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FILED
SEP 29 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO.	H-30455 LA
JAMES HENRY HILL,)	L-2003120188
Respondent.)	

DECISION AFTER REJECTION

The matter came on for hearing before N. Gregory Taylor, Administrative Law Judge ("Judge") of the Office of Administrative Hearings, in Los Angeles, California, on February 24, 2004.

Mary E. Work, Counsel, represented the Complainant, the Department of Real Estate of the State of California ("Department").

Respondent JAMES HENRY HILL ("Respondent") was present and represented himself.

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1 At the end of the hearing, Respondent was permitted to
2 file a statement from the Federal Court establishing that his
3 conviction in that court was a misdemeanor. This was done and
4 the information supplied was marked as Respondent's Exhibit C
5 and received in evidence.

6 The matter was submitted on March 15, 2004.

7 On March 23, 2004, the Administrative Law Judge
8 rendered a Proposed Decision, which I declined to adopt as my
9 Decision herein. Pursuant to Section 11517(c) of the
10 Government Code of the State of California, Respondent was
11 served with notice of my determination not to adopt the
12 Proposed Decision of the Administrative Law Judge along with a
13 copy of said Proposed Decision. Respondent was notified that
14 the case would be decided by me upon the record, the transcript
15 of proceedings held on February 24, 2004, and upon any written
16 argument offered by Respondent and Complainant.

17 On May 2 2004, Respondent submitted written argument
18 and on September 10, 2004, Complainant submitted written
19 argument.

20 I have given careful consideration to the record in
21 this case including the transcript of the proceedings of
22 February 24, 2004 and the arguments submitted by Complainant
23 and Respondent.

24 The following shall constitute the Decision of the Real
25 Estate Commissioner in this proceeding:
26
27

FACTUAL FINDINGS

1
2 1. The Complainant Maria Suarez, made the Statement
3 of Issues in her official capacity as Deputy Real Estate
4 Commissioner of the State of California.

5 2. Application. On or about December 26, 2002,
6 Respondent applied to the Department for a real estate broker
7 license. In that application he disclosed three (3) criminal
8 convictions.

9 3. License History. On September 7, 1994, the
10 Department issued a real estate salesperson license to
11 Respondent. Said license has been in continuous effect since
12 that time and will expire on May 7, 2007 unless renewed.
13 The license was issued to Respondent after a Departmental
14 representative interviewed him about his two (2) convictions
15 revealed in the processing of his application. A hearing on
16 whether to issue the license was not deemed necessary.
17 No disciplinary actions have been filed against the license
18 during the time the salesperson license has been effective.

19 Convictions.

20 4. 1988 and 1989 Convictions. The two convictions
21 reviewed during his application for the salesperson license
22 concerned the following. In 1989, Respondent was found guilty of
23 a violation of Penal Code Section 245, assault with a deadly
24 weapon and sentenced to four years in state prison. Prior to
25 that, in 1988, he was convicted of unlawful possession of a
26 drug, a misdemeanor. He was sentenced to 181 days in county
27 jail and three years probation. Respondent has completed all

1 the terms and conditions in those cases. The Department did not
2 allege these two (2) convictions in the present proceeding
3 because of the time which has elapsed since their commission.

4 5. 1999 Conviction. In this proceeding, one (1)
5 conviction is alleged. On or about February 1, 1999, Respondent
6 pled guilty to a violation of 18 United States Code 1028 (b)
7 (6), possession of false identification documents, a class A
8 misdemeanor. The court placed Respondent on probation for a
9 period of two years on the condition he pay a fine of \$500 and
10 complete six months of home detention. All terms of the court's
11 order have been satisfied.

12 6. Respondent's federal conviction was based on a
13 difference in his birth dates on his birth certificate and the
14 California Department of Motor Vehicles driver's license. He
15 subsequently has been able to correct the Department of Motor
16 Vehicle date of birth to conform to his birth certificate but
17 this was not until after the completion of the federal case.
18 Respondent produced his California driver's license during the
19 hearing in this matter to show that it had been corrected.

