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I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently exist to deny the issuance of an unrestricted real estate salesperson license to Respondent.

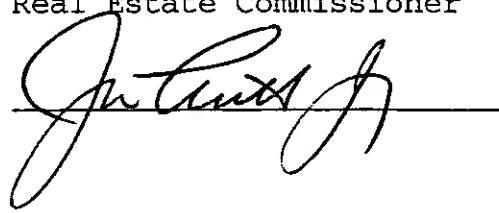
NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement is granted and that an unrestricted real estate salesperson license be issued to Respondent, JERRY ELLIS SCHMIDT, after Respondent satisfies the following conditions within one (1) year from the date of this Order:

1. Submittal of a completed application and payment of the fee for a real estate salesperson license.
2. Submittal of evidence satisfactory to the Real Estate Commissioner that Respondent has, during the last four years, taken and successfully completed the continuing 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.

DATED: 12/12/95.

JIM ANTT, JR.
Real Estate Commissioner



JERRY ELLIS SCHMIDT
984 Terrace Ave.
Santa Maria, California 93455

1 specifically, substantial amounts owed to the Internal Revenue
2 Service and to the California Franchise Tax Board. I am
3 satisfied, however, that it will not be against the public
4 interest to issue a restricted real estate salesperson license to
5 Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
7 for reinstatement of Respondent's real estate salesperson license
8 is denied.

9 A restricted real estate salesperson license shall be
10 issued to Respondent pursuant to Section 10156.5 of the Business
11 and Professions Code, if Respondent makes application therefor and
12 pays the appropriate fee for said license within six (6) months
13 from the date hereof.

14 The restricted license issued to Respondent shall be
15 subject to all of the provisions of Section 10156.7 of the
16 Business and Professions Code and to the following limitations,
17 conditions, and restrictions imposed under authority of Section
18 10156.6 of said Code:

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

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

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

3 3. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations, or restrictions of
6 a restricted license until one (1) year has elapsed from the
7 effective date of this Order.

8 4. Respondent shall submit, with any application for
9 license under an employing broker, or his application for transfer
10 to a new employing broker, a statement signed by the prospective
11 employing real estate broker on a form approved by the Department
12 of Real Estate which shall certify:

13 (a) That the employing broker has read the Order of
14 the Commissioner which granted the right to a
15 restricted license; and

16 (b) That the employing broker will exercise close
17 supervision over the performance by the restricted
18 licensee relating to activities for which a real
19 estate license is required.

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

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

5 This Order shall be effective immediately.

6 DATED: April 5, 1991

7 DEPARTMENT OF REAL ESTATE

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9 By:

John R. Liberator
JOHN R. LIBERATOR
Chief Deputy Commissioner

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-24001 LA
))
 JERRY ELLIS SCHMIDT, aka))
 Gerald Ellis Schmidt,))
))
 Respondent.))
))
))

PROPOSED DECISION

This matter was presided over as an uncontested case by Randolph Brendia, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in Los Angeles, California, on June 9, 1989.

Marilyn Mosher, Counsel, represented the Complainant.

No appearance was made by or on behalf of Respondent JERRY ELLIS SCHMIDT, aka Gerald Ellis Schmidt. On proof of compliance with Government Code Section 11505, the matter proceeded as a default pursuant to Government Code Section 11520.

The following decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

The Complainant, Robert D. Gilmore, a Deputy Real Estate Commissioner of the State of California, made the Accusation in his official capacity.

II

On or about March 30, 1987, JERRY ELLIS SCHMIDT, aka Gerald Ellis Schmidt (hereinafter Respondent), was issued a real estate salesperson license, following his application therefor filed on or about March 5, 1987, and has continuously thereafter been and presently is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

III

In response to Question 22 of said license application, to wit: "Have you ever been convicted of any violation of law? (Excluding non-moving traffic violations)", Respondent marked the answer box denoting "Yes". In response to Question 24 of said license application, Respondent described the criminal charge referenced in the answer to Question 22 as a matter in which Respondent was convicted of a municipal code violation and various vehicle code violations.

IV

On or about March 8, 1983, in the San Luis Obispo County Municipal Court, State of California, Respondent was convicted of violating Penal Code Section 484/488 (Petty Theft), a crime involving moral turpitude.

