

By Jean Aronoff

* * *

1 broker license on terms and conditions. A restricted real estate
2 broker license was issued to Respondent on April 23, 2003, and
3 Respondent has operated as a restricted licensee since that time.

4 On April 17, 2006, Respondent petitioned for
5 reinstatement of said real estate broker license, and the
6 Attorney General of the State of California has been given notice
7 of the filing of said petition.

8 I have considered the petition of Respondent and the
9 evidence and arguments in support thereof. Respondent has
10 demonstrated to my satisfaction that Respondent meets the
11 requirements of law for the issuance to Respondent of an
12 unrestricted real estate broker license and that it would not be
13 against the public interest to issue said license to Respondent.

14 NOW, THEREFORE, IT IS ORDERED that Respondent's
15 petition for reinstatement is granted and that a real estate
16 broker license be issued to Respondent if Respondent satisfies
17 the following conditions within nine (9) months from the date of
18 this Order:

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

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

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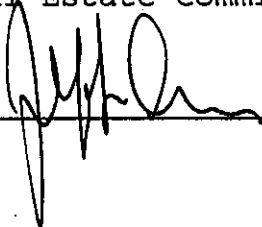
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This Order shall be effective immediately.

DATED: 6-27-07

JEFF DAVI
Real Estate Commissioner



FILED
JUL 22 2004

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JEFFERY JONES,) NO. H-8019 SF
Respondent.)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: JEFFERY JONES:

On April 2, 2003, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent on the terms, conditions, and restrictions set forth in the Real Estate Commissioner's Decision After Rejection effective April 2, 2003, in Case No. H-8019 SF. This Decision granted the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section

1 10156.6 of said Code. Among those terms, conditions and
2 restrictions, you were required to submit proof of having taken
3 and completed specified continuing education requirements within
4 nine months from the effective date of the Decision. The
5 Commissioner has determined that as of May 6, 2004, you have
6 failed to satisfy this condition, and as such, you are in
7 violation of Section 10177(k) of the Business and Professions
8 Code.

9 NOW, THEREFORE, IT IS ORDERED under authority of
10 Section 10156.7 of the Business and Professions Code of the
11 State of California that the restricted real estate salesperson
12 license heretofore issued to Respondent and the exercise of any
13 privileges thereunder is hereby suspended until such time as you
14 provide proof satisfactory to the Department of compliance with
15 the "condition" referred to above, or pending final determination
16 made after hearing (see "Hearing Rights" set forth below).
17 Furthermore, you have no right to renew your restricted license
18 if this "condition" isn't satisfied by the date your restricted
19 license expires.

20 IT IS FURTHER ORDERED that all license certificates
21 and identification cards issued by Department which are in the
22 possession of Respondent be immediately surrendered by personal
23 delivery or by mailing in the enclosed, self-addressed envelope
24 to:

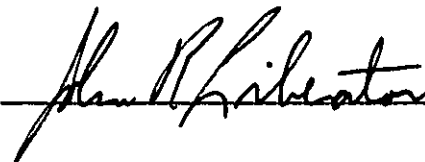
25 DEPARTMENT OF REAL ESTATE
26 ATTN: FLAG SECTION
27 P. O. Box 187000
Sacramento, CA 95818-7000

1 HEARING RIGHTS: Pursuant to the provisions of Section
2 10156.7 of the Business and Professions Code, you have the right
3 to a hearing to contest the Commissioner's determination that you
4 are in violation of Section 10177(k). If you desire a hearing,
5 you must submit a written request. The request may be in any
6 form, as long as it is in writing and indicates that you want a
7 hearing. Unless a written request for a hearing, signed by or
8 on behalf of you, is delivered or mailed to the Department at
9 2201 Broadway, P. O. Box 187007, Sacramento, California 95818-7007,
10 within 20 days after the date that this Order was mailed to or
11 served on you, the Department will not be obligated or required
12 to provide you with a hearing.

13
14 This Order shall be effective July 22, 2004.

