IONE JONES under the Real Estate Law are revoked; provided,  
3 however, a restricted real estate broker license shall be issued to  
4 said Respondent pursuant to Section 10156.5 of the Business and  
5 Professions Code if, within 90 days from the effective date of the  
6 Decision entered pursuant to this Order, Respondent makes  
7 application for the restricted license and pays to the Department  
8 of Real Estate the appropriate fee therefor. The restricted license  
9 issued to Respondent shall be subject to all of the provisions of  
10 Section 10156.7 of the Business and Professions Code and to the  
11 following limitations, conditions and restrictions imposed under  
12 authority of Section 10156.6 of that Code:

13                   1. The restricted license issued to Respondent may be  
14 suspended prior to hearing by Order of the Real Estate Commissioner  
15 in the event of Respondent's conviction or plea of nolo contendere  
16 to a crime which is substantially related to Respondent's fitness  
17 or capacity as a real estate licensee.

18                   2. The restricted license issued to Respondent may be  
19 suspended prior to hearing by Order of the Real Estate Commissioner  
20 on evidence satisfactory to the Commissioner that Respondent has  
21 violated provisions of the California Real Estate Law, the  
22 Subdivided Lands Law, Regulations of the Real Estate Commissioner  
23 or conditions attaching to the restricted license.

24                   3. Respondent shall not be eligible to apply for the  
25 issuance of an unrestricted real estate license nor for the  
26 removal of any of the conditions, limitations or restrictions of  
27

DRE No. H-3624 SAC

ODETTE SWIFT and  
SHERRY IONE JONES

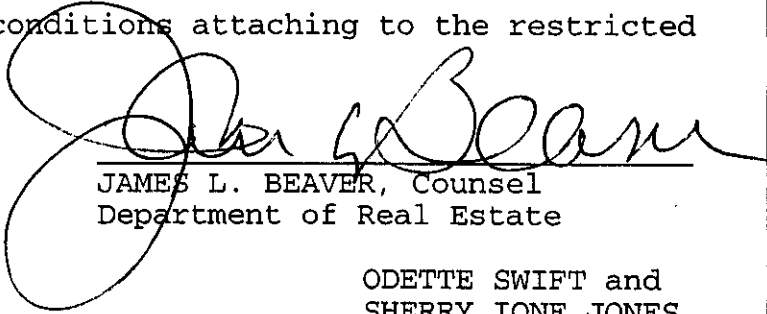
1 a restricted license until two (2) years have elapsed from the  
2 effective date of this Decision.

3 4. Respondent shall, within nine months from the  
4 effective date of the Decision, present evidence satisfactory to  
5 the Real Estate Commissioner that Respondent has, since the most  
6 recent issuance of an original or renewal real estate license,  
7 taken and successfully completed the continuing education  
8 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
9 for renewal of a real estate license. If Respondent fails to  
10 satisfy this condition, the Commissioner may order the suspension  
11 of the restricted license until the Respondent presents such  
12 evidence. The Commissioner shall afford Respondent the  
13 opportunity for a hearing pursuant to the Administrative  
14 Procedure Act to present such evidence.

15 5. Respondent shall, within six (6) months from the  
16 issuance of the restricted license, take and pass the  
17 Professional Responsibility Examination administered by the  
18 Department including the payment of the appropriate examination  
19 fee. If Respondent fails to satisfy this condition, the  
20 Commissioner may order the suspension of the restricted license  
21 until Respondent passes the examination.

22 6. Any restricted real estate broker license issued  
23 to Respondent may be suspended or revoked for a violation by  
24 Respondent of any of the conditions attaching to the restricted  
25 license.

26 12-18-01  
DATED

  
JAMES L. BEAVER, Counsel  
Department of Real Estate

27 DRE No. H-3624 SAC

ODETTE SWIFT and  
SHERRY IONE JONES

1 \* \* \*

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

12 12-18-01

13 DATED

*Odette Swift*  
14 ODETTIE SWIFT  
Respondent

15 12-11-01

16 DATED

*Sherry Ione Jones*  
17 SHERRY IONE JONES  
Respondent

18 \* \* \*

19 The foregoing Stipulation and Agreement is hereby  
20 adopted by me as my Decision in this matter. This Decision shall  
21 become effective at 12 o'clock noon on FEBRUARY 14, 2002.

