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**FILED**

DEC 22 2009

DEPARTMENT OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of  
GREGORY ERIC JOHNSON,  
Respondent.

No. H-8868 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 22, 2004, in Case No. H-8868 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective January 19, 2005, 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 April 15, 2005, and Respondent has operated as a restricted licensee since that time.

On April 1, 2009, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. 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.

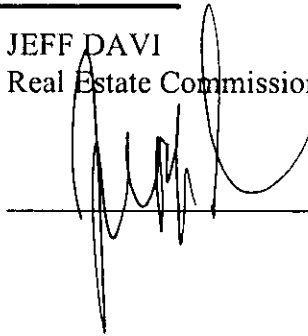
1                    NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
2                    reinstatement is granted and that a real estate salesperson license be issued to Respondent if  
3                    Respondent satisfies the following conditions within twelve (12) months from the date of this  
4                    order:

- 5                    1.        Submittal of a completed application and payment of the fee for a real  
6                    estate salesperson license.
- 7                    2.        Submittal of evidence of having taken and successfully completed the  
8                    continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
9                    of a real estate license.

10                   This Order shall become effective immediately.

11                   DATED: 11-17-09

12                   JEFF DAVI  
13                   Real Estate Commissioner

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1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
DEC 30 2004

DEPARTMENT OF REAL ESTATE

By                     

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-8868 SF  
12 )  
13 GREGORY JOHNSON, ) STIPULATION AND AGREEMENT  
14 Respondent. )  
15

16 It is hereby stipulated by and between Respondent  
17 GREGORY JOHNSON, acting by and through his legal counsel,  
18 Terrence O. Mayo, and the Complainant, acting by and through  
19 Michael B. Rich, Counsel for the Department of Real Estate, as  
20 follows for the purpose of settling and disposing of the  
21 Accusation filed on August 20, 2004, in this matter ("the  
22 Accusation"):

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and  
25 Respondent at a formal hearing on the Accusation, which hearing  
26 was to be held in accordance with the provisions of the  
27 Administrative Procedure Act (APA), shall instead and in place

DRE No. H-8868 SF

GREGORY JOHNSON

1 thereof be submitted solely on the basis of the provisions of  
2 this Stipulation and Agreement.

3           2. Respondent has received, read and understands  
4 the Statement to Respondent, the Discovery Provisions of the  
5 APA and the Accusation filed by the Department of Real Estate  
6 in this proceeding.

7           3. On August 31, 2004, Respondent filed a Notice of  
8 Defense pursuant to Section 11505 of the Government Code for  
9 the purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondent hereby freely and voluntarily withdraws  
11 said Notice of Defense. Respondent acknowledges that  
12 Respondent understands that by withdrawing said Notice of  
13 Defense Respondent will thereby waive Respondent's right to  
14 require the Commissioner to prove the allegations in the  
15 Accusation at a contested hearing held in accordance with the  
16 provisions of the APA and that Respondent will waive other  
17 rights afforded to Respondent in connection with the hearing  
18 such as the right to present evidence in defense of the  
19 allegations in the Accusation and the right to cross-examine  
20 witnesses.

21           4. Respondent, pursuant to the limitations set  
22 forth below, hereby admits that the factual allegations in the  
23 Accusation pertaining to Respondent are true and correct and  
24 stipulates and agrees that the Real Estate Commissioner shall  
25 not be required to provide further evidence of such  
26 allegations.

27           5. It is understood by the parties that the Real

1 Estate Commissioner may adopt the Stipulation and Agreement as  
2 his decision in this matter, thereby imposing the penalty and  
3 sanctions on Respondent's real estate license and license  
4 rights as set forth in the "Order" below. In the event that  
5 the Commissioner in his discretion does not adopt the  
6 Stipulation and Agreement, it shall be void and of no effect,  
7 and Respondent shall retain the right to a hearing and  
8 proceeding on the Accusation under all the provisions of the  
9 APA and shall not be bound by any admission or waiver made  
10 herein.

11 6. This Stipulation and Agreement shall not  
12 constitute an estoppel, merger or bar to any further  
13 administrative or civil proceedings by the Department of Real  
14 Estate with respect to any matters which were not specifically  
15 alleged to be causes for accusation in this proceeding.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations, admissions  
18 and waivers and solely for the purpose of settlement of the  
19 pending Accusation without hearing, it is stipulated and agreed  
20 that the following Determination of Issues shall be made:

21 I

22 The acts and omissions of Respondent GREGORY JOHNSON  
23 described in the Accusation are grounds for the suspension or  
24 revocation of the licenses and license rights of Respondent  
25 under the provisions of Sections 490 and 10177(b) of the  
26 California Business and Professions Code.

