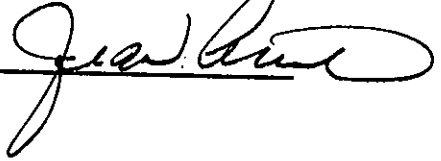


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DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-7183 SF
MARVIN PATRICK MORRIS,)
Respondent.)

ORDER DENYING RECONSIDERATION

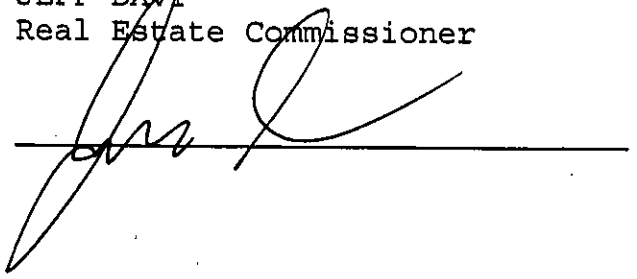
On January 31, 2007, an Order Denying Reinstatement of License was rendered in the above-entitled matter to become effective February 27, 2007.

On February 22, 2007, Respondent petitioned for reconsideration of the Order of January 31, 2007. Said Order was stayed by separate Order to March 29, 2007.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Order of January 31, 2007 and reconsideration is hereby denied.

IT IS HEREBY ORDERED 3/29, 2007.

JEFF DAVI
Real Estate Commissioner



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FILED
FEB 22 2007

DEPARTMENT OF REAL ESTATE

By Juan [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
MARVIN PATRICK MORRIS,) NO. H-7183 SF
Respondent.)

ORDER STAYING EFFECTIVE DATE

On January 31, 2007, an Order Denying Reinstatement of License was rendered in the above-entitled matter to become effective on February 27, 2007. On February 22, 2007, Respondent requested a stay for the purpose of filing a petition for reconsideration of the Order Denying Reinstatement of License of January 31, 2007.

IT IS HEREBY ORDERED that the effective date of the Order Denying Reinstatement of License be stayed for a period of thirty (30) days. The Order Denying Reinstatement of License of January 31, 2007, shall become effective at 12 o'clock noon on March 29, 2007.

DATED: 2/22, 2007.

JEFF DAVI
Real Estate Commissioner

[Signature]

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FILED
FEB 06 2007
DEPARTMENT OF REAL ESTATE

By *Jan Bumb*

BEFORE THE DEPARTMENT OF REAL ESTATE
OF THE STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-7183 SF
)
MARVIN PATRICK MORRIS,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On April 29, 1996, a Decision was rendered herein
revoking the real estate broker license of Respondent effective
May 28, 1996.

On August 28, 2006, 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 (herein "Petition").

This case is attended by the following circumstances:

A. Respondent, then a licensed real estate broker,
applied for loans at four financial lending institutions using a
deceased man's name and a driver's license bearing the deceased's
name but Respondent's photograph. Respondent conceded that he

1 signed the deceased man's name to two promissory notes knowing
2 that he had no authority to do so and that he intended thereby to
3 deceive the lenders. However, Respondent argued that he did not
4 have the specific intent to permanently deprive the lenders of
5 their money because he used his correct home and business
6 addresses and phone numbers on the loan applications.

7 B. On May 5, 1992, in Case No. 148288 in the Superior
8 Court of California, County of Santa Clara, Respondent was
9 convicted by jury trial of violation of two counts of Penal Code
10 Section 470 (Forgery), two counts of Penal Code Section 470(b)
11 (Possession of Forged Driver's License) and two counts of Penal
12 Code Sections 484-487 (Grand Theft). At hearing on the
13 Accusation herein resulting from these convictions, the
14 Administrative Law Judge found, in part: "Respondent does not
15 seem to understand that what he did was wrong. He is hardly
16 contrite, and what little remorse he expresses appears to be not
17 for what he did, but for the consequences. Under the
18 circumstances, his continued licensure would be against the
19 public interest."

20 C. In response to item 2 in the Petition ("List
21 employment and work since the formal hearing, or decision
22 imposing discipline", Respondent disclosed that from 1995 through
23 2000 Respondent was self-employed as the owner-operator of a
24 cafe, and from 2000 through filing of the Petition Respondent was
25 self-employed as the owner-operator of a home decorating
26 business.