20 7. Respondent testified that his 1999 conviction
21 arose out of the following events: Prior to 1991, and during
22 the time that Respondent was in state prison, someone stole his
23 identity. Over the next few years, every time he was stopped by
24 the police for a traffic violation or for any other reason, he
25 would be arrested when he showed his driver's license because he
26 was erroneously believed to be someone else. This meant that he
27 might be incarcerated over night or for a day or two until he

1. could establish his identity and prove to the police that he was
2. not the person who was wanted. Eventually he was able to obtain
3. Judicial Clearance forms clearing him of being the person
4. wanted. (Two of these forms were produced at the hearing in this
5. matter.) For a while he tried to show these forms to police
6. when he was stopped. Often these forms would not be initially
7. accepted. Finally, Respondent was able to get the Department
8. of Motor Vehicles to issue him a new license which ended the
9. problem. When this was done, the arrests stopped.

10. Unfortunately, the discrepancy in dates between the new driver's
11. license and the birth certificate occurred in the process of
12. getting the new driver's license. The discrepancy was noted by
13. the federal authorities when Respondent applied for a passport.
14. Respondent indicated that because of his prior contacts with the
15. law and the fear he had developed from those contacts, he
16. decided to plead guilty to the federal charge as part of a plea
17. arrangement to get the entire matter behind him as quickly as
18. possible.

19. 8. The 1999 crime of which Respondent was convicted
20. involves moral turpitude that is substantially related to the
21. qualifications, functions or duties of a real estate licensee.

22. 9. Respondent further testified to the following:
23. He is a United States citizen who was born in the Virgin
24. Islands. He came to the Los Angeles area when he was a small
25. boy. He is one semester shy of having a bachelor's degree in
26. economics. He has taken many real estate courses over the time
27. that he has been a real estate salesperson. He has been married

1 since 1996. He has one son and two other children from a prior
2 marriage. He has lived in the same house since 1994. He has
3 volunteered in various community activities including Team One
4 Stop. This is an organization that seeks to encourage youth to
5 lead productive lives and stay away from crime. Respondent
6 speaks at meetings of this group telling his life story of how
7 he overcame a bad background to lead a successful life. He
8 challenges the youth to do the same. When he obtained his real
9 estate salesperson license, in 1994, Respondent worked for
10 Coldwell Banker. In 1996, he moved to Remax and has been there
11 to the present time. He specializes in commercial and
12 residential real estate. He has a genuine love and enthusiasm
13 for his work and his clients. No complaints have been filed
14 against him.

15 10. Two letters of recommendation were presented by
16 Respondent on his own behalf. The first was from a broker at
17 Coldwell Banker who has known Respondent for the past ten (10)
18 years. The broker found Respondent to be of exemplary character
19 in all of their business and personal dealings. Respondent's
20 participation in community activities was also noted. The second
21 recommendation came from the manager of a Remax real estate
22 office. He has known Respondent for the past 5 years. He also
23 praised Respondent's character as being highly respectable and
24 often noteworthy. Respondent's desire to give back to the
25 community was also mentioned.

26 ///

1 11. The Administrative Law Judge found that
2 Respondent was direct and candid in his testimony and that he
3 was a most credible witness.

4 LEGAL CONCLUSIONS

5 1. Cause exists to deny the application of Respondent
6 for real estate salesperson license pursuant to Business and
7 Professions Code Sections 475(a)(2), 480(a(1) and 10177(b), for
8 the 1999 conviction. Said crime involves moral turpitude and is
9 substantially related to the qualifications, functions and
10 duties of a real estate licensee pursuant to Section 2910, Title
11 10, Chapter 6, California Code of Regulations ("Regulations").

12 2. Criteria of Rehabilitation.

13 A. The Criteria of Rehabilitation is set forth in the
14 California Administrative Code, Section 2911, Title 10, Chapter
15 6, California Code of Regulations ("Regulations") for evaluating
16 the rehabilitation of an applicant. Section 2911 provides as
17 follows: "The following criteria have been developed by the
18 department pursuant to Section 482(a) of the Business and
19 Professions Code for the purpose of evaluating the
20 rehabilitation of an applicant for issuance or for reinstatement
21 of a license in considering whether or not to deny the issuance
22 or reinstatement on account of a crime or act committed by the
23 applicant."