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All licenses and licensing rights of Respondent  
GREGORY JOHNSON under the Real Estate Law are revoked;  
provided, however, a restricted real estate salesperson license  
shall be issued to said Respondent pursuant to Section 10156.5  
of the Business and Professions Code if, within 90 days from  
the effective date of the Decision entered pursuant to this  
Order, Respondent makes application for the restricted license  
and pays to the Department of Real Estate the appropriate fee  
therefor.

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

2. The restricted license issued to Respondent may  
be suspended prior to hearing by Order of the  
Real Estate Commissioner on evidence  
satisfactory to the Commissioner that Respondent

1 has violated provisions of the California Real  
2 Estate Law, the Subdivided Lands Law,  
3 Regulations of the Real Estate Commissioner or  
4 conditions attaching to the restricted license.

5 3. Respondent shall not be eligible to apply for  
6 the issuance of an unrestricted real estate  
7 license nor for the removal of any of the  
8 conditions, limitations or restrictions of a  
9 restricted license until two (2) years have  
10 elapsed from the effective date of this  
11 Decision.

12 4. Respondent shall submit with any application for  
13 license under an employing broker, or any  
14 application for transfer to a new employing  
15 broker, a statement signed by the prospective  
16 employing real estate broker on a form approved  
17 by the Department of Real Estate which shall  
18 certify:

19 (a) That the employing broker has read the  
20 Decision of the Commissioner which granted  
21 the right to a restricted license; and,

22 (b) That the employing broker will exercise close  
23 supervision over the performance by the  
24 restricted licensee relating to activities  
25 for which a real estate license is required.

26 5. Respondent shall, within nine months from the  
27 effective date of the Decision, present evidence

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

15  
16     12/2/04  
17     DATED

Michael B. Rich  
MICHAEL B. RICH, Counsel  
Department of Real Estate


18  
19                   \* \* \*

20                  I have read the Stipulation and Agreement and its  
21                  terms are understood by me and are agreeable and acceptable to  
22                  me. I understand that I am waiving rights given to me by the  
23                  California Administrative Procedure Act (including but not  
24                  limited to Sections 11506, 11508, 11509, and 11513 of the  
25                  Government Code), and I willingly, intelligently, and  
26                  voluntarily waive those rights, including the right of  
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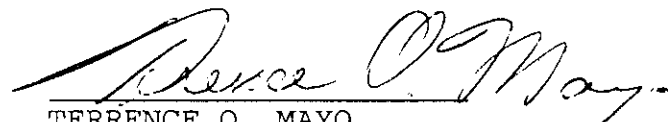
1 requiring the Commissioner to prove the allegations in the  
2 Accusation at a hearing at which I would have the right to  
3 cross-examine witnesses against me and to present evidence in  
4 defense and mitigation of the charges.

5  
6  
7 November 29, 2004  
8 DATED

  
9  
10 GREGORY JOHNSON  
11 Respondent

12 I have reviewed the Stipulation and Agreement as to  
13 form and content and have advised my client accordingly.

14 11/29/04  
15 DATED

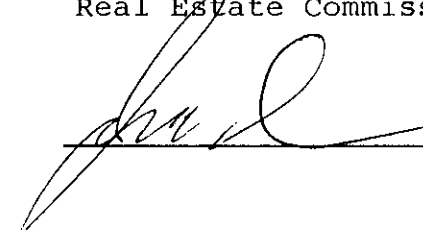
  
16 TERRENCE O. MAYO  
17 Attorney for Respondents

18 \* \* \*

19 The foregoing Stipulation and Agreement is hereby  
20 adopted by as my Decision in this matter as to Respondent  
21 GREGORY JOHNSON and shall become effective at 12 o'clock noon  
22 on JANUARY 19, 2005.

