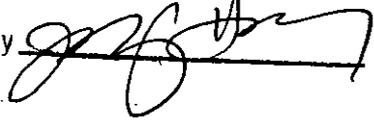


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FILED
AUG 13 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28878 LA
)
JESSICA MARLENE GARRETT,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 17, 2001, a Decision was rendered herein,
revoking the real estate salesperson license of Respondent
JESSICA MARLENE GARRETT aka Jessica Marlene Johnson
("Respondent").

On September 15, 2003, Respondent petitioned for
reinstatement of her real estate salesperson license. The
Attorney General of the State of California has been given
notice of the filing of Respondent's petition.

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///

1 I have considered Respondent's petition and the
2 evidence and arguments submitted in support thereof. Respondent
3 has demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 Respondent JESSICA MARLENE GARRETT.

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

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

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective

21 Dated: August 6, 2004

22 JOHN R. LIBERTOR
23 Acting Real Estate Commissioner

24 
25 _____

26 cc: Jessica Garrett
27 5655 Sand Piper Place
Palmdale, CA 93552

*Sacto
2/2/01*

FILED
NOV 16 2001
DEPARTMENT OF REAL ESTATE

By *Laura B. Cron*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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| | | |
|------------------------------------|---|----------------|
| In the Matter of the Accusation of |) | No. H-28878 LA |
| JESSICA MARLENE JOHNSON, |) | L-2001050079 |
| Respondent. |) | |

ORDER DENYING RECONSIDERATION

On September 24, 2001, a Decision was rendered in the above-entitled matter. The Decision was to become effective on October 17, 2001, and was stayed by separate Order to November 16, 2001.

On October 18, 2001, Respondent petitioned for reconsideration of the Decision of September 24, 2001.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of September 24, 2001, and reconsideration is hereby denied.

IT IS SO ORDERED *November 15, 2001*

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish

Sachs
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FILED
OCT 17 2001

DEPARTMENT OF REAL ESTATE

By *Laura B. Orma*

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

| | |
|--------------------------------------|----------------|
| In the Matter of the Accusation of) | NO. H-28878 LA |
| JESSICA MARLENE JOHNSON,) | L-2001050079 |
| Respondent.) | |

ORDER STAYING EFFECTIVE DATE

On September 24, 2001, a Decision was rendered in the above entitled matter to become effective October 17, 2001.

IT IS HEREBY ORDERED that the effective date of the Decision of September 24, 2001, is stayed for a period of 30 days.

The Decision of September 24, 2001, shall become effective at 12 o' clock noon on November 16, 2001.

DATED: October 17, 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: *Dolores Ramos*
DOLORES RAMOS
Regional Manager

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Reconsideration of the
Accusation Against:

JESSICA MARLENE JOHNSON,

Respondent.

Case No. H-28878 LA

OAH No. L2001050079

PROPOSED DECISION

On July 24, 2001, in Los Angeles, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by James R. Peel, Counsel, Department of Real Estate.

Respondent represented herself.

Evidence was received, the record was closed, and the matter was submitted.

FACTUAL FINDINGS

1. Complainant Thomas McCrady made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the Department of Real Estate, State of California.

2. On February 8, 2001, respondent's default was entered in this matter. On February 22, 2001, the Real Estate Commissioner revoked respondent's real estate salespersons license and her license rights by order in a default decision issued in accordance with section 11520 of the Government Code. On March 16, 2001, respondent petitioned for reconsideration of this decision. For good cause, reconsideration was granted pursuant to section 11521(b) of the Government Code on April 12, 2001. This hearing followed.

3. Respondent is presently licensed and/or has license rights under the Real Estate Law as a real estate salesperson.

4. On October 12, 1999, respondent was convicted, on her plea of guilty, in the Superior Court of California, County of San Bernardino, of violating section 10980(c)(2) (welfare fraud) of the Welfare and Institutions Code. This crime was a misdemeanor involving moral turpitude. It is substantially related to the qualifications, functions, or duties of a real estate licensee. As a result of this conviction, pronouncement of judgment was withheld and respondent was placed on three years court probation. The terms and conditions of respondent's probation included performing 75 hours of community service.

The facts and circumstances surrounding this conviction are that between approximately August 1, 1996, and approximately December 30, 1997, respondent fraudulently received aid in excess of \$400.00 that she was not entitled to. Respondent did not report that in July 1996 she won \$5,000.00 in Las Vegas, and, beginning in approximately June 1997, she did not report the income of her future husband who began living in her household.

5. Respondent is not rehabilitated. She is still on probation and her probation will continue until October 2002. Not nearly enough time has elapsed since her conviction. No time has elapsed since the end of her criminal probation. Respondent is working for the Los Angeles Department of Public Works, and she is supporting her three children. These factors may be considerations for her future rehabilitation. In the meantime, her reasons for not reporting winnings and all household income are not persuasive. It is not believable that she did not know she had to report, as household income, large gambling winnings or the income of her future husband after he began living in her household.

LEGAL CONCLUSIONS

1. Cause for discipline of respondent's salesperson license and license rights was established pursuant to sections 490 and 10177(b) (conviction) of the Business and Professions Code, by reason of Finding 4.

2. In view of the fact that respondent is not yet rehabilitated, as set forth in Finding 5, her license and license rights should be revoked.

