

FILED

MAY 13 2010

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: 

In the Matter of the Application of)	No. H-36392 LA
)	
)	L-2010010588
JOHN LEONARD MORRISON,)	
)	
)	
Respondent.)	
_____)	

DECISION

The Proposed Decision dated April 13, 2010, 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 application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

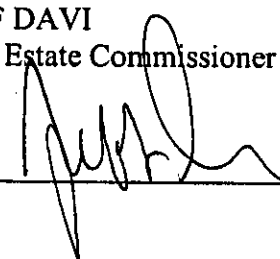
If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

JUN - 2 2010 ~~This Decision shall become effective at 12 o'clock noon on _____~~

IT IS SO ORDERED

5-10-2010

JEFF DAVI
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

JOHN LEONARD MORRISON,

Respondent.

Case No. H-36392 LA

OAH No. 2010010588

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on March 16, 2010.

Julie L. To, Staff Counsel, represented Maria Suarez (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

John Leonard Morrison (Respondent) represented himself and was present throughout the hearing.

Oral and documentary evidence was received, and the matter argued.

The case was submitted for decision on March 16, 2010.

FACTUAL FINDINGS

1. Complainant filed the Statement of Issues in this proceeding in her official capacity.

2. On February 15, 2008, Respondent made application to the Department for a real estate salesperson license.

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3. On March 15, 1989, in a West Covina court, Respondent, upon his guilty plea, was convicted of violating Penal Code section 484, subdivision (a), theft of property, a misdemeanor. The court placed Respondent on probation for one year subject to certain terms and conditions including paying a \$67.00 fine. Respondent has successfully complied with the court order. The conviction has not been expunged.

4. Respondent stated that he had forgotten about his criminal conviction as it had been twenty one years ago. He was seventeen years old at the time of the offense. According to Respondent it involved a radio that was taken from someone's house. Another high school friend was involved in the matter with him. Respondent no longer sees any of the people he knew at high school.

5. Respondent admits that his conviction was not acceptable behavior. He has learned a lesson from the experience and he has had no other criminal convictions since that time.

6. Even though Respondent failed to reveal his criminal conviction on his initial application, there is agreement between the parties that the failure was not an intentional misrepresentation on the application. It had been a long time since his conviction and he had forgotten about it initially.

7. Respondent has completed all of the educational courses necessary for a real estate salesperson license.

8. Respondent has been employed by several property management companies. It is Respondent's hope to improve his financial situation by becoming licensed.

9. Respondent is married. He and his wife have three children ages 20, 6 and 9 months. Respondent coaches his son in hockey. Respondent plays ice and roller hockey.

10. Respondent is active in his church.

LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Respondent's criminal conviction set for in Factual Findings 3 and 4 is substantially related to the qualifications, functions or duties of a licensee of the Department as more fully set described in the California Code of Regulations, title 10, section 2910, subdivision (a) (1) and (8) in that it involves appropriating property

belonging to another person and doing an unlawful act with the intent of conferring a financial or economic benefit upon Respondent.

3. Pursuant to Business and Professions Code Sections 475, subdivision (a) (2); 480, subdivision (a) (1); and 10177, subdivision (b), cause exists to deny Respondent's application for a real estate license, in that Respondent has been convicted of a crime that is substantially related to the qualifications, functions or duties of a licensee of the Department.

4. Pursuant to the provisions of Business and Profession Code sections 475, subdivision (a) (2), 480, subdivision (a) and 10177, subdivision (b), cause does not exist to deny Respondent's license application in light of Factual Finding 10.

5. The Department's Criteria of Rehabilitation, set forth in California Code of Regulations, title 10, section 2911, provide the factors to be considered in evaluating the rehabilitation of an applicant for a license issued by the Department. Under the criteria, two years are required to have elapsed since the latest criminal conviction. In this case, it has been more than 20 years since Respondent's only conviction. Respondent has demonstrated from the life he has lead since his criminal conviction that he has substantially met the Department's rehabilitation criteria. In light of Respondent's conviction and failure to disclose it on his application a restricted license is appropriate at this time.

ORDER

Respondent John Leonard Morrison's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. The restricted license issued to the Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

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

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

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

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate

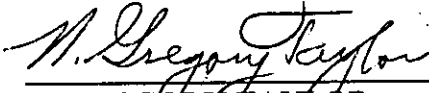
license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to Respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the
issuance of the restricted license; and

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

Dated: April 13, 2010.



N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

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Los Angeles, California 90013-1105

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FILED

DEC 22 2009

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)

No. H-36392 LA

JOHN LEONARD MORRISON,)

STATEMENT OF ISSUES

Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for Statement of Issues
against JOHN LEONARD MORRISON ("Respondent"), alleges as
follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, makes this Statement of
Issues in her official capacity.

2.

On or about February 15, 2008, Respondent made
application to the Department of Real Estate of the State of
California for a real estate salesperson license.

3.

On or about March 15, 1989, in the Superior Court of the State of California, County of Los Angeles, in Case No. 89M03042-01, Respondent was convicted of violating California Penal Code Section 484 (theft of property), a misdemeanor. Respondent was sentenced to one year probation and ordered to pay fines.

4.

This conviction, by its facts and circumstances, is a crime of moral turpitude and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

5.

The crime of which Respondent was convicted constitutes cause for denial of Respondent's application for a real estate license under Business and Professions Code Sections 475(a)(2), 480(a), and 10177(b).

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

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Statement of Issues and
3 that upon proof thereof, a decision be rendered imposing
4 disciplinary action against all the licenses and license rights
5 of Respondent, JOHN LEONARD MORRISON, under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code) and
7 for such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 14th day of December, 2009.

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14 Maria Suarez
15 Deputy Real Estate Commissioner
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22 cc: JOHN LEONARD MORRISON
23 InveServe, Inc.
24 Maria Suarez
25 Sacto.
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