23 IT IS SO ORDERED December 22, 2004.

24 JEFF DAVI  
25 Real Estate Commissioner

26   
27

1 MICHAEL B. RICH, Counsel  
2 State Bar No. 84257  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6 Telephone: (916) 227-0789  
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10

FILED  
AUG 20 2004

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of	)	NO. H-8868 SF
GREGORY JOHNSON,	)	
Respondent.	)	<u>FIRST AMENDED</u>
	)	<u>ACCUSATION</u>
	)	

15  
16 The Complainant, LES R. BETTENCOURT, a Deputy Real  
17 Estate Commissioner of the State of California, for cause of  
18 Accusation against GREGORY JOHNSON (hereinafter referred to as  
19 Respondent), is informed and alleges as follows:

20 I

21 The Complainant, LES R. BETTENCOURT, a Deputy Real  
22 Estate Commissioner of the State of California, makes this  
23 Accusation in his official capacity.

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II

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (Code) as a real estate salesperson.

III

On or about August 22, 2003, Respondent filed with the Department of Real Estate his application for renewal of his real estate. Following Respondent's application therefor, a real estate salesperson license was issued to Respondent on or about September 17, 2003.

IV

In response to Question 3 of said renewal application, to wit: "WITHIN THE PAST FOUR YEAR PERIOD, HAVE YOU BEEN CONVICTED OF ANY VIOLATION OF LAW?", Respondent answered "NO".

V

On or about September 6, 2001, in the California Superior Court, County of Sonoma, Respondent was convicted of a violation of Section 243(e)(1) of the California Penal Code (Battery on a Spouse), 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.

VI

On or about June 24, 2002, in the California Superior Court, County of Sonoma, Respondent was convicted of a violation of Section 23152(b) of the California Vehicle Code (Driving with

1 Blood Alcohol Level at .08% or More), a crime involving moral  
2 turpitude and/or a crime which bears a substantial relationship  
3 under Section 2910, Title 10, California Code of Regulations, to  
4 the qualifications, functions, or duties of a real estate  
5 licensee.

6 VII

7 The facts alleged in Paragraphs V and VI, above,  
8 constitute cause, individually and/or collectively, under  
9 Sections 490 and/or 10177(b) of the Code for suspension or  
10 revocation of all licenses and license rights of Respondent  
11 under the Real Estate Law.

12 VIII

13 Respondent's failure to reveal the convictions set  
14 forth in Paragraphs V and VI, above, in said renewal application  
15 constitutes the procurement of a real estate license by fraud,  
16 misrepresentation, or deceit, or by making a material  
17 misstatement of fact in said application.

18 IX

19 The facts alleged above constitute cause under  
20 Sections 498 and 10177(a) of the Code for the suspension or  
21 revocation of all licenses and license rights of respondent  
22 under the Real Estate Law.

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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 as may be proper under the provisions of law.

Les R. Bettencourt

LES R. BETTENCOURT  
Deputy Real Estate Commissioner

Dated at Oakland, California,  
this 19<sup>th</sup> day of August, 2004

1 MICHAEL B. RICH, Counsel  
2 State Bar No. 84257  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6 Telephone: (916) 227-0789

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AUG 11 2004

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 GREGORY JOHNSON, )  
14 )  
15 Respondent. )

NO. H-8868 SF

ACCUSATION

16 The Complainant, LES R. BETTENCOURT, a Deputy Real  
17 Estate Commissioner of the State of California, for cause of  
18 Accusation against GREGORY JOHNSON (hereinafter referred to as  
19 Respondent), is informed and alleges as follows:

20 I

21 The Complainant, LES R. BETTENCOURT, a Deputy Real  
22 Estate Commissioner of the State of California, makes this  
23 Accusation in his official capacity.

24 II

25 Respondent is presently licensed and/or has license  
26 rights under the Real Estate Law (Part 1 of Division 4 of the  
27 Business and Professions Code) (Code) as a real estate salesperson.

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III

On or about September 6, 2001, in the California Superior Court, County of Sonoma, Respondent was convicted of a violation of Section 243(e)(1) of the California Penal Code (Battery on a Spouse), 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.

IV

On or about June 24, 2002, in the California Superior Court, County of Sonoma, Respondent was convicted of a violation of Section 23152(b) of the California Vehicle Code (Driving with Blood Alcohol Level at .08% or More), 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

The facts alleged above constitute cause under Sections 490 and/or 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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

8  
9           *Les R. Bettencourt*

10           LES R. BETTENCOURT  
11           Deputy Real Estate Commissioner

12       Dated at Oakland, California,  
13       this 9th day of August, 2004  
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