ORDER

Wherefore, the following order is hereby made:

The real estate salesperson license and license rights of Jessica Marlene Johnson are
revoked.

Dated: August 24, 2001

John D. Wagner
JOHN D. WAGNER
Administrative Law Judge
Office of Administrative Hearings

*Sacto
Jag*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 5 2001

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation) Case No. H-28878 LA
) OAH No. L-2001050079
JESSICA MARLENE JOHNSON,)
)
Respondent(s).)

By *James R. Peel*

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on JULY 24, 2001, at the hour of 1:30 p.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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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: June 5, 2001

DEPARTMENT OF REAL ESTATE

By:

James R. Peel
JAMES R. PEEL, Counsel

cc: Jessica Marlene Johnson
Beachside Realtors
Sacto., OAH

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FILED
APR 18 2001
DEPARTMENT OF REAL ESTATE

By *Jane B. Orman*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

| | | |
|------------------------------------|---|----------------|
| In the Matter of the Accusation of |) | No. H-28878 LA |
| |) | |
| JESSICA MARLENE JOHNSON, |) | |
| |) | |
| Respondent. |) | |

ORDER GRANTING RECONSIDERATION

On February 22, 2001, a Decision was rendered in the above-entitled matter. The Decision is to become effective April 18, 2001.

On March 16, 2001, Respondent petitioned for reconsideration of the Decision of February 22, 2001.

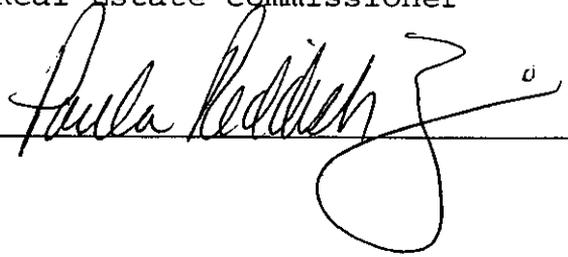
I find that there is good cause to reconsider said Decision.

Reconsideration is hereby granted and pursuant to Section 11521(b) of the Government Code, the matter is reassigned to an Administrative Law Judge of the Office of Administrative Hearings for hearing.

///

IT IS HEREBY ORDERED April 12, 2001.

PAULA REDDISH ZINNE MANN
Real Estate Commissioner



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FILED
MAR - 8 - 2001
DEPARTMENT OF REAL ESTATE

By: *K. Studerholz*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-28878 LA
JESSICA MARLENE JOHNSON,)
Respondent.)

ORDER STAYING EFFECTIVE DATE

On February 22, 2001, a Decision was signed in the above-entitled matter to become effective March 19, 2001.

IT IS HEREBY ORDERED that the effective date of the Decision of February 22, 2001, is stayed for a period of 30 days.

The Decision shall become effective at 12 o'clock noon on April 18, 2001.

DATED: MAR - 8 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: *Randolph Brendia*
RANDOLPH BRENDIA
Regional Manager

III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson.

IV

On or about October 12, 1999, in the Superior Court for the County of San Bernardino, State of California, Respondent was convicted of violating Welfare & Institutions Code Section 10980(c)(2) (welfare fraud), 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.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Section 490 and 10177(b).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

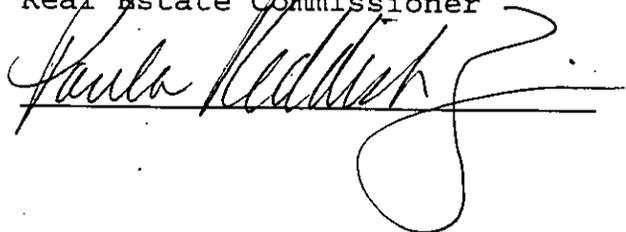
ORDER

The licenses and license rights of Respondent JESSICA MARLENE JOHNSON under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on March 19, 2001.

DATED: February 22, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



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FILED
FEB - 8 2001
DEPARTMENT OF REAL ESTATE

By K. Stuberholt

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

| | |
|--------------------------------------|----------------------|
| In the Matter of the Accusation of) | No. H-28878 LA |
| JESSICA MARLENE JOHNSON,) | <u>DEFAULT ORDER</u> |
| Respondent.) | |

Respondent, JESSICA MARLENE JOHNSON, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED FEB - 8 2001

PAULA REDDISH ZINNEBANN
Real Estate Commissioner

Randolph Brendia
By: RANDOLPH BRENDIA
Regional Manager

Handed July

JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

FILED
NOV 28 2000
DEPARTMENT OF REAL ESTATE

By *E. Meederholz*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

| | |
|--------------------------------------|----------------------------|
| In the Matter of the Accusation of) | No. H-28878 LA |
| JESSICA MARLENE JOHNSON,) | <u>A C C U S A T I O N</u> |
| Respondent.) | |

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JESSICA MARLENE JOHNSON alleges as follows:

I

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

II

JESSICA MARLENE JOHNSON (hereinafter referred to as Respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, hereinafter Code).

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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 JESSICA MARLENE JOHNSON 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 other applicable provisions of law. Dated at Los Angeles, California this 28th day of November, 2000.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Jessica Marlene Johnson
Beachside Realtors
Sacto
JP