27 ///

1 D. In response to item 6A of the Petition ("Has any
2 type of license been denied, reprimanded, suspended, revoked,
3 qualified, restricted or disciplinary action taken any such
4 license",) Respondent answered "No".

5 E. In Response to item 7 of the Petition ("If the
6 discipline was related to business practices, explain what steps
7 and efforts have been made toward correction"), Respondent
8 answered "N/A" (i.e., not applicable).

9 F. In Response to item 10A of the Petition ("Since
10 disciplined, list any real estate related courses completed
11 including continuing education courses..."), Respondent answered
12 "None".

13 G. In Response to item 12 of the Petition ("Are you
14 or have you been active in social, civic or community groups?"),
15 Respondent answered "I do some volunteer work for the East San
16 Jose YMCA".

17 H. In Response to item 16 of the Petition ("Use space
18 below to make any additional statement in support of your claim
19 of rehabilitation. Attach letters from probation or parole
20 officer, family members, business associates, clients,
21 rehabilitation counselors, or psychologists, etc., if any."),
22 Respondent answered, "Please find attached letter from my
23 daughter who is not a licensed real estate broker in the State of
24 California". Attached to the petition was the referenced letter
25 from Respondent's daughter, Melanie Fussell, in support of the
26 petition.

27 ///

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has failed
3 to demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate broker license.

6 The burden of proving rehabilitation rests with the
7 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A
8 petitioner is required to show greater proof of honesty and
9 integrity than an applicant for first time licensure. The proof
10 must be sufficient to overcome the prior adverse judgment on the
11 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
12 395).

13 The Department has developed criteria in Section 2911
14 of Title 10, California Code of Regulations ("Regulations") to
15 assist in evaluating the rehabilitation of an applicant for
16 reinstatement of a license. Among the criteria relevant in this
17 proceeding are:

18 (i) Completion of, or sustained enrollment in, formal
19 educational or vocational training courses for economic self-
20 improvement. Respondent has submitted no evidence demonstrating
21 satisfaction of this criterion. Since revocation of Respondent's
22 license Respondent has not engaged in formal educational or
23 vocational training courses for economic self-improvement.

24 (k) Correction of business practices resulting in
25 injury to others or with the potential to cause such injury.
26 Respondent has submitted no evidence demonstrating satisfaction
27 of this criterion. Since revocation of his license Respondent

1 has been a self-employed cafe operator and interior designer.
2 Respondent has not engaged as a broker in the operation of a real
3 estate brokerage business or otherwise acted in a licensed
4 fiduciary capacity since the Decision in this matter. Therefore,
5 Respondent has not established that he has complied with Section
6 2911(k), Title 10, California Code of Regulations

7 (l) Significant or conscientious involvement in
8 community, church or privately-sponsored programs designed to
9 provide social benefits or to ameliorate social problems.

10 Respondent has submitted no evidence demonstrating satisfaction
11 of this criterion.

12 (m) New and different social and business relationships
13 from those which existed at the time of the conduct that is the
14 basis for denial of the departmental action sought. Respondent
15 has submitted no evidence demonstrating satisfaction of this
16 criterion.

17 (n) Change in attitude from that which existed at the
18 time of the conduct in question as evidenced by any or all of the
19 following: (1) Testimony of applicant. (2) Evidence from family
20 members, friends or other persons familiar with applicant's
21 previous conduct and with his subsequent attitudes and behavioral
22 patterns. (3) Evidence from probation or parole officers or law
23 enforcement officials competent to testify as to applicant's
24 social adjustments. (4) Evidence from psychiatrists or other
25 persons competent to testify with regard to neuropsychiatric or
26 emotional disturbances. (5) Absence of subsequent felony or
27

1 misdemeanor convictions that are reflective of an inability to
2 conform to societal rules when considered in light of the conduct
3 in question.

4 The only evidence directed toward proof of satisfaction
5 of this criterion submitted by Respondent is a letter from his
6 daughter. The letter was not from a disinterested party and
7 contained no objectively verifiable information. On November 30,
8 2006, Respondent was interviewed by a Deputy Real Estate
9 Commissioner. Concerning the circumstances of the crime,
10 Respondent stated that this past bad act was not done in bad
11 faith as he had every intention to repay the lender should the
12 loan be funded. He contended he had the means to repay the loan
13 but used another's identity due to his poor credit arising from
14 his bankruptcy filing.

