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DEPARTMENT OF REAL ESTATE

By [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
JAMES SHERWOOD HARRISON,
Respondent.

No. H-8525 SF

ORDER GRANTING UNRESTRICTED LICENSE

On September 4, 2003, 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 November 12, 2003, and Respondent has operated as a restricted licensee since that time.

On March 20, 2007, 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 my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

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 her 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
14 restricted 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
19 which bears a substantial relationship to respondent's fitness or capacity as a real
20 estate licensee; or
 - 21 b. The receipt of evidence that respondent has violated provisions of the California
22 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
23 Commissioner, or conditions attaching to this restricted license.
- 24 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor
25 the removal of any of the conditions, limitations or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 respondent.

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 JAMES SHERWOOD HARRISON, 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 29th day of September, 2003.

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15 PAULA REDDISH ZINNE MANN
16 Real Estate Commissioner
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3 Department of Real Estate
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7 Telephone: (916) 227-0789

FILED
SEP 16 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JAMES SHERWOOD HARRISON,) NO. H-8525 SF
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, STEVE J. ELLIS, Enforcement Northern
16 Regional Manager, State of California Department of Real Estate,
17 for cause of Statement of Issues against JAMES SHERWOOD HARRISON,
18 alleges as follows:

19 I

20 JAMES SHERWOOD HARRISON (hereafter Respondent),
21 pursuant to the provisions of Section 10153.3 of the Business and
22 Professions Code, made application to the Department of Real
23 Estate of the State of California for a real estate salesperson
24 license on or about December 16, 2002, with the knowledge and
25 understanding that any license issued as a result of said
26 application would be subject to the conditions of Section 10153.4
27 of the Business and Professions Code.

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II

The Complainant, STEVE J. ELLIS, Enforcement Northern Regional Manager, State of California Department of Real Estate, makes this Statement of Issues in his official capacity and not otherwise.

III

In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law?"; Respondent answered "No," and failed to disclose the conviction alleged in Paragraph IV below.

IV

On or about May 8, 2001, in the Town of Kirkland Justice Court, State of New York, County of Oneida, Respondent was convicted of violation of New York State Penal Law Section 140.05 (TRESPASS), a crime involving moral turpitude, and/or 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.

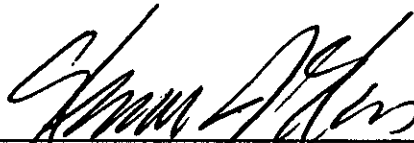
V

Respondent's failure in the application for licensure to disclose the conviction alleged above constitutes the attempt to procure a real estate license by fraud, misrepresentation or deceit; and/or by a making material misstatement of fact in said application; and/or by knowingly making a false statement in said application, which is cause for denial of Respondent's application for a real estate license under Sections 480(c) and 10177(a) of the Business and Professions Code.

1 VI

2 The crime of which Respondent was convicted as alleged
3 above constitutes cause for denial of Respondent's application
4 for a real estate license under Sections 480(a) and/or 10177(b)
5 of the California Business and Professions Code.

6 WHEREFORE, the Complainant prays that the above-
7 entitled matter be set for hearing and, upon proof of the charges
8 contained herein, that the Commissioner refuse to authorize the
9 issuance of, and deny the issuance of, a real estate salesperson
10 license to Respondent, and for such other and further relief as
11 may be proper in the premises.

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18 STEVE J. ELLIS
19 Enforcement Northern Regional Manager

20 Dated at Sacramento, California
21 this 15th day of September, 2003
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