

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

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

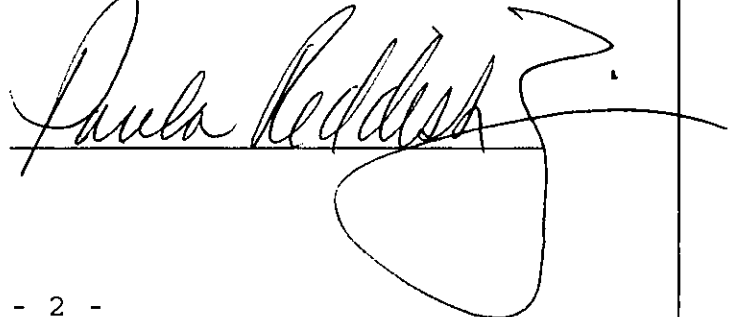
13 1. Submittal of a completed application and payment of
14 the fee for a real estate broker license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: April 3, 2002.
22

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 
26
27

FILED

JAN 12 2000

DEPARTMENT OF REAL ESTATE

By Juan Arnes

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JAFHE HAWKINS DANIA,)
Respondent.)

No. H-7456 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On November 10, 1997, a Decision was rendered revoking the real estate broker license of Respondent.

On April 9, 1999, 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 Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license. Respondent has no experience acting in a fiduciary capacity since the effective

1 date of the Decision in this matter. Consequently, Respondent is
2 not able to present any evidence of compliance with Section 2911
3 (j), Title 10, California Code of Regulations.

4 I am satisfied, however, that it will not be against
5 the public interest to issue a restricted real estate salesperson
6 license to Respondent since Respondent will have an opportunity
7 to demonstrate rehabilitation while operating under the close
8 supervision of a real estate broker.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement of his real estate broker license is
11 denied.

12 A restricted real estate salesperson license shall be
13 issued to Respondent pursuant to Section 10156.5 of the Business
14 and Professions Code, if Respondent satisfies the following
15 conditions within nine (9) months from the date of this Order:

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

18 2. Submittal of evidence of having, since the most
19 recent issuance of an original or renewal real estate license,
20 taken and successfully completed the continuing education
21 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
22 for renewal of a real estate license.

23 The restricted license issued to Respondent shall be
24 subject to all of the provisions of Section 10156.7 of the
25 Business and Professions Code and to the following limitations,
26 conditions and restrictions imposed under authority of Section
27 10156.6 of that Code.

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

6 2. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real Estate
10 Law, the Subdivided Lands Law, Regulations of the Real Estate
11 Commissioner or conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor the removal
14 of any of the limitations, conditions or restrictions of a
15 restricted license until one (1) year has elapsed from the date
16 of the issuance of the restricted license to respondent.

17 4. Respondent shall submit with any application for
18 license under an employing broker, or any application for
19 transfer to a new employing broker, a statement signed by the
20 prospective employing broker on a form approved by the Department
21 of Real Estate which shall certify:

22 a. That the employing broker has read the Decision of
23 the Commissioner which granted the right to a
24 restricted license; and

25 b. That the employing broker will exercise close
26 supervision over the performance by the restricted

27 ///

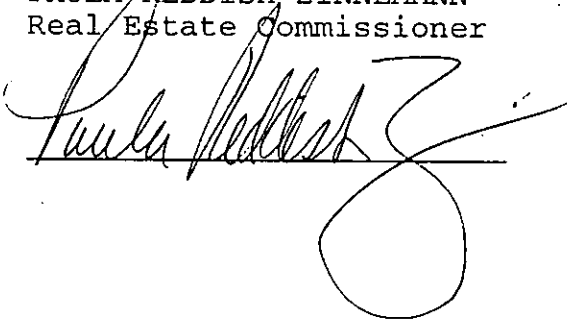
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licensee relating to activities for which a real estate license is required.

This Order shall become effective at 12 o'clock
noon on February 2, 2000 .

DATED: December 20, 1999.

PAULA REDDISH ZINNEBANN
Real Estate Commissioner

A large, stylized handwritten signature in dark ink, appearing to read "Paula Reddish Zinnemann", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

FILED
NOV 12 1997

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelly Ely

* * *

In the Matter of the Accusation of)
JAFHE HAWKINS DANIA)
Respondent.)

