

By K. M. Nichols

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# ORDER GRANTING UNRESTRICTED LICENSE

On October 23, 2000, a Decision was rendered herein, denying the Respondent's application for a real estate 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 21, 2000 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

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1                   On November 10, 2004, Respondent petitioned for the  
2 removal of restrictions attaching to Respondent's real estate  
3 salesperson license.  
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5                   I have considered the petition of Respondent and  
6 the evidence submitted in support thereof. Respondent has  
7 demonstrated to my satisfaction that Respondent meets the  
8 requirements of law for the issuance to Respondent of an  
9 unrestricted real estate salesperson license and that it  
10 would not be against the public interest to issue said  
11 license to Respondent.

12                   NOW, THEREFORE, IT IS ORDERED that Respondent's  
13 petition for removal of restrictions is granted and that  
14 a real estate salesperson license be issued to Respondent  
15 subject to the following understanding and conditions within  
16 nine (9) months from the date of this Order:

17                   1. Submittal of a completed application and payment  
18 of the fee for a real estate salesperson license.

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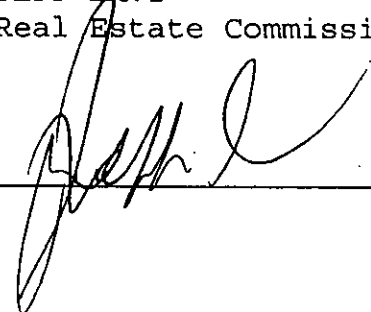
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2 2. Submittal of having, since the most recent  
3 issuance of an original or renewal real estate license, taken  
4 and successfully completed the continuing education  
5 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
6 for renewal of a real estate license.

7 This Order shall be effective immediately.

8 Dated: \_\_\_\_\_

11-14-06

9 JEFF DAVI  
10 Real Estate Commissioner

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21 cc: Thomas C. Johnson III  
22 24270 Rosita Drive  
23 Wildomar, CA 92595  
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*Subj. [unclear]*

By *Laura B. [unclear]*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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|--------------------------------------------|---|------------------------|
| <i>In the Matter of the Application of</i> | ) | No. H- 28747 LA        |
|                                            | ) |                        |
| THOMAS CLIFFORD JOHNSON,                   | ) |                        |
|                                            | ) | <b>STIPULATION AND</b> |
|                                            | ) | <b>WAIVER</b>          |
|                                            | ) |                        |
| Respondent                                 | ) |                        |

I, THOMAS CLIFFORD JOHNSON, 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 September 15, 2000, 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

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

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

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

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

15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to exercise any privileges granted under this restricted license in the event of:

18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or

20 b. The receipt of evidence that respondent has violated provisions of the California Real  
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
22 conditions attaching to this restricted license.

23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.  
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1     3. With the application for license, or with the application for transfer to a new employing broker, I  
2     shall submit a statement signed by the prospective employing broker on a form approved by the  
3     Department of Real Estate wherein the employing broker shall certify as follows:

4     a. That broker has read the Statement of Issues which is the basis for the issuance of the  
5         restricted license; and

6     b. That broker will carefully review all transaction documents prepared by the restricted  
7         licensee and otherwise exercise close supervision over the licensee's performance of acts  
8         for which a license is required.

9     4. My restricted real estate salesperson license is issued subject to the requirements of Section  
10         10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18)  
11         months of the issuance of the restricted license, to submit evidence satisfactory to the  
12         Commissioner of successful completion, at an accredited institution, of two of the courses listed  
13         in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,  
14         advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the  
15         Department satisfactory evidence of successful completion of the two required courses, the  
16         restricted license shall be automatically suspended effective eighteen (18) months after the date  
17         of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted  
18         license, I have submitted the required evidence of course completion and the Commissioner has  
19         given written notice to me of the lifting of the suspension.

20     5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license  
21         under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be  
22         entitled to the issuance of another license which is subject to Section 10153.4 until four years  
23         after the date of the issuance of the preceding restricted license.

