

FILED
JUL 10 1997

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
CLAUDIUS R. JOHNSON,)	No. H-7222 SF
Respondent.)	

ORDER GRANTING UNRESTRICTED LICENSE

On March 28, 1995, an Order was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on April 10, 1995, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On October 24, 1996, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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1 I have considered Respondent's petition and the evidence
2 submitted in support thereof including Respondent's record as a
3 restricted licensee. Respondent has demonstrated to my
4 satisfaction that he meets the requirements of law for the
5 issuance to him of an unrestricted real estate salesperson license
6 and that it would not be against the public interest to issue said
7 license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
9 for removal of restrictions is granted and that a real estate
10 salesperson license be issued to Respondent subject to the
11 following understanding and conditions:

12 1. The license issued pursuant to this Order shall be
13 deemed to be the first renewal of Respondent's real estate
14 salesperson license for the purpose of applying the provisions of
15 Section 10153.4.

16 2. Within six (6) months from the date of this order
17 respondent shall:

18 (a) Submit a completed application and pay the
19 appropriate fee for a real estate salesperson
20 license, and

21 (b) Submit evidence of having taken and successfully
22 completed the courses specified in subdivisions (a)
23 (1), (2), (3) and (4) of Section 10170.5 of the
24 Real Estate Law for renewal of a real estate
25 license.

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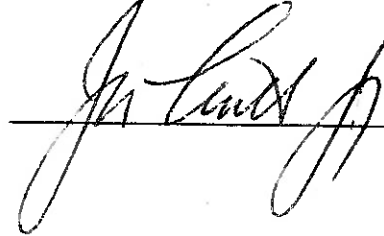


1 3. Upon renewal of the license issued pursuant to this
2 Order, Respondent shall submit evidence of having taken and
3 successfully completed the continuing education requirements of
4 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
5 real estate license.

6 This Order shall become effective immediately.

7 DATED: 6/11/97

8 JIM ANTT, JR.
9 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

By

Lynda Montiel
Lynda Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of

CLAUDIUS R. JOHNSON,

Respondent.

No. H- 7222 SF

STIPULATION AND WAIVER

I, CLAUDIUS R. JOHNSON

, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on February 28, 1995, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations and restrictions will attach to a restricted
14 license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

2 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted
3 license; and

4 b. That broker will carefully review all transaction documents prepared by the restricted licensee
5 and otherwise exercise close supervision over the licensee's performance of acts for which
6 a license is required.

7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present
12 satisfactory evidence of successful completion of said courses, the restricted license shall be
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence
15 of course completion and the Commissioner has given written notice to the respondent of lifting
16 of the suspension.

17 DATED this 16th day of March, 19 95.

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19 Claudius R. Johnson
20 Respondent
21 CLAUDIUS R. JOHNSON
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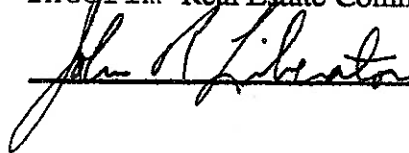
1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to respondent.

5 Therefore, **IT IS HEREBY ORDERED** that a restricted real estate salesperson license be issued to
6 respondent CLAUDIUS R. JOHNSON if respondent has otherwise fulfilled
7 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and
8 restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 28th day of March, 19 95.

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12 JOHN R. LIBERATOR
Interim Real Estate Commissioner

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DEIDRE L. JOHNSON, Counsel
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FILED
FEB 28 1995

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*
Victoria Dillon

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
CLAUDIUS R. JOHNSON,)
Respondent.)

No. H-7222 SF

STATEMENT OF ISSUES

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against CLAUDIUS R. JOHNSON (hereafter Respondent), alleges as follows:

I

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 August 9, 1994, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

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II

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

III

On or about November 26, 1984, in the Superior Court for the County of Alameda, State of California, in Action No. H-6611, Respondent was convicted of violation of Section 484/666 of the California Penal Code (THEFT WITH PRIORS), a felony, a crime involving moral turpitude, and a crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

On or about May 28, 1981, in the Superior Court for County of Alameda, State of California, in Action No. H-3089, Respondent was convicted of violation of Section 211 of the California Penal Code (ROBBERY), a felony, a crime involving moral turpitude, and a crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

V

On or March 30, 1979, in the Superior Court for County of Alameda, State of California, in Action No. 60447, Respondent was convicted of violation of Section 211 of the California Penal Code (ROBBERY), a felony, a crime involving moral turpitude, and a crime which bears a substantial relationship under Section 2910,

1 Title 10, California Code of Regulations to the qualifications,
2 functions or duties of a real estate licensee.

3 VI

4 On or March 30, 1979, in the Superior Court for County
5 of Alameda, State of California, in Action No. 59620, Respondent
6 was convicted of violation of Section 211 of the California Penal
7 Code (ROBBERY), a felony, a crime involving moral turpitude, and a
8 crime which bears a substantial relationship under Section 2910,
9 Title 10, California Code of Regulations to the qualifications,
10 functions or duties of a real estate licensee.

11 VII

12 The crimes of which Respondent was convicted, as alleged
13 in Paragraphs III, IV, V and VI above, jointly and/or severally
14 constitute cause for denial of Respondent's application for a real
15 estate license under Sections 480(a) and 10177(b) of the
16 California Business and Professions Code.

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

23 
24 LES R. BETTENCOURT
Deputy Real Estate Commissioner

25 Dated at San Francisco, California,
26 this 27th day of February, 1995
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