NO. H-7456 SF

OAH NO. N-1997070117

DECISION

The Proposed Decision dated October 10, 1997, 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 December 2, 1997.

IT IS SO ORDERED 11/10, 1997.

JIM ANTT, JR.
Real Estate Commissioner

J. Antt Jr.

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	
	)	No. H-7456 SF
JAFFE HAWKINS DANIA,	)	
	)	OAH No. N 1997070117
Respondent.	)	
_____	)	

PROPOSED DECISION

This matter was heard before Mary-Margaret Anderson, Administrative Law Judge, State of California, Office of Administrative Hearings, in Oakland, California on September 10, 1997.

The complainant was represented by Larry A. Alamao, Attorney in Charge, Department of Real Estate.

Respondent Jaffe Hawkins Dania was present.

FINDINGS OF FACT

I

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

II

Jaffe Hawkins Dania ("Respondent") is presently licensed and/or has licensing rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") as a real estate broker.

III

On October 31, 1995, in the Municipal Court of the State of California, County of Alameda, San Leandro-Hayward Judicial District Respondent was convicted of a misdemeanor violation of section 470(b) of the California Penal Code (display or possession of a forged driver's license).

Respondent was sentenced as follows: 3 years probation, 15 days community service and \$100.00 fine. He was also ordered to stay out of the Good Guys store in Hayward. He completed the community service work by January 2, 1996.

IV

The crime of which Respondent was convicted involved moral turpitude and is substantially related to the duties, qualifications or functions of a real estate licensee.

V

On September 15, 1995 Respondent entered the Good Guys store in Hayward. He charged two VCR's on a new Good Guys account, for which he produced a temporary account card with the name of Walter E. Duggan. For identification he produced a driver's license with his picture and the name Walter Edward Duggan III.

The store clerk recognized that the driver's license was a fake, and alerted store security. When arrested, Respondent gave the name of Bamidele Balogun.

VI

Upon his arrest, Respondent gave a signed, written statement to the police. It states "Several days ago I met two Mexican men in San Jose at a liquor store. We were talking a little and they said that they could get me a fake license. I need one so I can get a job. I am a citizen of Nigeria. I just wanted the license so I could get a job. I got the license yesterday. They said that I had to do them something. They wanted me to go buy VCR's at Good Guys. They gave me an account and said it was in my name. I went into the store. I used the ID and signed the sales slip."

Respondent claimed that he was in a "state of confusion" when he gave the statement to the police and that it is not an accurate report of what he told them.

VII

Respondent's explanation of the facts and circumstances leading up to his conviction was complex. He testified that when he immigrated to the United States from Nigeria in 1988 he practiced the Ogun-Shango religion. In the Ogun faith a great deal of importance is placed on an individual's name. It is believed that curses and hexes can be placed on a name that will prevent the person from being successful. Respondent was having a great deal of trouble establishing himself,

despite his acquisition of a real estate broker's license. He was therefore advised by religious leaders that the only solution was to change his name.

He did not know how to go about effecting the name change, however. One day he met a man at a store named Bob. They became friendly and Respondent told Bob about his problem. Bob told him that this was easily solved if he would give him a passport sized photo. Respondent stated that he attempted to find more about Bob, but was only told that he was from Jamaica. Respondent claims that he was not aware that there was anything wrong with securing a false driver's license.

At Bob's request, Respondent returned to the store a few days later to pick up his new identification. Bob said he would give it to him after Respondent helped him with errands. Bob told Respondent to follow him, and they subsequently arrived at the Good Guys store in Hayward. They went to the VCR section, and gave an order to a salesperson, who went to fill it. Bob then told Respondent that he needed to make an urgent phone call and that Respondent should sign for the order if he was not back when the salesperson returned. When he was handed a slip, Respondent testified that he signed it "Walter Duggan." He stated that he was immediately arrested and never saw Bob again. He identified himself to the police as "Bamidele Balogun."

VIII

Respondent holds a degree from a university in Nigeria. He enrolled in a masters program at Golden Gate University, but had to drop out. He is currently employed by Network Funding, where he assists people to obtain mortgage loans. He also works for HMT Technology in Fremont as a machine operator.