15 DATED: May 17, 2004.

16
17 JOHN R. LIBERATOR
18 Acting Real Estate Commissioner

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FILED

APR - 1 2003

DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-8019 SF

ROY LEE LARRY and
JEFFERY JONES,

OAH No. N-2001120342

Respondents.

ORDER DENYING RECONSIDERATION

On January 29, 2003, a Decision After Rejection was rendered in the above-entitled matter. The Decision is to become effective April 2, 2003.

On February 28, 2003, Respondent JEFFERY JONES petitioned for reconsideration of the Decision After Rejection of January 29, 2003, as to Respondent JEFFERY JONES only.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of January 29, 2003, and reconsideration is hereby denied.

IT IS HEREBY ORDERED March 27, 2003.

PAULA REDDISH ZINNEBANN
Real Estate Commissioner

[Signature]

BY: John R. Liberator
Chief Deputy Commissioner

MAR - 3 2003

By David E. Z...

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-8019 SF
)
 ROY LEE LARRY and)
 JEFFERY JONES,)
)
 Respondents.)

On January 27, 2003, a Decision After Rejection was rendered in the above-entitled matter to become effective March 3, 2003.

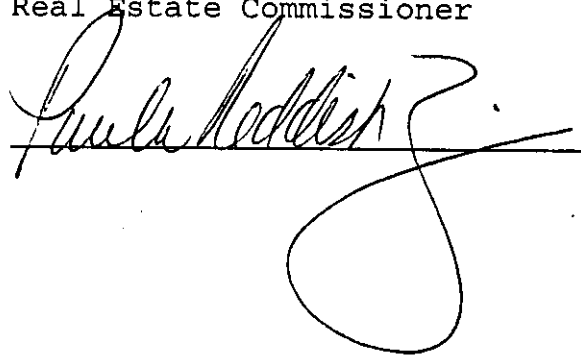
IT IS HEREBY ORDERED that the effective date of the Decision After Rejection of the Real Estate Commissioner of January 29, 2003 as to Respondent JEFFERY JONES only, is stayed for a period of thirty (30) days.

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1 The Decision After Rejection of the Real Estate
2 Commissioner of January 29, 2003, shall become effective at
3 12 o'clock noon on April 2, 2003..

4 DATED: March 3, 2003

5 PAULA REDDISH ZINNEBANN
6 Real Estate Commissioner

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FILED

FEB 11 2003

DEPARTMENT OF REAL ESTATE

By *Lucie P. Jones*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-8019 SF

ROY LEE LARRY and)
JEFFERY JONES,)

OAH No. N-2001120342

Respondents.)

DECISION AFTER REJECTION

The matter came on for hearing before Denny R. Davis, Administrative Law Judge of the Office of Administrative Hearings, in Oakland, California, on June 18, 2002.

David A. Peters, Counsel, represented the Complainant.

Respondent ROY LEE LARRY dba Chanteclair Realty & Investments (hereinafter "Respondent LARRY") was present and represented by Fayedine Coulter, Attorney at Law.

Respondent JEFFERY JONES (hereinafter "Respondent JONES") was present and represented himself.

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1 Evidence was received, the record was held open until
2 July 15, 2002 for the submission of closing briefs, whereupon
3 the receipt of which the record was closed and the matter
4 submitted.

5 On August 15, 2002, the Administrative Law Judge
6 rendered a Proposed Decision, which I declined to adopt as my
7 Decision herein. Pursuant to Section 11517(c) of the Government
8 Code of the State of California, Respondents were served with
9 notice of my determination not to adopt the Proposed Decision of
10 the Administrative Law Judge along with a copy of said Proposed
11 Decision. Respondents were notified that the case would be
12 decided by me upon the record, the transcript of proceedings
13 held on June 18, 2002, and upon written argument offered by
14 Respondents and Complainant.

15 The following shall constitute the Decision of the
16 Real Estate Commissioner in this proceeding.

17 FACTUAL FINDINGS

18 1. Les R. Bettencourt, Deputy Real Estate
19 Commissioner, Department of Real Estate, State of California,
20 filed the Accusation in his official capacity. The Accusation
21 was filed, on November 8, 2001, against Respondent LARRY and
22 Respondent JONES.