15 Respondent's statement offered no assurance that, if
16 reinstated, he would not resume his dishonest behavior. On the
17 contrary, from this statement it appears that even now Respondent
18 does not seem to understand that he attempted to use fraud and
19 deceit to obtain credit that was not due him. What can be
20 learned from Respondent's statement is that he refuses, even now,
21 to accept responsibility for the events resulting in the
22 revocation of his license.

23 The Department is charged with providing maximum
24 protection for the public. Where, as here, it has been
25 determined based on reliable evidence that a licensee has engaged
26 in misconduct bearing on his fitness to interact safely with the
27 public in his capacity as a licensee, the Department must assess

1 the risk that the licensee will either persist in the type of
2 conduct that resulted in the revocation or has learned his lesson
3 and may be counted upon to avoid further misconduct. Of the
4 relevant criteria of rehabilitation listed in Regulation 2911,
5 none is more important in predicting future behavior than the
6 Respondent's "change in attitude" since the acts resulting in the
7 revocation. In fact, virtually all of the criteria in the
8 regulation are an attempt to gauge whether the applicant has so
9 changed his subjective outlook that a repetition of the offending
10 conduct no longer seems likely. When a Respondent denies blame
11 for conduct resulting in revocation of his license, it is
12 entirely rational to infer that he is at much greater risk of re-
13 offending than one who accepts responsibility and shows remorse.

14 Clients who use a real estate agent to buy and sell
15 their homes must be able to rely upon information and advice
16 offered by the agent. Here, there is an inadequate showing of
17 any change in Respondent's attitude. The evidence in this case
18 clearly established that Respondent's character is such that he
19 cannot be trusted to give truthful information. In the face of
20 his denial of responsibility for his misconduct, the only
21 reasonable conclusion in this matter is denial of reinstatement.

22 Respondent continues to minimize the nature of the
23 conduct that led to the disciplinary action in this matter.
24 Respondent has not changed his attitude from that which existed
25 at the time the grounds for disciplinary action occurred.

26 Since Respondent has not established that he has
27 complied with Sections 2911(i), (k) (l), (m) and (n) of Title 10,

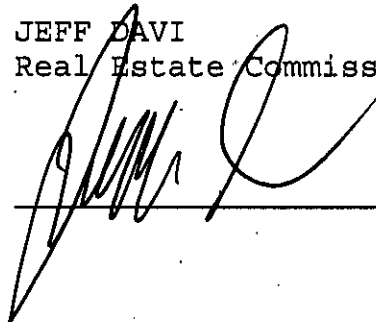
1 California Code of Regulations, I am not satisfied that
2 Respondent is sufficiently rehabilitated to receive a real estate
3 broker license.

4 NOW, THEREFORE, IT IS ORDERED that Respondent's
5 petition for reinstatement of his real estate broker license is
6 denied.

7 This Order shall become effective at 12 o'clock
8 noon on FEB 27 2007

9 DATED: Feb 31, 2007.

10 JEFF DAVI
11 Real Estate Commissioner



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FILED
MAY 6 1996

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By *[Signature]*

* * *

In the Matter of the Accusation of)	No. H-7183 SF
MARVIN PATRICK MORRIS,)	OAH N-9501068
Respondent.)	

DECISION

The Proposed Decision dated April 4, 1996, 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 May 28th, 1996.

IT IS SO ORDERED 4/29, 1996.

JIM ANTT, JR.
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	CASE NO. H-7183 SF
of:)	
)	OAH NO. N9501068
MARVIN PATRICK MORRIS,)	
)	
)	
Respondent.)	
)	

PROPOSED DECISION

This matter was heard on August 30, 1995, and March 25, 1996, in Oakland, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings, State of California. The Department of Real Estate was represented by Deidre L. Johnson, Counsel. Respondent, Marvin Patrick Morris, was represented by William E. Gilg, Attorney at Law.

FINDINGS OF FACT

1. The accusation herein was made by Les R. Bettencourt in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2. Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter the Code) as a real estate broker. His license is due to expire on August 29, 1996.

3. On May 5, 1992, in Case No. 148288 in the Superior Court of California, County of Santa Clara, respondent was convicted by jury trial of violation of two counts of Penal Code section 470 (FORGERY), two counts of Penal Code section 470(b) (POSSESSION OF FORGED DRIVER'S LICENSE) and two counts of Penal Code section 484-487.2 (GRAND THEFT), felonies, crimes involving moral turpitude, and crimes which are substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee. Said convictions were affirmed on appeal on or about January 18, 1994.