24 B. The Criteria of Rehabilitation applied to
25 Respondent is as follows: Regulation (a) more than two (2) years
26 since the conviction; (b) restitution was not required; (c) a
27 federal conviction cannot be expunged; (d) registration pursuant

1 to Penal Code Section 290 is not applicable; (e) probation was
2 completed; (f) abstinence from use of controlled substances or
3 alcohol is not applicable; (g) the court ordered fine has been
4 paid; (h) Respondent testified that he has a stable family life;
5 (i) Respondent has completed real estate courses to maintain his
6 license and he testified that he is one (1) semester short of
7 receiving a bachelor's degree in economics; (j) there is no
8 evidence that Respondent has past due debts or monetary
9 obligations; (k) correction of business practices is not
10 applicable; (l) Respondent testified that he volunteers at
11 community programs; (m) new social and business relationships is
12 not applicable.

13 C. However, Respondent has not shown that he has had
14 a change in attitude from that which existed at the time of the
15 conduct in question pursuant to Regulation 2911(n). Respondent
16 has not presented evidence from others of a change in attitude.
17 In addition, Respondent has not shown a change in attitude based
18 on his own testimony. Respondent testified that he knew the
19 driver's license issued to him was not accurate, but he did not
20 go to the DMV to have the incorrect driver's license corrected
21 and he presented the driver's license to government officials as
22 correct and accurate. He sought to justify this illegal conduct
23 by testifying that he did it out of fear of being stopped and
24 arrested because someone else had been using his identity.

25 There is no justification or excuse for illegal
26 activity. The fact remains that Respondent knew he had an
27 inaccurate driver's license and he presented it as valid

1 identification. This is a dishonest act. The dishonesty
2 continued over several years. Respondent testified that he
3 had the inaccurate driver's license for several years. If
4 government officials had not caught the discrepancy, it is
5 doubtful Respondent would have gotten the driver's license
6 corrected.

7 It has not been conclusively shown that Respondent is
8 rehabilitated.

9 3. Honesty and truthfulness are attributes required
10 of a real estate licensee because they are fiduciaries in their
11 dealings with the public. A license to sell real estate by its
12 very nature gives the licensee unfettered access to the personal
13 belongings of those who seek to sell their homes. Clients rely
14 on the licensee's integrity in representing them, disclosing
15 important facts about the properties he or she is privy to and
16 holding monies and other personal property in a fiduciary
17 capacity.

18 The Legislature intended to ensure that
19 real estate brokers and salespersons will
20 be honest, truthful and worthy of the
21 fiduciary responsibilities which they will
22 bear. (Ring v. Smith (1970) 5 Cal.App.3rd
197, 205, Golde v Fox 98 Cal.App.3d, 167,
177.). Harrington v. Department of Real
Estate (1989) 214 Cal.App.3d, 394, 402.

23 4. The Real Estate Law and the disciplinary procedures
24 provided for in the Real Estate Law are designed to protect the
25 public and to achieve the maximum protection for the purchasers
26 of real property and those dealing with real estate licensees
27

1 (Business and Professions Code Section 10050 and Handeland v.
2 Department of Real Estate (1976) 58 Cal.App.3d 513.)

3 5. Real estate licensees occupy a unique position of
4 trust and responsibility toward the consuming public. They
5 function with little supervision. The possession of a real
6 estate license entitles the holder to enter the homes and
7 property of others without supervision. Such licensees must be
8 trustworthy. The public is entitled to assurance that persons
9 to whom real estate licenses are issued are persons that can be
10 relied upon and that they can be trusted.

11 In addition, as a licensed real estate broker,
12 Respondent could be overseeing the work of salespersons to
13 ensure compliance with the law.

14 6. I disagree with the Administrative Law Judge's
15 conclusion that denial of Respondent's application and a
16 probationary license is not appropriate. Although substantial
17 rehabilitation has been shown, given the concerns discussed
18 herein, certain restrictions are required to ensure protection
19 of the public interest.

20 ORDER

21 WHEREFORE, THE FOLLOWING ORDER is hereby made:

22 Respondent JAMES HENRY HILL'S application for a real
23 estate broker license is denied; provided, however, a restricted
24 real estate broker license shall be issued to Respondent
25 pursuant to Section 10156.5 of the Business and Professions
26 Code.
27

1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following limitations,
4 conditions and restrictions imposed under authority of Section
5 10156.6 of that Code:

6 1. The license shall not confer any property right in
7 the privileges to be exercised, and the Real Estate Commissioner
8 may by appropriate order suspend the right to exercise any
9 privileges granted under this restricted license in the event
10 of:

11 (a) The conviction of Respondent (including a plea
12 of nolo contendere) to a crime which is substantially related
13 to Respondent's fitness or capacity as a real estate licensee;
14 or

15 (b) The receipt of evidence that Respondent has
16 violated provisions of the California Real Estate Law, the
17 Subdivided Lands Law, or Regulations of the Real Estate
18 Commissioner or conditions attaching to the restricted license.