23 2. On October 5, 1992, effective November 4, 1992,
24 in Case No. H-2753 SAC, the Real Estate Commissioner revoked the
25 real estate broker license of Respondent LARRY and granted the
26 right to a restricted real estate broker license on terms and
27 conditions for violations of Section 10177(d) of the Code in

1 conjunction with Section 10145(a) of the Code and Section 2830
2 and 2831.2 of Title 10, California Code of Regulations.

3 3. Respondents at all times material herein were
4 licensed under the Real Estate Law, Part 1 of Division 4 of the
5 Business and Professions Code as follows:

6 ROY LEE LARRY - as a restricted real estate broker.

7 JEFFERY JONES - as a real estate salesperson.

8 4. On March 30, 2000, in the Superior Court of
9 California, County of Alameda, in Case No. 1999068262 a final
10 small claims default judgment was entered against Respondent
11 LARRY and Respondent JONES in the amount of \$1,100.00 principal
12 and \$178.00 costs to be paid to Plaintiff Yolanda F. Weekly.

13 5. The Plaintiff's Claim states as follows:
14 **"Defendants mislead, misrepresented themselves to client in the**
15 **purchase of home in Oakland, California"**. The small claims
16 default judgment is based upon the misrepresentation as
17 described in the Plaintiff's Claim and as such constitutes a
18 fraud judgment within the meaning of Section 10177.5 of the
19 Business and Professions Code.

20 Section 10177.5 of the Business and Professions Code
21 provides as follows:

22 "When a final judgment is obtained in a civil
23 action against any real estate licensee upon
24 grounds of fraud, misrepresentation, or deceit
25 with reference to any transaction for which a
26 license is required under this division, the
Commissioner may, after hearing in accordance
with the provisions of this part relating to
hearings, suspend or revoke the license of
such real estate licensee."

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1 In Weiner vs. Mitchell, Silberg & Knupp (1980) 114
2 Cal.App.3d 39 the court stated: "... a court may properly take
3 judicial notice of the truth of facts asserted in documents such
4 as orders, findings of fact, conclusions of law and judgments."
5 If the findings of fact are not specifically made, it is
6 presumed the court made such implied findings as will support
7 the judgment. Hall vs. Municipal Court (1974) 10 Cal.3d 641.
8 The default judgment in this matter incorporates the Plaintiff's
9 Claim which expressly describes Respondents' misrepresentations
10 in connection with acts for which a real estate license is
11 required.

12 In California Real Estate Loans, Inc. vs. Wallace
13 (1933), 18 Cal.App.4th 1575, the court stated in pertinent:

14 "When an accusation is based on disciplinary
15 charging statues that condition discipline
16 upon a wrongful act or omission by a licensee,
17 the act or omission must be proved at an
18 administrative hearing. But when an
19 accusation is based on section 10177.5, the
20 express language of the statute makes the
21 judgment itself the operative fact upon which
22 the disciplinary action is imposed, not the
23 acts or omissions of the licensee which led to
24 the judgment. Thus, if the elements of fraud
25 have been proven in the civil action
26 collateral estoppel principles bar the
27 licensee from attempting to relitigate those
facts at the administrative proceeding.
(Richards vs. Gordon (1967) 254 Cal.App.3d
735, 737-741; See also Deas vs. Knapp (1981)
29 Cal.3d 69, 78-79.) [emphasis added.]

24 The fact that the civil judgment in this matter was a
25 default in a small claims action does not change the result.
26 The general effect of a default judgment is to confess the truth
27 of all allegations, and render conclusive all issues tendered by

1 the Complaint. Fitzgerald vs. Herzer (1947) 78 Cal.App.2d 127;
2 Flood vs. Simpson (1975) 45 Cal.App.3d 644. A judgment by
3 default is a judgment on the merits in favor of the Plaintiff.
4 (Witkin 6 Cal.Proc.(4th) Section 109.)