On September 18, 1992, imposition of sentence was suspended and respondent was placed on three years formal probation on conditions that included six months in jail, a \$2,000.00

restitution fine, other costs, psychiatric counseling, submission to search and seizure, and prohibition from engaging in the practice of real estate brokerage. Respondent asserts that he has fulfilled all the conditions of his probation.

4. The circumstances resulting in the above convictions involved respondent's use of another person's name and social security number in applying for personal loans (totalling about \$14,000.00) from consumer finance companies, and his possession of a driver's license with his own photograph and the other person's name on it.

In the loan applications, respondent used his true home and business telephone numbers and his true home address. He described his occupation as "property manager." He contends that the telephone numbers and address he used corroborate his assertion that he intended to repay the loans. However, it is reasonable to conclude that he gave that information so that he would be able to receive and respond to telephone calls or mail from prospective lenders. In other words, to facilitate commission of the crimes.

5. Respondent states that he became licensed as a real estate salesperson in 1975 and as a broker in 1977 or 1978, and has had no other convictions or disciplinary proceedings. However, documents submitted in evidence by him indicate that although he has had no other convictions, he had a history of obtaining loans by using false identification before he committed the crimes for which he was convicted.

Together with his wife, respondent operates two real estate offices. He introduced credible evidence of good character traits, and in documents submitted by him, he made the following statements:

"In regards to the events surrounding my criminal convictions ... I did not intend to commit any crime. I certainly had no intention of defrauding anyone in any way, manner, shape, or form. During the last part of 1990 and the first part of 1991, the real estate business was in recession and I was extremely short of cash in which to pay the office expenses and employee compensation. My lack of money was a temporary condition caused by the recession, the time of year when the real estate business is slow, and the Gulf War which caused much economic turmoil at the time. At the time I did not feel I could obtain any loans in my own name because of a prior bankruptcy. Because of this situation, I attempted to borrow money with an identity

other than my own. I used this identity on the loan applications. However, I also put my true home address, true home telephone number, and true business number on all of these applications. This ensured that the loan companies would have no trouble getting hold of me if they wished. Additionally, my true photograph was on the false identification. If the loan companies wished to find me, they would have no trouble in doing so. The total amount applied for was only about \$13,000.00. I had calculated that the monthly payments would have been around \$400.00 to \$500.00 per month. I felt there would be no problem in making these payments in that the gross amounts of income to the offices was generally in the tens of thousands of dollars per month.

"I did not receive any money from these loan applications. One of the loan officers became suspicious and contacted the police. I was eventually convicted of six felonies involving forgery and grand theft even though there was no loss to any of the parties involved. Nor did I intend that there be any loss, even if I had received the loan money. I had fully intended to repay these loans according to the loan schedules. These crimes required the specific intent to deprive the loan companies of their loan money, or to permanently deprive them of this money. I never had that required intent. I always intended to repay this money according to the loan agreements. For this reason I will continue to strive to have my convictions overturned. I feel strongly that I was wrongfully convicted.

"As soon as I had retained my trial attorney, I pointed out to him that I had over \$300,000.00 in equity in my home which I had lived in since 1979. I explained to him that I didn't feel a jury could find I had the intention to take the loan money and not pay it back since I had given my true home address and true home telephone number on the loan applications. If I didn't pay the loans back the loan companies would know exactly where to look. Thus, if I intended not to pay the loans back, I would have had to leave my home with \$300,000.00 worth of equity in it. That wouldn't have made much sense since I had only applied for

\$13,000.00 in loans. I also made the same argument to my trial attorney concerning the worth of my business. I told him that both my business (sic) were doing 1.6 million dollars in gross commission per year.

"The law is that the signing must be with the intent to defraud. That is, with the intent to take the loan money and not pay it back. The required intent for the crime of grand theft is basically the same. I did not have this specific intent. I fully intended to repay these loans.

"There is no way that I had any intention to permanently deprive anyone of money or property, an essential element in all of the crimes of which I was convicted. To do so has never been a part of my character, reputation or history. I am now forty-seven years old and I have never been in trouble with the law.