Since the offense, Respondent has married and had one child. He has changed to the Christian religion and no longer believes in curses and hexes. Respondent is extremely remorseful, and alleges that he will never again be involved in any criminal activity.

IX

Respondent's wife, Yinka Akande, testified on his behalf. She reported that Respondent has suffered a great deal of embarrassment and shame for his conviction. Ms. Akande testified that she was originally an Ogun practitioner as well, and that it is a tenet of that belief system that if one is experiencing bad luck, one must change one's name.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code sections 490 and 10177(b) by reason of the matters set forth in Findings III, IV and V.

II

Respondent was convicted of a misdemeanor forgery section forbidding the display or possession of a falsified driver's license. On its face, although meeting the requirements of moral turpitude and a nexus to the licensed activity, the conviction may seem innocuous. However, the totality of the circumstances surrounding the incident, including Respondent's explanations and different versions of the events leading up to the arrest, present a different picture.

Respondent's sincerity and desperation to obtain another name was clear. However, as an educated person with a real estate broker license, the solution he chose was inexcusable. Although there existed legal avenues to accomplish the name change, Respondent chose to obtain one through a man he met at a local store, and accepted the man's assurance that it was legal. He then went to a store, supposedly with the same man, and presented the false identification and temporary credit card in order to purchase several VCR's. His testimony regarding the shopping trip differed from the sales clerk's and from his own statement to the police.

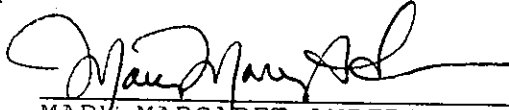
Arguably the most essential trait for a real estate broker to possess is honesty. Respondent was clearly remorseful and appeared sincere in his assurances that he would not be involved in any more criminal activity. His family life appears stable. However, it is not clear that Respondent fully appreciates the importance of the accuracy of official documents, of solving one's problems in a legal fashion, and telling the truth.

Serious doubts exist regarding Respondent's ability to fulfill the duties of a licensed real estate broker--a position of trust--in a fair, honest and ethical manner. It would be contrary to the public interest at this time to allow his continued licensure, even on a restricted basis.

ORDER

All licenses and licensing rights of Respondent
Jaffe Hawkings Dania under the California Real Estate Laws are
revoked.

DATED: October 10, 1997



MARY-MARGARET ANDERSON
Administrative Law Judge
Office of Administrative Hearings

FILED
JUL - 1 1997

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Accusation of

JAFFE HAWKINS DANIA

Case No. H-7456 SF

OAH No. _____

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, World Savings Tower, _____

1970 Broadway, Second Floor, Oakland, CA 94612

on Wednesday -- September 10, 1997, at the hour of 2:00 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: July 1, 1997

By Larry Alamao
LARRY A. ALAMAO Counsel

1 DEIDRE L. JOHNSON, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED
APR 22 1997
DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 JAFFE HAWKINS DANIA,) NO. H-7456 SF
14 Respondent.) ACCUSATION

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

20 I

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

25 II

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

TO: FLAG SECTION
FROM: SACTO. LEGAL

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

3 III

4 On or about October 31, 1995, in the Municipal Court of
5 California, County of Alameda, San Leandro-Hayward Judicial
6 District, Respondent was convicted under the name of BAMIDELE
7 BALOGUN of violation of Penal Code Section 470b (FORGED DRIVER'S
8 LICENSE), a crime involving moral turpitude, and which is
9 substantially related under Section 2910, Title 10, California
10 Code of Regulations to the qualifications, functions or duties of
11 a real estate licensee.

12 IV

13 The facts alleged above constitute cause under Sections
14 490 and 10177(b) of the Code for suspension or revocation of all
15 license(s) and license rights of Respondent under the Real Estate
16 Law.

17 WHEREFORE, Complainant prays that a hearing be conducted
18 on the allegations of this Accusation and that upon proof thereof
19 a decision be rendered imposing disciplinary action against all
20 licenses and license rights of Respondent, under the Real Estate
21 Law (Part 1 of Division 4 of the Business and Professions Code)
22 and for such other and further relief as may be proper under other
23 provisions of law.

24 
25 LES R. BETTENCOURT
26 Deputy Real Estate Commissioner

27 Dated at San Francisco, California,
this 17th day of April, 1997.