22 IT IS SO ORDERED *January 15*, 2002.

23 PAULA REDDISH ZINNEMANN  
24 Real Estate Commissioner  
*Paula Reddish Zinnemann*

25 DRE No. H-3624 SAC

26 ODETTIE SWIFT and  
27 SHERRY IONE JONES

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE DEC 18 2001  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

*Laurie A. Z...*

In the Matter of the Accusation of

ODETTE SWIFT and  
SHERRY IONE JONES,

}

Case No. H-3624 SAC

OAH No. N-2001110364

Respondents

NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITE 340/360, SACRAMENTO, CA 95814 on FRIDAY, FEBRUARY 1, 2002, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: DECEMBER 18, 2001

By *James L. Beaver*  
JAMES L. BEAVER, Counsel (22)

1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 DEPARTMENT OF REAL ESTATE  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000  
5 Telephone: (916) 227-0789  
6 (916) 227-0788 (Direct)

FILED  
OCT 29 2001

DEPARTMENT OF REAL ESTATE

*Marie A. Fin*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No.: H-3624 SAC  
12 ODETTE SWIFT and )  
13 SHERRY IONE JONES, ) ACCUSATION  
14 Respondents. )

15 The Complainant, Charles W. Koenig, a Deputy Real  
16 Estate Commissioner of the State of California, for cause of  
17 Accusation against ODETTE SWIFT and SHERRY IONE JONES  
18 (hereinafter "Respondents"), is informed and alleges as follows:

19 I

20 The Complainant, Charles W. Koenig, a Deputy Real  
21 Estate Commissioner of the State of California, makes this  
22 Accusation in his official capacity.

23 II

24 At all times herein mentioned, Respondents were and  
25 now are licensed and/or have license rights under the Real  
26 Estate Law (Part 1 of Division 4 of the Business and Professions  
27 Code) (hereinafter "the Code").

1  
2 III

3 At all times herein mentioned, Respondents were and  
4 now are licensed by the California Department of Real Estate  
5 (hereinafter "the Department") as real estate brokers.

6 IV

7 At all times herein mentioned, Respondents engaged in  
8 the business of, acted in the capacity of, advertised, or  
9 assumed to act as real estate brokers within the State of  
10 California within the meaning of Sections 10131(a) of the Code,  
11 including the operation and conduct of a real estate sales  
12 brokerage business with the public wherein, on behalf of others,  
13 for compensation or in expectation of compensation, Respondents  
14 sold and offered to sell, bought and offered to buy, solicited  
15 prospective sellers and purchasers of, solicited and obtained  
16 listings of, and negotiated the purchase and sale of real  
17 property.

18 V

19 At all times mentioned herein, in course of the  
20 activities described in Paragraph IV, above, Respondents were  
21 and now are the agents of the owners or subdividers of  
22 subdivided lands as defined in Section 11000 of the Code.

23 VI

24 Said subdivided lands, known as or commonly called  
25 Belfast Tract, also known as Chappius Ranches, (hereinafter "the  
26 Subdivision") constitute a standard subdivision consisting of 25  
27 lots occupying a 1,233-acre portion of the lands shown on the  
Map of Belfast Tract recorded September 7, 1922 in Book 1 of

1 Maps, at Page 68, Official Records, Lassen County, California.  
2 The Subdivision is located at Belfast Road (County Road No. 246)  
3 and Conservation Center Road (County Road No. A275),  
4 approximately eight miles east of Susanville, California, and is  
5 identified in the records of the Department under Subdivision  
6 File Number 034207 SA.

7  
8 VII

9 At all times mentioned herein commencing on or about  
10 September 25, 1997 and continuing thereafter until at least  
11 September 21, 2001, in the course of the resale brokerage  
12 activities described in Paragraphs IV through VI, inclusive,  
13 above, Respondents solicited prospective purchasers of, offered  
14 for sale and sold lots in said Subdivision, including but not  
15 limited to the lots offered and sold on or about the dates  
16 tabulated below to the purchasers tabulated below:

<u>DATE</u>	<u>PURCHASER</u>	<u>LOTS</u>
12/11/00	Gregg and Heather Ethridge	11
01/03/01	Chris and Ariella Wilber	21
01/22/01	Kim Crites	22
03/28/01	Bob and Virginia Ferguson	17
07/16/01	Patrick and Janet Bonnett	12
09/06/01	Tony E. and Andrea C. Thompson	25

23 VIII

24 Respondents sold and offered for sale lots, units, or  
25 parcels in said Subdivision, as described in Paragraph VII,  
26 above, without having first applied for or obtained a  
27 subdivision public report issued by the Department expressly



1 authorizing the sale of said lots, units or parcels by  
2 Respondents, in violation of Sections 11010 and 11018.2 of the  
3 Code.  
4

5 IX

6 The acts and omissions of Respondents described above  
7 constitute cause for the suspension or revocation of the  
8 licenses and license rights of Respondents under Section  
9 10177(d) of the Code in conjunction with Sections 11010 and  
10 11018.2 of the Code.

11 WHEREFORE, Complainant prays that a hearing be  
12 conducted on the allegations of this Accusation and that upon  
13 proof thereof, a decision be rendered imposing disciplinary  
14 action against all licenses and license rights of Respondents  
15 under the Real Estate Law (Part 1 of Division 4 of the Business  
16 and Professions Code), and for such other and further relief as  
17 may be proper under other provisions of law.

18   
19 CHARLES W. KOENIG  
20 Deputy Real Estate Commissioner

21 Dated at Sacramento, California,  
22 this 24<sup>th</sup> day of October, 2001.  
23  
24  
25  
26  
27