"I have been in real estate for twenty-one years and I nor any of my agents have had our licenses disciplined by the Department of Real Estate. To the contrary, the family owned business is ranked in the top one percent of Century 21 offices nationally. The office has been a recipient of the prestigious Quality Service Award from Century 21 for the last four consecutive years. And, in 1995, the office collected more food goods for the hungry than any other office in Santa Clara county in the annual San Jose Real Estate Board Can Tree drive. This being only one of the many charitable causes of which this office participates.

"I am extremely sorry for my actions that occurred January 1991. For me there has been extreme stress, loss of income, loss of friends, loss of respect, great mental and physical anguish, legal costs, not to mention much embarrassment. But most importantly, these legal problems have been a great burden on my family, loved ones, and close associates. In so many ways, I feel that I have let down so many people. Truly, if I had it to do all over again, I would not even think of doing anything remotely resembling what I did. I made a big mistake.

"I nor my real estate company has ever been in trouble. I have been fully rehabilitated. It has been over five years since the time of the acts. I have served my jail sentence, paid my fine, and successfully completed probation with all of the conditions that came with it. I have applied with the Probation Department for a record clearance. I am a good citizen who is very active in community service. I have corrected the accounting problems that created the perceived financial crisis in early 1991. I have been in real estate for almost all of my adult life and I know of no other profession.

"My license was effectively suspended for three years by the probation condition that I could not practice real estate for that period of time. In addition, the good of the people of the state of California will not be bettered by revocation or suspension. In fact, it could be argued that it could to the detriment of the people if the founder, broker-owner of a 100-person firm has his license disciplined, preventing him from practicing the profession he so loves."

DETERMINATION OF ISSUES

1. Respondent contends that the crimes of which he was convicted are not substantially related to the qualifications, functions or duties of a real estate licensee, within the meaning of Section 490 of the Code. That contention is without merit. The crimes and their circumstances reflect unfavorably on his honesty and truthfulness, "two qualities deemed by the Legislature to bear on one's fitness and qualification to be a real estate licensee." Golde v. Fox (1979) 98 Cal.App.3d 167, 176; 159 Cal. Rptr. 864. Respondent argues -- without addressing the fact that he was attempting to obtain loans by being untruthful about his identity - - that what he did was not dishonest because he did not intend to permanently deprive the loan companies of their money. His argument misses the point that what loan companies sell is, in effect, the temporary use of their money, which is precisely what he was trying to deprive them of.

2. The convictions set forth in Finding 3 constitute cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of respondent's licenses and license rights under the Real Estate Law.

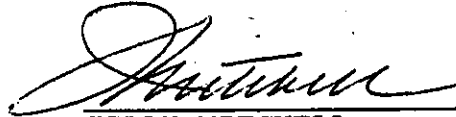
3. Respondent does not seem to understand that what he

did was wrong. He is hardly contrite, and what little remorse he expresses appears to be not for what he did, but for the consequences. Under the circumstances, his continued licensure would be against the public interest.

ORDER

All licenses and license rights of respondent Marvin Patrick Morris under the Real Estate Law are revoked.

DATED: APRIL 4, 1996



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

Lynda Montiel
Lynda Montiel

In the Matter of the Accusation of

MARVIN PATRICK MORRIS,

}

Case No. H-7183 SF

OAH No. N 9501068

Respondent

CONTINUED
FOURTH 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 _____

OFFICE OF ADMINISTRATIVE HEARINGS, in the WORLD SAVINGS TOWER,

1970 Broadway, 2nd Floor, Oakland, CA 94612-3049

on Monday, March 18, 1996 (1/2 day), at the hour of 1:30 pm,
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.

DEPARTMENT OF REAL ESTATE

Dated: November 14, 1995

By *Deidre L. Johnson*
DEIDRE L. JOHNSON, *jm*
Counsel

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SEP 19 1995
DEPARTMENT OF REAL ESTATE

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

By *Lynda Montiel*
Lynda Montiel

In the Matter of the Accusation of

MARVIN PATRICK MORRIS,

Case No. H-7183 SF

OAH No. N 9501068

Respondent

THIRD AMENDED ^{CONTINUED} **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 _____
OFFICE OF ADMINISTRATIVE HEARINGS, in the World Savings Tower,
1970 Broadway, 2nd Floor, Oakland, CA 94612-3049

on Friday, February 2nd, 1996 (1/2 day), at the hour of 9:00 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.

