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FILED

JUN 29 2005

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
MYRON C. MORRISON,)
Respondent.)
No. H-7892 SF

ORDER GRANTING UNRESTRICTED LICENSE

On April 12, 2001, a Decision was rendered herein denying the Respondent's application for real estate 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 May 11, 2001, and Respondent has operated as a restricted licensee since that time.

On July 25, 2003, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's Petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

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

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

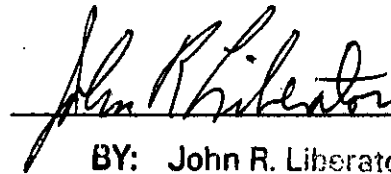
9 1. Within nine (9) months from the date of this order
10 respondent shall submit a completed application and pay the
11 appropriate fee for a real estate salesperson license.

12 2. Upon renewal of the license issued pursuant to this
13 order, respondent shall submit evidence of having taken and
14 successfully completed the continuing education requirements of
15 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
16 real estate license.

17 This Order shall become effective immediately.

18 DATED: June 24, 2005.

19 JEFF DAVI
20 Real Estate Commissioner

21 
22

23 BY: John R. Liberator
24 Chief Deputy Commissioner
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26
27

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

FILED
APR 19 2001

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of)
MYRON C. MORRISON,)
Respondent.)

NO. H-7892 SF
OAH NO. N-2001010033

DECISION

The Proposed Decision dated March 30, 2001, 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 application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to Respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the information of Respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto.

This Decision shall become effective at 12 o'clock noon
on May 10, 2001.

IT IS SO ORDERED April 2, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish Zinnemann

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

MYRON C. MORRISON,

Respondent.

Case No. H--7892 SF

OAH No. N2001010033

PROPOSED DECISION

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on February 26, 2001.

James L. Beaver, Real Estate Counsel, represented complainant Les R. Bettencourt, Deputy Real Estate Commissioner.

Respondent Myron C. Morrison was present and was represented by C. William Brodie, Attorney at Law, 20 Duane Street, Suite 11, Redwood City, California 94062.

The matter was submitted on February 26, 2001.

FACTUAL FINDINGS

1. Complainant Les R. Bettencourt made and filed the Accusation in his official capacity as a Deputy Real Estate Commissioner, Department of Real Estate (Department), State of California.

2. On or about August 18, 2001, respondent Myron C. Morrison made an application to the Department for a real estate salesperson license.

3. On or about December 3, 1993, in the Superior Court of the State of California, County of San Mateo, respondent was convicted on his plea of nolo contendere to violating Penal Code section 115(a), offering a false or forged instrument for filing, a felony. Offering a false or forged instrument for filing is a crime involving moral turpitude and is substantially related to the qualifications, functions, or duties of a real estate licensee.

4. The circumstances of the offense were as follows: At the time of the offense respondent was in desperate need of cash to cure a pending default on his own home in Los Alto Hills which had been destroyed in the Loma Prieta Earthquake. Respondent co-owned a piece of residential real estate on Daisy Lane, East Palo Alto that had a value of approximately \$50,000. Without the consent or knowledge of his co-owner, respondent obtained a second mortgage on the property in the amount of \$25,000. Through his relationship with the escrow officer, respondent was allowed to remove the escrow documents from the title company purportedly to obtain the signature of the co-owner. Once the documents were out of the office, respondent signed the co-owner's name on the loan documents.

5. Imposition of sentence was suspended and respondent was placed on supervised probation for three years. Terms and conditions of probation included service of 60 days in county jail (with a recommendation of sheriff's work program), 250 hours of community service, a fine of \$220, and payment of \$5,000 in restitution to the victim. Respondent complied with all terms and conditions of probation, and successfully completed it.

6. On December 17, 1996, respondent obtained an order setting aside the conviction pursuant to the provisions of Penal Code section 1203.4.

7. Respondent was cooperative and honest during his interview with Department investigator Dan Wegner. Respondent was honest and forthright in his testimony at the hearing. Respondent fully admits the conviction and acknowledges the wrongfulness of his conduct.

8. At the time of the offense, respondent had been employed for ten years as a loan agent with Great Western Bank. As a result of the offense, it was agreed that respondent would leave his employment. Respondent's manager, Neil Khan, attests that respondent was an exemplary employee and a person of great integrity.

