

FILED

DEC 12 2023

DEPARTMENT OF REAL ESTATE

By B. dew

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) DRE NO. H-12599 SF  
JAMES RONALD MORRIS, ) OAH NO. 2023040602  
Respondent. )

ORDER NUNC PRO TUNC  
CORRECTING CLERICAL ERROR

It having been called to the attention of the Real Estate Commissioner that there was a clerical error in the Order filed on November 06, 2023, in the above-entitled matter to become effective October 27, 2023, and good cause appearing therefor, the following correction is made to the Order pursuant to California Government Code section 11517(c)(2). The effective date of October 27, 2023, is corrected to be November 27, 2023.

This Order shall become effective immediately.

IT IS SO ORDERED 12/5/2023.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

Marcus L. McCarther  
Marcus L. McCarther  
Chief Deputy Real Estate Commissioner

FILED

NOV 06 2023

DEPARTMENT OF REAL ESTATE

By By dsw

1 Department of Real Estate  
2 P.O. Box 137007  
3 Sacramento, CA 95818-7007

4 Telephone: (916) 576-8700  
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7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of

12 JAMES RONALD MORRIS,

13 Respondent.

No. H-12599 SF

STIPULATION AND AGREEMENT  
IN SETTLEMENT AND ORDER

14  
15 It is hereby stipulated by and between JAMES RONALD MORRIS (Respondent).  
16 represented by Frank M. Buda, and the Complainant, acting by and through Megan Lee Olsen,  
17 Counsel for the Department of Real Estate (Department), as follows for the purpose of settling  
18 and disposing of the First Amended Accusation (Accusation) filed on February 21, 2023, in this  
19 matter:

20 1. All issues which were to be contested and all evidence which was to be  
21 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing  
22 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),  
23 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
24 Stipulation and Agreement In Settlement and Order (Stipulation and Agreement).

25 2. Respondent has received, read, and understands the Statement to  
26 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department in  
27 this proceeding.

1                   3.       Respondent filed a Notice of Defense pursuant to Section 11505 of the  
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
4 acknowledges that Respondent will thereby waive Respondent's right to require the Real Estate  
5 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing  
6 held in accordance with the provisions of the APA and that Respondent will waive other rights  
7 afforded to Respondent in connection with the hearing such as the right to present evidence in  
8 defense of the allegations in the Accusation and the right to cross-examine witnesses.

9                   4.       This Stipulation and Agreement is based on the factual allegations  
10 contained in the Accusation. In the interest of expediency and economy, Respondent chooses not  
11 to contest these factual allegations, but to remain silent and understand that, as a result thereof,  
12 these factual statements will serve as a prima facie basis for the "Determination of Issues" and  
13 "Order" set forth below. The Commissioner shall not be required to provide further evidence to  
14 prove such allegations.

15                   5.       It is understood by the parties that the Commissioner may adopt the  
16 Stipulation and Agreement as his Decision and Order in this matter thereby imposing the penalty  
17 and sanctions on Respondent's real estate license and license rights as set forth in the below  
18 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation and  
19 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing  
20 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by  
21 any admission or waiver made herein.

22                   6.       This Decision and Order or any subsequent Order of the Commissioner  
23 made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
24 administrative or civil proceedings by the Department with respect to any matters which were  
25 not specifically alleged to be causes for accusation in this proceeding.

26                   7.       Respondent understands that by agreeing to this Stipulation and  
27 Agreement, Respondent agrees to pay, pursuant to Section 10106 of the Business and

1 Professions Code (Code), the cost of the investigation which resulted in the determination that  
2 Respondent committed the violations found in the Determination of Issues. The amount of said  
3 costs is \$438.30

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions, and waivers and solely for  
6 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed  
7 that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds  
8 for the suspension or revocation of the license and license rights of Respondent under the  
9 provisions of Sections 490, 10177 (b), 10177 (d), and 10186.2 (b) of the Code, in conjunction  
10 with Sections 10186.2 (a)(1)(B) and 10186.2 (a)(2) of the Code.

11 ORDER

12 All licenses and licensing rights of Respondent JAMES RONALD MORRIS  
13 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license  
14 shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes  
15 application therefor and pays to the Department the appropriate fee for the restricted license  
16 within 90 days from the effective date of this Decision and Order. The restricted license issued  
17 to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the  
18 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of  
19 that Code:

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

24 2. The restricted broker license issued to Respondent may be suspended prior  
25 to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that  
26 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands

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1 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
2 license.

3           3.       Respondent shall not be eligible to apply for the issuance of an  
4 unrestricted real estate broker license nor for removal of any of the conditions, limitations or  
5 restrictions of a restricted license broker license until three (3) years have elapsed from the  
6 effective date of this Decision and Order. Respondent shall not be eligible to apply for any  
7 unrestricted licenses until all restrictions attaching to the license have been removed.

8           4.       Respondent shall, within nine (9) months from the effective date of this  
9 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,  
10 since the most recent issuance of an original or renewal real estate license, taken and successfully  
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
12 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
13 Respondent's real estate license shall automatically be suspended until Respondent presents  
14 evidence satisfactory to the Commissioner of having taken and successfully completed the  
15 continuing education requirement.

16           5.       Respondent shall notify the Commissioner in writing within 72 hours of  
17 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
18 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of  
19 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
20 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
21 constitute an independent violation of the terms of the restricted license and shall be grounds for  
22 the suspension or revocation of that license.

23           6.       Respondent shall pay \$438.30 to the Department for the costs of  
24 investigation and enforcement of this matter. Respondent's failure to pay the Department shall  
25 constitute an independent violation of the terms of the restricted license and shall be grounds for  
26 the immediate suspension or revocation of that license. Said payment shall be in the form of a  
27 cashier's check or certified check made payable to the Real Estate Fund. Said check must be

1 received by the Department prior to the effective date of the order in this matter at the following  
2 address: Department of Real Estate, PO Box 137007, Sacramento, CA 95813-7007.

3  
4 6/15/2023

5 DATED

  
MEGAN LEE OLSEN, Counsel  
DEPARTMENT OF REAL ESTATE

6  
7 \* \* \*

8 I have read the Stipulation and Agreement, discussed it with my counsel, and its  
9 terms are understood by me and are agreeable and acceptable to me. I understand that I am  
10 waiving rights given to me by the APA (including but not limited to Sections 11506, 11508,  
11 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily  
12 waive those rights, including the right of requiring the Commissioner to prove the allegations  
13 in the Accusation at a hearing at which I would have the right to cross-examine witnesses  
14 against me and to present evidence in defense and mitigation of the charges.

15 Respondent and Respondent's attorney further agree to send the original signed  
16 Stipulation by mail to the following address no later than one (1) week from the date the  
17 Stipulation is signed by Respondent and Respondent's attorney: *Department of Real Estate,*  
18 *Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.* Respondent and  
19 Respondent's attorney understand and agree that if they fail to return the original signed  
20 Stipulation by the due date, Complainant retains the right to set this matter for hearing.

21  
22 June 14th 2023

23 DATED

  
JAMES RONALD MORRIS  
Respondent

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*I have reviewed the Stipulation and Agreement as to form and content and have  
advised my clients accordingly.*

6-20-23  
DATED

Frank M. Buda  
FRANK M. BUDA  
Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted by the Real Estate  
Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on

**OCT 27 2023**

IT IS SO ORDERED 8.22.23

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER