_

JAN 08 2009
DEPARTMENT OF REAL ESTATE

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.

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

- (a) <u>Submit a completed application and pay the appropriate fee for a real estate</u> salesperson license, and
- (b) <u>Submit evidence of having taken and successfully completed the continuing</u> education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license.

This Order shall become effective immediately.

IT IS SO ORDERED /2-29-08

JEFF DAVI Real Estate Commissioner

> BY: Barbara J. Bigby Chief Deputy Commissioner

SEP 2 9 2003

DEPARTMENT OF REAL ESTATE

y Milleen Contras

DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

In the Matter of the Application of)) No. H- 8525 SF)
JAMES SHERWOOD HARRISON,)) STIPULATION AND) WAIVER
	Respondent))

I, JAMES SHERWOOD HARRISON, 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 <u>September 16</u>, 2003, 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 she may in her 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

RE 511B (Rev. 8/00)

]

Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions Code.

I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

I further understand that the following conditions, limitations, and restrictions will attach to a restricted license issued by the Department of Real Estate pursuant hereto:

- 1. The license shall not confer any property right in the privileges to be exercised including the right of renewal, 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) to a crime which bears a substantial relationship 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. I 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 issuance of the restricted license to respondent.

- 3. With the application for license, or with the application for transfer to a new employing broker, I shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:
 - a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
 - b. That 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.
- 4. My restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have submitted the required evidence of course completion and the Commissioner has given written notice to me of the lifting of the suspension.
- 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

DATED this 25 day of Scotember, 2003.

JAMES SHERWOOD HARRISON, Respondent

RE 511B (Rev. 8/00)

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent JAMES SHERWOOD HARRISON, if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

DATED this 29th day of Systember, 2003

PAULA REDDISH ZINNEMANN Real Estate Commissioner DEIDRE L. JOHNSON, Counsel SBN 66322
Department of Real Estate P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

SEP 1 6 2003

DEPARTMENT OF REAL ESTATE

By Palleen Contras

BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

10

11

12

13

5

6

7

8

9

In the Matter of the Application of)

JAMES SHERWOOD HARRISON,)

NO. H-8525 SF

DAMES SHERWOOD HARRISON

Respondent.

STATEMENT OF ISSUES

14

16

17

18

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

Ι

19

20

21

23

24

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

25 26

ΙI

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.

VI

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

WHEREFORE, the Complainant prays that the aboveentitled 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 in the premises.

 Dated at Sacramento, California

this 15th day of September, 2003

 STEVE J. ELZIS

Enforcement Northern Regional Manager