9. Golden California Title Company employed respondent from 1997 to 2000. Respondent's duties required him to seek escrow business from loan companies. Thereafter the title company was purchased by United Title Company, which also owned Financial Title Company. Respondent was assigned to open and manage a new Financial Title office in Redwood City. In that capacity, respondent supervised escrow personnel and was responsible for all escrow transactions. All escrows were audited. There were no discrepancies in the escrows conducted under respondent's supervision. The Redwood City office closed in early 2000. Respondent's supervisor, Steven D. Brockman recruited respondent to work for the holding company, United Title. Respondent was assigned to work on special projects as an asset manager. In that capacity respondent sold used machinery, moved offices, and subleased vacated office space. Respondent's duties required him to collect rental payments (approximately \$20,000 per month), and collect monies due on asset sales (also approximately \$20,000

per month). Brockman found no discrepancies in respondent's accounting. In Brockman's view, respondent was a valued and trusted employee. He would hire respondent without reservation.

10. Respondent is 71 years old. He is happily married to his third wife, and supports one daughter who is in college. Respondent has two other daughters that are married. The Department previously licensed respondent both as a real estate salesperson (1970-1972) and as a real estate broker (1972-1983). The Department never disciplined respondent while he was licensed.

Respondent's position with United Title has been eliminated. He would like to obtain a real estate license so that he can work under his mother-in-law who operates a real estate brokerage in Tracy. Respondent has taken courses in real estate principles (1/27/2000) and real estate excellence (spring 2000).

LEGAL CONCLUSIONS

1. Under subdivision (b) of Business and Professions Code section 10177, the Commissioner may deny the issuance of a license to an applicant who has "[e]ntered a plea of guilty or nolo contendere to . . . a felony or a crime involving moral turpitude . . . irrespective of . . . a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information." Under section 480(a) of the Business and Professions Code the Commissioner may deny the issuance of a license to an applicant who has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the license is sought.

By reason of the matters set forth in Finding 3, respondent entered a plea of nolo contendere to a felony that is substantially related to the qualifications, functions, or duties of a real estate licensee (Cal. Code Regs., tit. 10, § 2910, subds. (a)(1), (a)(2), & (a)(4)). Cause to deny respondent's application exists pursuant to Business and Professions Code sections 480(a) and 10177(b).

2. The next assessment to make is whether protection of the public interest requires denial of respondent's application. All relevant criteria set forth in section 2911 have been considered. More than seven years have elapsed since respondent's conviction, respondent has made restitution to the victim, paid the monetary fine imposed by the court, successfully completed probation, and obtained an expungement of the conviction. Respondent has a stable family life, and has demonstrated a change in attitude from that which existed at the time of the conviction. Respondent has committed only one offense during his lifetime. That offense was extremely serious, and the

nexus to the licensed activities is substantial. Nevertheless, the offense appears to be aberrant behavior, prompted by respondent's economic circumstances. The purpose of this proceeding is not to punish respondent, but to protect the public. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 164.) Respondent has demonstrated sufficient rehabilitation so that the public will be adequately protected by the following order.

ORDER

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Business and Professions Code section 10156.5. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of the Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
 - (a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or
 - (b) The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of the issuance of the restricted license to respondent.
3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:
 - (a) That the employing broker has read the Decision which is the basis for the restricted license; and

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

DATED: March 30, 2001

Melissa G. Crowell

MELISSA G. CROWELL

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC 27 2000

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

MYRON C. MORRISON,

Case No. H-7892 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, 1515 Clay Street, Suite 206,
Oakland, CA 94612

on Monday, February 26, 2001, at the hour of 9:00 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.

Dated: December 27, 2000

DEPARTMENT OF REAL ESTATE

By JAMES L. BEAVER

Counsel

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)
7

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DEPARTMENT OF REAL ESTATE

By *Laurie A. Zorn*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No.: H-7892 SF
12 MYRON C. MORRISON,)
13 Respondent.)
14

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

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about August 18, 2000.

23 II

24 Complainant, Les R. Bettencourt, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity.

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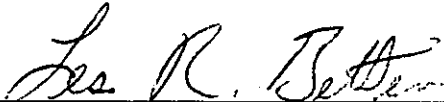
III

On or about December 3, 1993, in the Superior Court of the State of California, County of San Mateo, Respondent was convicted of the crime of Offering False or Forged Instruments For Filing, in violation of Penal Code Section 115(a), a felony and a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as alleged in Paragraph III, above, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law.


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 26th day of October, 2000.