19 2. Respondent shall not be eligible to apply for the
20 issuance of an unrestricted real estate license nor for the
21 removal of any of the conditions, limitations or restrictions
22 attaching to the restricted license until two (2) years have
23 elapsed from the date of issuance of the restricted license to
24 Respondent.

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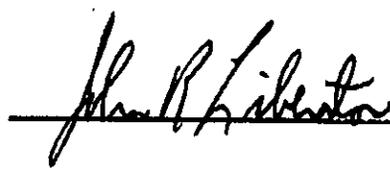
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This Decision shall become effective at 12 o'clock
noon on October 19, 2004.

IT IS SO ORDERED Sept. 28, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



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RJB

FILED
APR 23 2004

DEPARTMENT OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
JAMES HENRY HILL,)	No. H-30455 LA
)	
)	L-2003120188
Respondent.)	

NOTICE

TO: JAMES HENRY HILL, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated March 23, 2004, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated March 23, 2004, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on February 24, 2004, and any written argument hereafter submitted on behalf of Respondent and Complainant.

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Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of February 24, 2004, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of Complainant to be considered by me must be submitted within 15 days after receipt of the argument of Respondent at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: April 21, 2004

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

JAMES HENRY HILL

Respondent.

Case No. H - 30455 LA

OAH No. L - 2003120188

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on February 24, 2004.

Mary E. Work, Counsel, represented Maria Suarez, a Deputy Real Estate Commissioner in the Department of Real Estate of the State of California ("Department").

Respondent James Henry Hill was present throughout the hearing and represented himself.

At the end of the hearing in this matter Respondent was permitted to file a statement from the Federal Court establishing that his conviction in that court was a misdemeanor. This was done and the information supplied has been marked Respondent's Exhibit C.¹ It is received in evidence.

This matter was submitted on March 15, 2004.

FACTUAL FINDINGS

1. Complainant Maria Suarez, a Deputy Real Estate Commissioner in the Department, filed the Statement of Issues in this proceeding in her official capacity.
2. On or about December 26, 2002, Respondent applied to the Department for a real estate broker license. In that application he disclosed three criminal convictions.
3. On September 7, 1994, the Department issued a real estate salesperson license to Respondent. That license has been in continuous effect since that time and will expire on Mary 7, 2007 unless renewed. The license was issued to Respondent after a Departmental

¹ Complainant's counsel was given time to respond to any filing by Respondent. No response was filed.

representative interviewed him about his two convictions revealed in the processing of his application. A hearing on whether to issue the license was not deemed necessary. No disciplinary actions have been filed against that license during the time the salesperson license has been effective.

4. The two convictions reviewed during his application for the salesperson license concerned the following. In 1989, Respondent was found guilty of a violation of Penal Code Section 245, assault with a deadly weapon and sentenced to four years in state prison. Prior to that, in 1988, he was convicted of unlawful possession of a drug, a misdemeanor. He was sentenced to 181 days in county jail and three years probation. Respondent has completed all the terms and conditions in those cases. Apparently, the Department did not allege these two convictions in the present proceeding because of the time which has elapsed since their commission and Respondent's good record.²

5. In this proceeding, one conviction is alleged. On or about February 1, 1999, Respondent pled guilty to a violation of 18 United States Code 1028 (b) (6), possession of false identification documents, a class A misdemeanor. The court placed Respondent on probation for a period of two years on the condition he pay a fine of \$500 and complete six months of home detention. All terms of the court's order have been satisfied.

6. Respondent's federal conviction was based on a difference in his birth dates on his birth certificate and the California Department of Motor Vehicles driver's license. He subsequently has been able to correct the Department of Motor Vehicle date of birth to conform to his birth certificate but this was not until after the completion of the federal case. Respondent produced his California driver's license during the hearing in this matter to set that matter at rest.