24     DATED this 26<sup>th</sup> day of September, 2000.

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26                     Thomas C. John  
                      Respondent

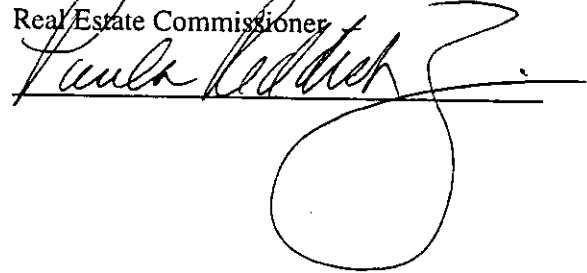
1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
3 truthfulness of respondent need not be called and that it will not be inimical to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

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

9 This Order is effective immediately.

10 DATED this 13th day of October, 2000.

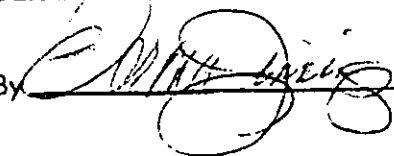
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13 PAULA REDDISH ZINNEBANN  
Real Estate Commissioner

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1 MARTHA J. ROSETT, Counsel  
2 State Bar # 142072  
3 Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, California 90013

4 (213) 576-6982  
5 (213) 576-6914  
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FILED  
SEP 15 2000  
DEPARTMENT OF REAL ESTATE

By 

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \* \* \*

12 In the Matter of the Application of ) No. H-28747 LA  
13 THOMAS CLIFFORD JOHNSON, )  
14 Respondent. )  
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16 The Complainant, Thomas McCrady, a Deputy Real Estate  
17 Commissioner of the State of California, for Statement of Issues  
18 against THOMAS CLIFFORD JOHNSON alleges as follows:

19 I

20 The Complainant, Thomas McCrady, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues in his official capacity.

23 II

24 On or about November 24, 1999, pursuant to the  
25 provisions of Section 10153.3 of the Business and Professions  
26 Code, Respondent THOMAS CLIFFORD JOHNSON (hereinafter  
27 "Respondent") made application to the Department of Real Estate



1 of the State of California (Department) for a real estate  
2 salesperson license, with the knowledge and understanding that  
3 any license issued as a result of said application would be  
4 subject to the conditions of Section 10153.4 of the California  
5 Business and Professions Code.

6 III

7 On or about May 2, 1991, in the Santa Cruz County  
8 Municipal Court, in Case Number CR-4409, Respondent was convicted  
9 of three counts of violating Penal Code Section 459 (residential  
10 burglary), felonies and crimes of moral turpitude, substantially  
11 related to the qualifications, functions and duties of a real  
12 estate licensee.

13 IV

14 On or about December 7, 1992, Respondent was convicted  
15 on his plea of nolo contendere to one count of violating Penal  
16 Code Section 666 (petit theft with a prior). At the time of this  
17 conviction, Respondent was on probation for the conviction listed  
18 in Paragraph III above.

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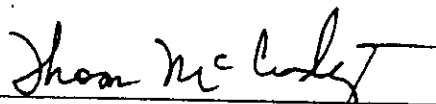
20 The conviction and acts described in Paragraphs III and  
21 IV above constitute grounds for denial of Respondent's  
22 application for a California real estate license pursuant to  
23 Business and Professions Code Section 480 and 10177(b).

24 These proceedings are brought under the provisions of  
25 Section 10100, Division 4 of the Business and Professions Code of  
26 the State of California and Sections 11500 through 11528 of the  
27 Government Code.



1 WHEREFORE, the Complainant prays that this matter be  
2 set for hearing and, upon proof of the charges contained herein,  
3 that the Commissioner refuse to authorize the issuance of, and  
4 deny the issuance of, a real estate salesperson license to  
5 Respondent THOMAS CLIFFORD JOHNSON and for such other and further  
6 relief as may be proper under the law.

7 Dated at Los Angeles, California  
8 this 15th day of September, 2000.

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10 Deputy Real Estate Commissioner  
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22 cc: THOMAS CLIFFORD JOHNSON  
23 Sacto.  
24 TM  
25 RG  
26 O'Neal Communications Group  
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