5 7. The judgment by default based on Plaintiff's
6 Claim was properly entered against Respondents, on March 30,
7 2000, in the Superior Court, County of Alameda, State of
8 California. Respondent LARRY did not attempt to appeal, have
9 set aside or in any other way address the entry of judgment.
10 Respondent JONES did make a motion to vacate the judgment but
11 then failed to make the scheduled court appearance resulting in
12 the court denying his motion. The judgment in this matter is
13 final.

14 8. At the hearing, the evidence established the
15 following facts: Respondent JONES, while in the employ of real
16 estate broker LARRY, listed a residential property owned by
17 Oliver McFarland. Oliver McFarland who was elderly subsequently
18 decided not to sell his property. Oliver McFarland refused to
19 accept offers and told Respondents that he did not want to sell
20 his home. Vincent McFarland the grandson of Oliver McFarland
21 intervened and represented to Respondents that he would obtain
22 a power of attorney to facilitate the sale of the home. The
23 authority was never secured.

24 Yolanda Weekly-Burns made an offer to purchase the
25 home and gave Respondents a check for \$4,000.00. Oliver
26 McFarland the owner of the property never signed the purchase
27 contract although Respondents falsely represented to Yolanda

1 Weekly-Burns that her offer on the purchase of the home had been
2 accepted. Respondents persisted in causing Yolanda Weekly-Burns
3 to believe that the sale might occur. Knowing that Oliver
4 McFarland no longer wished to sell his home Respondent LARRY
5 accepted the deposit and failed to return it to Yolanda Weekly-
6 Burns. When the escrow did not seem to be progressing and
7 Respondents failed to reply to Yolanda Weekly-Burns inquiries
8 she consulted an attorney who determined that she did not have
9 valid contract for the purchase of the home. Yolanda Weekly-
10 Burns filed the small claims action on the advice of her
11 attorney. The claim was for \$5,000.00 which included the return
12 of her \$4,000.00 deposit. The claim was filed just before she
13 placed a stop payment on the check.

14 9. Respondents at hearing gave various excuses for
15 not paying the judgment against them. Respondent LARRY
16 testified that when he became aware of the judgment that "it
17 didn't mean anything to me". Respondent LARRY further testified
18 it was such a small amount of money that it did not concern him.
19 Respondent JONES when asked why he had not paid the judgment
20 testified that he was relying on Respondent LARRY who
21 purportedly told Respondent JONES he need not worry about paying
22 the judgment because the Department of Real Estate was not
23 concerned about the matter. Respondents attitude concerning
24 their obligation to pay the judgment is troubling. The public
25 exposing itself to a real estate licensee has reason to believe
26 that the licensee must have demonstrated a degree of honesty and
27 integrity in order to have obtained a license (Gold vs. Fox

1 (1979) 98 Cal.App.3d 167.) Respondents have shown little
2 integrity as demonstrated by the misrepresentations to Yolanda
3 Weekly-Burns concerning the existence of a contract to purchase
4 the home and with the respect to the unpaid judgment owed to
5 Yolanda Weekly-Burns.

6 The disciplinary procedures provided for in the Real
7 Estate Law are intended to protect the public when they deal
8 with real estate licensees. Handeland vs. Dept. of Real Estate
9 (1976) 58 Cal.App.3d 513.

10 LEGAL CONCLUSION

11 The small claims default judgment entered against
12 Respondents, on March 30, 2000, in the Superior Court of
13 California, County of Alameda, constitutes grounds for
14 discipline against Respondents' real estate licenses pursuant to
15 Section 10177.5 of the Business and Professions Code.