7. Respondent's latest conviction arose out of the following events. Prior to 1991, and during the time that Respondent was in state prison, someone stole his identity. Over the next few years, every time he was stopped by the police for a traffic violation or for any other reason, he would be arrested when he showed his driver's license because he was erroneously believed to be someone else. This meant that he might be incarcerated overnight or for a day or two until he could establish his identity and prove to the police that he was not the person who was wanted. Eventually he was able to obtain Judicial Clearance forms clearing him of being the person wanted. (Two of these forms were produced at the hearing in this matter.) For a while he tried to show these forms to police when he was stopped. Often these forms would not be initially accepted. Finally, Respondent was able to get the Department of Motor Vehicles to issue him a new license which ended the problem. When this was done, the arrests stopped. Unfortunately, the discrepancy in dates between the new driver's license and the birth certificate occurred in the process of getting the new driver's license. The discrepancy was noted by the federal authorities when Respondent applied for a passport. He indicated that because of his prior contacts with the law and the

² Complainant did introduce certified court documents of the two original convictions even though not pled, however.

fear he had developed from those contacts, he decided to plead guilty to the federal charge as part of a plea arrangement to get the entire matter behind him as quickly as possible.

8. The 1999 crime of which Respondent was convicted involves moral turpitude that is substantially related to the qualifications, functions or duties of a real estate licensee.

9. Respondent is a United States citizen who was born in the Virgin Islands. He came to the Los Angeles area when he was a small boy.

10. Respondent is one semester shy of having a bachelor's degree in economics. He has taken many real estate courses over the time that he has been a real estate salesperson.

11. Respondent has been married since 1996. He has one son and two other children from a prior marriage. He has lived in the same house since 1994.

12. Respondent has volunteered in various community activities. The one of which he is most proud is Team One Stop. This is an organization that seeks to encourage youth to lead productive lives and stay away from crime. Respondent speaks at meetings of this group telling his life story of how he overcame a bad background to lead a successful life. He challenges the youth to do the same.

13. When he obtained his real estate salesperson license, in 1994, Respondent worked for Coldwell Banker. In 1996, he moved to Remax and has been there to the present time. He specializes in commercial and residential real estate. He has a genuine love and enthusiasm for his work and his clients. No complaints have been filed against him.

14. Two letters of recommendation were presented by Respondent on his own behalf. The first was from a broker at Coldwell Banker who has known Respondent for the past ten years. The broker found Respondent to be of exemplary character in all of their business and personal dealings. Respondent's participation in community activities was also noted. The second recommendation came from the manager of a Remax real estate office. He has known Respondent for the past 5 years. He also praised Respondent's character as being highly respectable and often noteworthy. Respondent's desire to give back to the community was also mentioned.

15. Respondent acknowledges his criminal convictions but emphasizes that he has overcome them and has lead a very successful life. He was direct and candid in his testimony. Evidence corroborating his statements was presented. He was a most credible witness.

LEGAL CONCLUSIONS

1. Grounds for denial of Respondent's application for a real estate brokers license exist, pursuant to Business and Professions Code Sections 475 (a) (2), 480 (a) (1) and

10177 (b) and Title 10 California Code of Regulations Section 2910, in that in 1999 he was convicted of a crime involving moral turpitude related to the qualifications, functions or duties of a real estate licensee as is more fully set forth in Paragraphs 5 through 8 of the Factual Findings. Notwithstanding this fact, denial of Respondent's application is not appropriate nor is a probationary license for the reasons set forth below.

2. Respondent has established that he meets the Department's criteria for rehabilitation set forth in Title 10 California Code of Regulations Section 2911. It has been five years since Respondent's federal misdemeanor conviction. He completed all of the terms and conditions of the Court's order. It is not possible to expunge a federal conviction. The federal charge stemmed from the difference in his dates of birth reflected in his birth certificate and his California Driver's License. Subsequent to the completion of the federal court's order, Respondent was able to get his Driver's License amended so that now there is no such discrepancy. It is hard to understand why Respondent did not do this sooner as it would have been a defense to the federal charges. However, recognizing his past involvement with the law and his repeated problems as a result of someone else who was sought by the police using his identification, his desire to get this matter behind him is understandable. Respondent has had a real estate salesperson's license for over ten years. This was issued to Respondent without a hearing even though he had two prior convictions at that time. There have been no disciplinary matters filed against him. He has been continuously employed in that as a real estate salesman since receiving his license. That license is still effective today. He has completed the appropriate real estate courses to maintain his license and for professional development. He is one semester short of receiving a bachelor's degree in economics. Respondent has lived in the same house since 1994. He has a stable family life since being married in 1996. He and his wife have one child. Two other children from a prior marriage also live in the home. He participates in community activities. In particular, he gives speeches to young people on how he has overcome his past problems in the hope that they won't make the same mistakes that he did. Respondent has a most positive attitude about his work as a real estate salesperson. He acknowledges his past and demonstrates that that has been put behind him. He identifies with his clients and endeavors to meet their needs. He demonstrated a real enthusiasm for his work. Personal references from people who have known Respondent for long periods of time confirm his integrity and successful involvement with people and the community. (His 1988 and 1989 convictions were not an impediment to Respondent receiving his real estate salesperson license ten years ago. Due to the length of time since they occurred and the foregoing demonstration of Respondent's rehabilitation, they do not constitute a basis for the denial of the license sought.) This is more fully set forth in Paragraphs 2 through 15 of the Factual Findings.