DEPARTMENT OF REAL ESTATE

Dated: September 19, 1995

By *Deidre L. Johnson*
DEIDRE L. JOHNSON, Counsel

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

DEPARTMENT OF REAL ESTATE

By *Lynda Montiel*
Lynda Montiel

In the Matter of the Accusation of

MARVIN PATRICK MORRIS,

Case No. H-7183 SF

OAH No. N 9501068

Respondent

CONTINUED

SECOND AMENDED 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 _____
OFFICE OF ADMINISTRATIVE HEARINGS, in the World Savings Tower,
1970 Broadway, 2nd Floor, Oakland, CA 94612-3049

on Thursday, December 28, 1995 (1/2 day), at the hour of 9:00 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.

DEPARTMENT OF REAL ESTATE

Dated: September 12, 1995

By *Deidre L. Johnson*
DEIDRE L. JOHNSON, *Counsel*

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FILED
MAY 11 1995

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

DEPARTMENT OF REAL ESTATE
By Lynda Montiel
Lynda Montiel

In the Matter of the Accusation of

MARVIN PATRICK MORRIS,

Case No. H-7183 SF

OAH No. N 9501068

Respondent

FIRST AMENDED 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 _____

OFFICE OF ADMINISTRATIVE HEARINGS, in the WORLD SAVINGS TOWER,

1970 Broadway, 2nd Floor, Oakland, CA 94612-3049

on Wednesday, August 30th, 1995 (2 hours), at the hour of 10:00 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.

DEPARTMENT OF REAL ESTATE

Dated: May 11, 1995

By Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

COPY

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FEB 7 1995
DEPARTMENT OF REAL ESTATE

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

By *Linda Montiel*
Linda Montiel

In the Matter of the Accusation of

MARVIN PATRICK MORRIS,

Case No. H-7183 SF

OAH No. N 9501068

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 _____

OFFICE OF ADMINISTRATIVE HEARINGS, STATE BUILDING,

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

on Wednesday, August 30, 1995 (2 hours), at the hour of 10:00 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.

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DEPARTMENT OF REAL ESTATE

Dated: February 7, 1995

By *Deidre L. Johnson*
DEIDRE L. JOHNSON, *Counsel*

1 DEIDRE L. JOHNSON, Counsel
2 Department of Real Estate
3 185 Berry Street, Room 3400
4 San Francisco, California 94107-1770

5 Telephone: (415) 904-5917

FILED
NOV 29 1994

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*
Victoria Dillon

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 MARVIN PATRICK MORRIS,)
13 Respondent.)
14 _____)

No. H-7183 SF
ACCUSATION

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against MARVIN PATRICK MORRIS, is informed and alleges
18 as follows:

19 I

20 MARVIN PATRICK MORRIS (hereafter Respondent) is
21 presently licensed and/or has license rights under the Real Estate
22 Law, Part 1 of Division 4 of the California Business and
23 Professions Code (hereafter the Code) as a real estate broker.

24 II

25 The Complainant, Les R. Bettencourt, a Deputy Real
26 Estate Commissioner of the State of California, makes this

27

1 Accusation against Respondent in his official capacity and not
2 otherwise.

3 III

4 On or about September 18, 1992, in the Municipal Court
5 of California, County of Santa Clara, Respondent was convicted of
6 violation of two counts of Penal Code Section 470 (FORGERY), two
7 counts of Penal Code Section 470b (POSSESSION OF FORGED DRIVER'S
8 LICENSE) and two counts of Penal Code Section 484-487.2 (GRAND
9 THEFT), felonies, crimes involving moral turpitude, and crimes
10 which are substantially related under Section 2910, Title 10,
11 California Code of Regulations to the qualifications, functions or
12 duties of a real estate licensee. Said convictions were affirmed
13 on appeal on or about January 18, 1994.


14 IV

15 The facts alleged above constitute cause under Sections
16 490 and 10177(b) of the Code for suspension or revocation of all
17 licenses and license rights of Respondent under the Real Estate
18 Law.

19 WHEREFORE, Complainant prays that a hearing be conducted
20 on the allegations of this Accusation and that upon proof thereof
21 a decision be rendered imposing disciplinary action against all
22 licenses and license rights of Respondent, under the Real Estate
23 Law (Part 1 of Division 4 of the Business and Professions Code)

24 ///
25 ///
26 ///
27 ///

1 and for such other and further relief as may be proper under other
2 provisions of law.

3 
4 LES R. BETTENCOURT
Deputy Real Estate Commissioner

5 Dated at San Francisco, California,
6 this 21st day of November, 1994.

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