

*Press
File*

FILED
FEB 21 2007
DEPARTMENT OF REAL ESTATE

K. Henschel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27615 LA
JAMES HOWARD HENSCHEL,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 14, 1998, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On April 14, 2005, Respondent petitioned for
reinstatement of said real estate salesperson license and
the Attorney General of the State of California has been
given notice of the filing of said petition.

I have considered the petition of Respondent and
the evidence and arguments in support thereof including
Respondent's record as a restricted licensee. Respondent
has demonstrated to my satisfaction that Respondent meets

1 the requirements of law for the issuance to Respondent of
2 an unrestricted real estate salesperson license and that
3 it would not be against the public interest to issue said
4 license to Respondent.

5
6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for reinstatement is granted and that a real estate
8 salesperson license be issued to Respondent, if Respondent
9 satisfies the following condition within nine (9) months from
10 the date of this Order:

11 1. Submittal of evidence satisfactory to the Real
12 Estate Commissioner that Respondent has, since Respondent's
13 license was revoked, taken and passed the written examination
14 required to obtain a real estate salesperson license.

15 2. Submittal of a completed application and payment
16 of the fee for a real estate salesperson license.

17 This Order shall be effective immediately.

18 Dated: 2-8-07.

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20
21 JEFF DAVIS
22 Real Estate Commissioner
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25

26 cc: James H. Henschel
27 10660 Helendale Avenue
Tujunga, CA 91042

FILED
JUL 29 1998
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

By 

In the Matter of the Accusation of)
)
)
 JAMES HOWARD HENSCHEL,)
)
)
 Respondent.)
 _____)

No. H-27615 LA
L-1998040441

DECISION

The Proposed Decision dated June 29, 1998, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

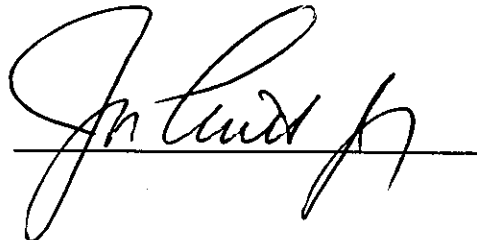
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on August 18, 1998.

IT IS SO ORDERED 7/14, 1998.

JIM ANTT, JR.
Real Estate Commissioner



**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	File No. H-27615 LA
)	
JAMES HOWARD HENSCHEL,)	OAH No. L1998040441
)	
Respondent.)	
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PROPOSED DECISION

On June 12, 1998, in Los Angeles, California, H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant, Thomas McCrady was represented by V. Ahda Sands, Staff Counsel.

Respondent, James Howard Henschel ("Respondent"), did not appear, despite being properly served with notice of the hearing.

Documentary evidence was received. The record was closed and the matter was submitted for decision.

FACTUAL FINDINGS

The Administrative Law Judge makes the following Factual Findings:

1. The Accusation was made by Thomas McCrady, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in his official capacity.
2. Respondent was issued a license as a real estate salesperson by the Department of Real Estate ("the Department") on September 26, 1991. The license will expire on September 24, 2001 unless renewed.

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3. On July 10, 1997, in the Municipal Court of Glendale Judicial District, County of Los Angeles, State of California, in Case No. GA032402, Respondent was convicted, on his plea of nolo contendere, of violation of Health and Safety Code section 11378 (Possession for Purpose of Sale of a Controlled Substance), a felony involving moral turpitude, and a crime substantially related to the qualifications, functions and duties of a real estate licensee. Respondent was sentenced to imprisonment for a period of one hundred eighty (180) days, with credit for seventy-three (73) days time served/good time/work time. The sentence was suspended and Respondent was placed on formal probation for a period of three (3) years under various terms and conditions. His probation is scheduled to terminate on July 9, 2000.

4. The evidence did not disclose the details of Respondent's crime other than the fact that the controlled substance he possessed for sale was methamphetamine.

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

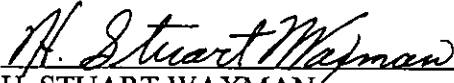
1. Cause exists for the suspension or revocation of respondent's real estate salespersons license pursuant to Business and Professions Code section 490(a), as that section interacts with section 10177(b), for conviction of a crime, as set forth in Findings 3 and 4. Respondent's failure to appear at the hearing resulted in no evidence of mitigation or rehabilitation being offered.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent, James Howard Henschel, under the Real Estate Law are revoked.

DATED: June 29, 1998


H. STUART WAXMAN
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
MAY 11 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

JAMES HOWARD HENSCHEL,)

Respondent.)

Case No. H-27615 LA
OAH No. L-1998040441

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California, on June 12, 1998, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: May 11, 1998.

cc: James Howard Henschel
Bill Benjamin P. Davis
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By:

V. Ahda Sands

V. AHDA SANDS, Counsel

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Flag

1 V. AHDA SANDS, Counsel
2 State Bar No. 146983
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California 90012

6 (213) 897-3937

FILED
MAR 30 1998
DEPARTMENT OF REAL ESTATE

by *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-27615 LA
12 JAMES HOWARD HENSCHEL,)
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against JAMES HOWARD HENSCHEL (Respondent) alleges as follows:

18 1.

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

23 2.

24 The Complainant, Thomas McCrady, acting in his official
25 capacity as a Deputy Real Estate Commissioner of the State of
26 California, makes this Accusation against Respondent.
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3.

Respondent was originally licensed by the Department of Real Estate of the State of California (Department) as a real estate salesperson on September 26, 1991.

4.

On or about June 9, 1997, in the Glendale Judicial District Municipal Court, County of Los Angeles, State of California, Respondent was convicted upon a guilty plea to violation of one count of Section 11378 of the California Health and Safety Code (possession for sale of a controlled substance), a felony crime that involves moral turpitude and is substantially related under Section 2910, Title 10, Chapter 6 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

5.

In aggravation, on June 9, 1997, Respondent was sentenced to one hundred eighty (180) days in jail and three (3) years of formal probation. Respondent will be on probation until June 9, 2000.

6.

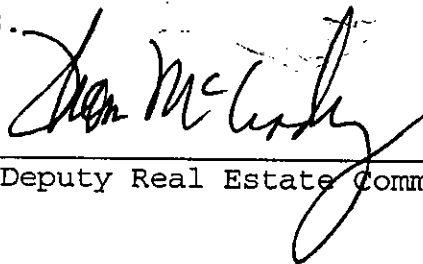
The facts as alleged above constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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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 JAMES
5 HOWARD HENSCHEL under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.
8 Dated at Los Angeles, California
9 this 30th day of March, 1998.

10 
11 _____
12 Deputy Real Estate Commissioner
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22 cc: James Howard Henschel
23 Bill Benjamin P. Davis
24 Sacto.
25 JP
26
27