V

The crime of which Respondent was convicted bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

* * * * *

Based upon a standard of proof of clear and convincing proof to a reasonable certainty, the following determination of issues is made:

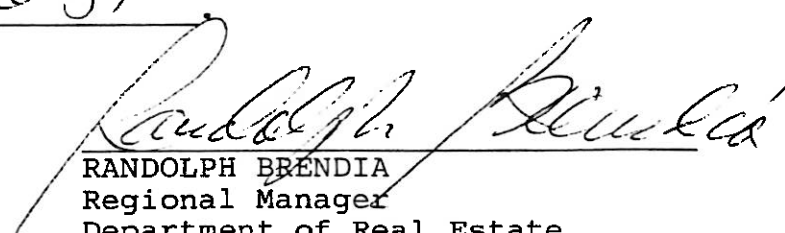
DETERMINATION OF ISSUES

Respondent's failure to reveal the conviction against him, as set forth in Finding IV, is cause under Section 490 of the Business and Professions Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

ORDER

All licenses and license rights of Respondent JERRY ELLIS SCHMIDT, aka Gerald Ellis Schmidt under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

DATED: 9 Dec 89


RANDOLPH BRENDIA
Regional Manager
Department of Real Estate

*Accts
Flag*

MARILYN L. MOSHER, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

SEP 30 1987

K. Kuderholt

(213) 620-4790

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-24001 LA
JERRY ELLIS SCHMIDT, aka)	<u>A C C U S A T I O N</u>
Gerald Ellis Schmidt,)	
Respondent.)	

The Complainant, Robert D. Gilmore, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against JERRY ELLIS SCHMIDT, aka Gerald Ellis Schmidt, alleges as follows:

I

The Complainant, Robert D. Gilmore, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

On or about March 30, 1987, JERRY ELLIS SCHMIDT, aka Gerald Ellis Schmidt, (hereinafter respondent), was issued a real estate sales-person license, following his application therefor filed on or about March 5, 1987, and has continuously thereafter been and presently is

1 licensed, and/or has license rights under the Real Estate Law
2 (Part 1 of Division 4 of the Business and Professions Code).

3 III

4 In response to Question 22 of said license applica-
5 tion, to wit: "Have you ever been convicted of any violation
6 of law? (Excluding non-moving traffic violations)", respondent
7 marked the answer box denoting "Yes". In response to Question 24
8 of said license application, respondent described the criminal
9 charge referenced in the answer to Question 22 as a matter in
10 which respondent was convicted of a municipal code violation and
11 various vehicle code violations.

12 IV

13 On or about March 8, 1983, in the San Luis Obispo
14 County Municipal Court, State of California, respondent was
15 convicted of violating Penal Code Section 484/488 (Petty Theft),
16 a crime involving moral turpitude.

17 V

18 The crime of which respondent was convicted bears a
19 substantial relationship to the qualifications, functions or
20 duties of a real estate licensee.

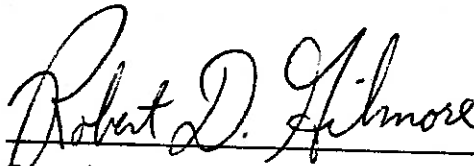
21 VI

22 Respondent's failure to reveal the conviction against
23 him as set forth in Paragraph IV above, in the above-described
24 real estate license application constitutes the procurement of a
25 real estate license by knowingly making a false statement of fact
26 required to be revealed in said application, which failure is
27 cause under Sections 490 and 10177(a) of the Business and

1 Professions Code for suspension or revocation of all licenses and
2 license rights of respondent under the Real Estate Law.

3
4 WHEREFORE, complainant prays that a hearing be con-
5 ducted on the allegations of this Accusation and, that upon proof
6 thereof, a decision be rendered imposing disciplinary action
7 against all licenses and license rights of respondent JERRY ELLIS
8 SCHMIDT, aka Gerald Ellis Schmidt, under the Real Estate Law (Part
9 1 of Division 4 of the Business and Professions Code) and for such
10 other and further relief as may be proper under other applicable
11 provisions of law.

12 Dated at Los Angeles, California
13 this 30th day of September, 1987.

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15 
16 Deputy Real Estate Commissioner

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25 cc: Jerry Ellis Schmidt

26 Sacto.
PFH

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