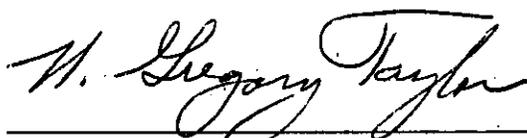
3. Respondent was most credible in his testimony. When corroboration of his statements was sought he was able to provide it. He was direct, candid and forthcoming in all respects. This is more fully set forth in Paragraph 15 of the Factual Findings.

NOT ADOPTED

ORDER

Respondent's application to the Department for a real estate broker license is granted.

Dated: March 23, 2004.



N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

5010

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-30455 LA
)
JAMES HENRY HILL,) OAH No. L-2003120188
)
_____)
Respondent

FILED
DEC 19 2003
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

By 

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, Suite 630, Los Angeles, CA 90013-1105 on TUESDAY, FEBRUARY 24, 2004, at the hour of 10:00 A.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

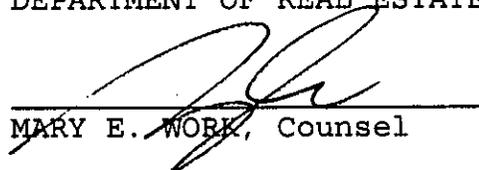
The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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.

DEPARTMENT OF REAL ESTATE

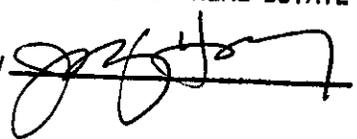
Dated: December 19, 2003

By 
MARY E. WORK, Counsel

cc: James Henry Hill
Sacto.
OAH

SALTO

1 MARY E. WORK, Counsel
SBN 175887
2 Department of Real Estate
320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone (213) 576-6982
-Direct- (213) 576-6916

FILED
NOV 10 2003
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

10 In the Matter of the Application of) No. H-30455 LA
11)
12 JAMES HENRY HILL,)
13) STATEMENT OF ISSUES
Respondent.)
_____)

14 The Complainant, Maria Suarez, a Deputy Real Estate
15 Commissioner of the State of California, for cause of Statement
16 of Issues against JAMES HENRY HILL (hereinafter "Respondent"), is
17 informed and alleges in her official capacity as follows:

I

19 On or about December 26, 2002, Respondent made
20 application to the Department of Real Estate of the State of
21 California (hereinafter "Department") for a real estate broker
22 license. Respondent currently is licensed and/or has license
23 rights as a real estate salesperson.

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II

On or about May 3, 1999, before the U.S. District Court-Central District of California (Western Div.), in Case No. 98-CR-1272-ALL, judgment was entered against Respondent for his conviction for violating 18:1028(a)(4) (Possession of a False Identification Document) a felony crime of moral turpitude that are substantially related under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

III

The crimes for which Respondent was convicted, as described above, constitute grounds for denial of Respondent's application for a real estate license under Section 475(a)(2), 480(a)(1) and/or 10177(b) of the Business and Professions Code.

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

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WHEREFORE, Complainant prays that the above entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate broker license to Respondent, JAMES HENRY HILL and for such other and further relief as may be proper under other provisions of law.



MARIA SUAREZ
Deputy Real Estate Commissioner

Dated at Los Angeles, California,
this 6th day of November, 2003.

cc: James Henry Hill
Maria Suarez
SACTO
LF