16 ORDER

17 I

18 The real estate broker license and all license rights
19 of Respondent ROY LEE LARRY under the Real Estate Law are
20 revoked; however, a restricted real estate broker license shall
21 be issued to Respondent pursuant to Section 10156.5 of the
22 Business and Professions Code if Respondent makes application
23 therefor and pays to the Department of Real Estate the
24 appropriate fee for the restricted license within ninety (90)
25 days from the effective date of this Decision. The restricted
26 license issued to Respondent shall be subject to all of the
27 provisions of Section 10156.7 of the Business and Professions

1 Code and to the following limitations, conditions and
2 restrictions imposed under authority of Section 10156.6 of that
3 Code:

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

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

15 C. Respondent shall not be eligible to apply for the
16 issuance of an unrestricted real estate license nor for the
17 removal of any of the conditions, limitations or restrictions of
18 the restricted license until three (3) years have elapsed from
19 the effective date of this Decision.

20 D. Respondent shall, within nine (9) months from the
21 effective date of this Decision, present evidence satisfactory
22 to the Real Estate Commissioner that Respondent has, since the
23 most recent issuance of an original or renewal real estate
24 license, taken and successfully completed the continuing
25 education requirements of Article 2.5 of Chapter 3 of the Real
26 Estate Law for renewal of a real estate license. If Respondent
27 fails to satisfy this condition, the Commissioner may order the

1 suspension of the restricted license until the Respondent
2 presents such evidence. The Commissioner shall afford
3 Respondent the opportunity for a hearing pursuant to the
4 Administrative Procedure Act to present such evidence.

5 E. Respondent ROY LEE LARRY and/or Respondent
6 JEFFERY JONES shall, prior to the issuance of the restricted
7 license and as a condition of the issuance of said restricted
8 license, submit proof satisfactory to the Commissioner of
9 payment of the Superior Court of California, County of Alameda
10 judgment in Case No. 1999068262 in the amount of \$1,100.00
11 principal and \$178.00 costs to be paid to Yolanda F. Weekly.

12 F. Any restricted real estate broker license issued
13 to Respondent may be suspended or revoked for a violation by
14 Respondent of any of the conditions attaching to the restricted
15 license.

16 II

17 The real estate salesperson license and all license
18 rights of Respondent JEFFERY JONES under the Real Estate Law are
19 revoked; however, a restricted real estate salesperson license
20 shall be issued to Respondent pursuant to Section 10156.5 of the
21 Business and Professions Code if Respondent makes application
22 therefor and pays to the Department of Real Estate the
23 appropriate fee for the restricted license within ninety (90)
24 days from the effective date of this Decision. The restricted
25 license issued to Respondent shall be subject to all of the
26 provisions of Section 10156.7 of the Business and Professions
27 Code and to the following limitations, conditions and

1 restrictions imposed under authority of Section 10156.6 of that
2 Code:

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

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

14 C. Respondent shall not be eligible to apply for the
15 issuance of an unrestricted real estate license nor for the
16 removal of any of the conditions, limitations or restrictions of
17 the restricted of a restricted license until three (3) years
18 have elapsed from the effective date of this Decision.

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

- 24 (1) That the employing broker has read the Decision
25 of the Commissioner which granted the right to a
26 restricted license; and

27 ///

1 (2) That the employing broker will exercise close
2 supervision over the performance by the
3 restricted licensee relating to activities for
4 which a real estate license is required.

5 E. Respondent shall, within nine (9) months from the
6 effective date of the Decision, present evidence satisfactory to
7 the Real Estate Commissioner that Respondent has, since the most
8 recent issuance of an original or renewal real estate license,
9 taken and successfully completed the continuing education
10 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
11 for renewal of a real estate license. If Respondent fails to
12 satisfy this condition, the Commissioner may order the
13 suspension of the restricted license until the Respondent
14 presents such evidence. The Commissioner shall afford
15 Respondent the opportunity for a hearing pursuant to the
16 Administrative Procedure Act to present such evidence.

17 F. Respondent ROY LEE LARRY and/or Respondent
18 JEFFERY JONES shall, prior to the issuance of the restricted
19 license and as a condition of the issuance of said restricted
20 license, submit proof satisfactory to the Commissioner of
21 payment of the Superior Court of California, County of Alameda
22 judgment in Case No. 1999068262 in the amount of \$1,100.00
23 principal and \$178.00 costs to be paid to Yolanda F. Weekly.

