

FILED

OCT 06 2006

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-7713 SF
DAVID BERNHART MORRIS,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On December 3, 1999, a Decision 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 December 22, 1999, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On January 11, 2005, 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
2 evidence submitted 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
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

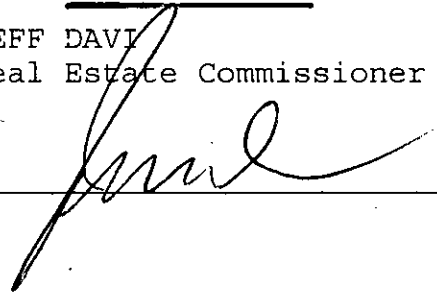
8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for removal of restrictions is granted and that a real
10 estate salesperson license be issued to Respondent if Respondent
11 satisfies the following conditions within nine (9) months from
12 the date of this order:

13 (a) Submittal of a completed application and payment
14 of the appropriate fee for a real estate salesperson license, and

15 (b) Submittal of evidence satisfactory to the Real
16 Estate Commissioner that Respondent has, since the most recent
17 issuance of an original or renewal real estate license, taken and
18 successfully completed the continuing education requirements of
19 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
20 real estate license.

21 This Order shall become effective immediately.

22 IT IS SO ORDERED 9-13-06, 2006.

23 JEFF DAVIS
24 Real Estate Commissioner
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FILED

DEC 07 1999

DEPARTMENT OF REAL ESTATE

By Juan Armato

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

DAVID BERNHART MORRIS,

Respondent

No. H- 7713 SF

STIPULATION AND
WAIVER

I, DAVID BERNHART MORRIS, 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 June 4, 1999, 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
2 issuance 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
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions 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
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted 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
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to 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
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 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.
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1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:

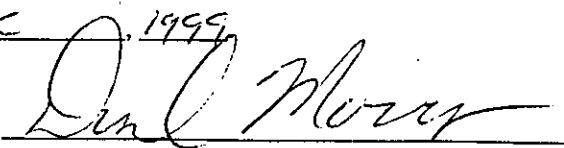
4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and

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

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18)
11 months of the issuance of the restricted license to, submit evidence satisfactory to the
12 Commissioner of successful completion, at an accredited institution, of two of the courses listed
13 in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,
14 advanced real estate finance or advanced real estate appraisal. If I fail to timely present to the
15 Department satisfactory evidence of successful completion of the two required courses, the
16 restricted license shall be automatically suspended effective eighteen (18) months after the date
17 of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted
18 license, I have submitted the required evidence of course completion and the Commissioner has
19 given written notice to me of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
22 entitled to the issuance of another license which is subject to Section 10153.4 until four years
23 after the date of the issuance of the preceding restricted license.

24 DATED this 8 day of November, 1999

25 
26 Respondent
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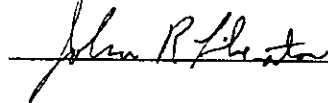
1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the 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 DAVID BERNHART MORRIS if respondent has otherwise fulfilled all of the statutory
7 requirements for licensure. The restricted license shall be limited, conditioned and restricted as specified in
8 the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 3rd day of December, 1999.

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13 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

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16 BY: John R. Liberator
17 Chief Deputy Commissioner
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FILED
SEP 15 1999

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Application of

DAVID BERNHART MORRIS,

Case No. H-7713 SF

OAH No. _____

Respondent

FIRST CONTINUED
NOTICE OF HEARING ON APPLICATION

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, the Elihu Harris State
Building, 1515 Clay Street, Suite 206, Oakland, CA 94612

on WEDNESDAY--NOVEMBER 10, 1999, at the hour of 11:00 AM,
or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are
not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 for 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: September 15, 1999

By

Deidre L. Johnson

DEIDRE L. JOHNSON

Counsel

FILED
JUN 25 1999

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Centresi

In the Matter of the Application of

DAVID BERNHART MORRIS,

Case No. H-7713 SF

OAH No. _____

Respondent

NOTICE OF HEARING ON APPLICATION

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, the Elihu Harris State

Building, 1515 Clay Street, Suite 206, Oakland, CA 94612

on September 8, 1999, at the hour of 1:30 PM,
or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 for 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: June 24, 1999

By Larry A. Alamao
LARRY A. ALAMAO Counsel

1 THOMAS C. LASKEN, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED

JUN 04 1999

DEPARTMENT OF REAL ESTATE

By Jean [Signature]

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

11 * * *

12 In the Matter of the Application of)
13 DAVID BERNHART MORRIS,)
14 Respondent.)

NO. H- 7713 SF

STATEMENT OF ISSUES

16 The Complainant, Les R. Bettencourt, a Deputy Real
17 Estate Commissioner of the State of California, for Statement of
18 Issues against DAVID BERNHART MORRIS (hereinafter "Respondent")
19 alleges as follows:

20 I

21 Respondent, pursuant to the provisions of Section
22 10153.3 of the Business and Professions Code, made application to
23 the Department of Real Estate of the State of California for a
24 real estate salesperson license on or about September 9, 1998,
25 with the knowledge and understanding that any license issued as a
26 result of said application would be subject to the conditions of
27 Section 10153.4 of the Business and Professions Code.

1 II

2 Complainant, Les R. Bettencourt, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity.

5 III

6 In response to Question 25 of said application, to wit:
7 "Have you ever been convicted of any violation of law?"
8 Respondent answered yes, and disclosed the convictions set forth
9 in Paragraph IV below, but did not disclose the conviction set
10 forth in Paragraph V below.

11 IV

12 On or about June 8, 1995, in the Superior and Municipal
13 Court of California, County of Santa Clara, Respondent was
14 convicted of violation of Sections 470A (Driver's License
15 Forgery), and 484f(b) (Access Card Forgery) of the Penal Code;
16 both felonies and crimes involving moral turpitude which bears a
17 substantial relationship under Section 2910, Title 10, California
18 Code of Regulations, to the qualifications, functions or duties of
19 a real estate licensee.

20 V

21 On or about April 24, 1971, in the Municipal Court of
22 California, County of Alameda, Respondent was convicted of
23 violation of Sections 459 of the California Penal Code (Burglary),
24 a crime involving moral turpitude which bears a substantial
25 relationship under Section 2910, Title 10, California Code of
26 Regulations, to the qualifications, functions or duties of a real
27 estate licensee.

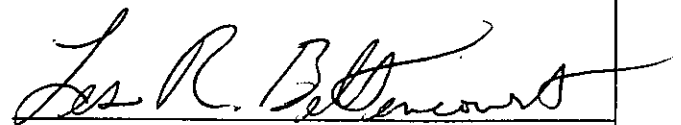
1 VI

2 The crimes of which Respondent was convicted, as alleged
3 in Paragraphs IV and V above, constitute cause for denial of
4 Respondent's application for a real estate license under Sections
5 480(a) and 10177(b) of the California Business and Professions
6 Code.

7 VII

8 Respondent's failure to reveal the conviction set forth
9 in Paragraph V above in said application constitutes an attempt to
10 procure a real estate license by fraud, misrepresentation, or
11 deceit, or by making a material misstatement of fact in said
12 application, which failure is cause for denial of Respondent's
13 application for a real estate license under Sections 480(c), 498,
14 and 10177(a) of the California Business and Professions Code.

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

21
22
23 
24 LES R. BETTENCOURT
25 Deputy Real Estate Commissioner

26 Dated at Oakland, California,
27 this 20th day of April, 1999.