24 G. Any restricted real estate salesperson license
25 issued to Respondent may be suspended or revoked for a violation
26 by Respondent of any of the conditions attaching to the
27 restricted license.

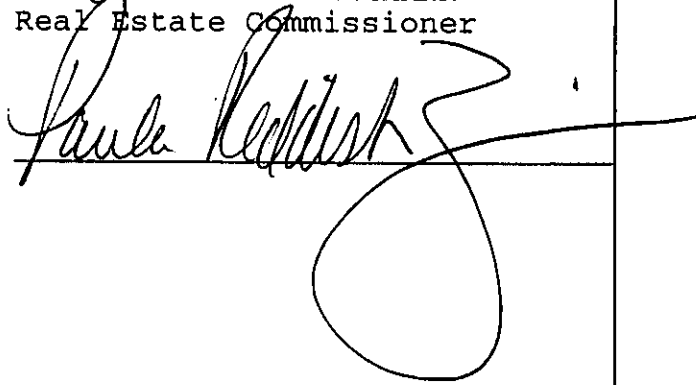
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This Decision shall become effective at 12 o'clock

noon on MARCH 3, 2003.

IT IS SO ORDERED January 29, 2003.

PAULA REDDISH ZINNEMANN
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.

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

FILED
FEB - 8 2002

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

**ROY LEE LARRY and
JEFFREY JONES,**

Case No. H-8019 SF

OAH No. N-20011120342

Respondents

**FIRST AMENDED
NOTICE OF HEARING ON ACCUSATION**

To the above named respondents:

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 **TUESDAY, JUNE 18, 2002**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Accusation 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.

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 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: FEBRUARY 8, 2002

By



DAVID A. PETERS, Counsel

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

FILED

DEC 11 2001

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ROY LEE LARRY and
JEFFERY JONES,

Case No. H-8019 SF

OAH No.

Respondents

NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

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 **TUESDAY, JANUARY 15, 2002**, at the hour of **10:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Accusation 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.

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 his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: DECEMBER 11, 2001

By

DEPARTMENT OF REAL ESTATE

David B. Seals
DAVID B. SEALS, Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED

NOV - 8 2001

DEPARTMENT OF REAL ESTATE

Lucie A. Z...

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-8019 SF
12 ROY LEE LARRY and)
13 JEFFERY JONES,) ACCUSATION
14 Respondents.)

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against ROY LEE LARRY dba Chanteclair Realty &
18 Investments (hereinafter "Respondent LARRY") and JEFFERY JONES
19 (hereinafter "Respondent JONES"), is informed and alleges as
20 follows:

21 I

22 Respondents LARRY and JONES are presently licensed
23 and/or has license rights under the Real Estate Law, Part 1 of
24 Division 4 of the Business and Professions Code (hereinafter
25 "Code") as follows:

26 ROY LEE LARRY - as a restricted real estate broker;

27 JEFFERY JONES - as a real estate salesperson.

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II

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

III

On or about March 30, 2000, in the Superior Court of California, County of Alameda, in Case No. 1999068262 a final judgment was entered against Respondents LARRY and JONES based on the grounds of fraud, misrepresentation, or deceit with reference to a transaction for which a real estate license is required.

IV

The facts set forth in Paragraph III above constitute cause under Section 10177.5 of the Code for suspension or revocation of all licenses and license rights of Respondents under the Real Estate Law.

PRIOR DISCIPLINARY ACTION

On October 5, 1992, effective November 4, 1992, in Case No. H-2753 SAC, the Real Estate Commissioner revoked the real estate broker license of ROY LEE LARRY and granted the right to a restricted real estate broker license for violations of Section 10177(d) of the Code in conjunction with Section 10145(a) of the Code and Section 2830 and 2831.2 of Title 10, California Code of Regulations.

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

Les R. Bettencourt
LES R. BETTENCOURT
Deputy Real Estate Commissioner.

Dated at Oakland, California,
this 2nd day of November, 2001.