

FILED

BEFORE THE BUREAU OF REAL ESTATE

APR 30 2018

STATE OF CALIFORNIA

BUREAU OF REAL ESTATE

By B. Nicholas

<p>In the Matter of the Application of</p> <p>JORDAN LEWIS WHITE,</p> <p><u>Respondent.</u></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CalBRE No. H-12174 SF</p> <p>OAH No. 2017010404</p>
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DECISION

The Proposed Decision dated March 20, 2018, 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.

Pursuant to Government Code Section 11521, the Bureau of Real Estate may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

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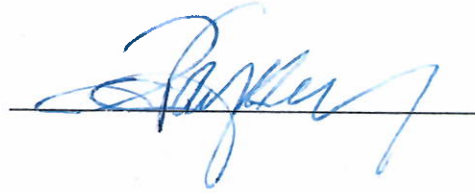
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If and when a petition for removal of restrictions is filed, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner.

This Decision shall become effective at 12 o'clock noon on MAY 21 2018.

IT IS SO ORDERED April 27, 2018

WAYNE S. BELL
REAL ESTATE COMMISSIONER

A handwritten signature in blue ink, appearing to read "Wayne S. Bell", is written over a horizontal line.

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

JORDAN LEWIS WHITE,

Respondent.

Case No. H-12174 SF

OAH No. 2018010404

PROPOSED DECISION

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings, heard this matter on February 27, 2018, in Oakland, California.

John W. Barron, Assistant Chief Counsel, represented complainant Robin S. Tanner, Supervising Special Investigator, Bureau of Real Estate.

Respondent Jordan Lewis White was present at the hearing and represented himself.

This matter was submitted for decision on February 27, 2018.

FACTUAL FINDINGS

1. Complainant Robin S. Tanner made the statement of issues in her official capacity as a Supervising Special Investigator, Bureau of Real Estate (Bureau), State of California.

2. On July 17, 2017, respondent Jordan Lewis White submitted an application to the Bureau for a real estate salesperson license.

3. On March 12, 2013, respondent was convicted in the Municipal Court of the City of Amarillo, Texas, pursuant to a plea of guilty, of public intoxication, a misdemeanor. A judgment was entered against respondent ordering him to pay \$464; \$100 was to be paid that day and the balance was to be paid in 30 days.

The offense occurred on March 10, 2013. Respondent was arrested outside the entrance of a bar shortly after closing time. The arrest was part of a police detail in the downtown Amarillo area to crack down on disorderly conduct, and drug and weapon offenses in the area when the bars close down. The arresting officer observed that

respondent was extremely intoxicated and exhibited poor balance and slurred speech. The officer noted in the police report that respondent's intoxicated companion stated that he was going to drive them home.

4. Respondent failed to pay the \$100 due the day he entered his guilty plea and a warrant was issued on March 15, 2013.

5. On May 15, 2013, respondent was convicted in the County Court of Randall, Texas, pursuant to a guilty plea, of violating Texas Penal Code section 38.02, subdivision (d)(2) (failure to identify a fugitive/intent to give false information), a misdemeanor. Respondent was sentenced to 57 days in jail and a \$200 fine.

The offense occurred on April 27, 2013. Police came to the apartment of respondent's sister in response to an anonymous complaint of marijuana odor emanating from the apartment. When asked to identify himself, respondent initially gave the officer an incorrect birthdate.

6. Respondent acknowledged the two convictions and provided additional context. Respondent was visiting his sister in Texas and was 22 years old at the time of the two offenses. Respondent admitted that he was intoxicated on March 10, 2013, after drinking at a bar. He stated that the police officer grabbed him and threw him into the squad car without asking any questions first. He stated that he and his companion had not driven to the bar and were not planning on driving home. Respondent is African American and feels that his arrest was racially motivated. He also feels that cultural differences and differences in police attitudes in Texas played a role in his arrest.

Respondent admitted that he lied to the police officer who came to his sister's apartment on April 27, 2013. Respondent also admitted that he had been smoking marijuana prior to the officer's arrival. He gave false information to the officer because he knew there was a warrant for his arrest for failure to pay the fine for his public intoxication conviction.

Respondent stated that he was in jail only from April 27 through May 15 and did not serve 57 days. Respondent's father traveled to Texas and brought respondent back to California.

Respondent accepted responsibility for his criminal history. He described himself as having been "hard headed" and stated that he was grateful for having made mistakes because it gave him an opportunity for growth. Respondent no longer uses marijuana and offered to be tested for drugs.

7. Respondent paid off his outstanding fines to the Texas courts in 2017. He had not realized prior to 2017 that he still owed money to the Texas courts because he thought it had all been paid back in 2013.

8. Respondent has had no other arrests or convictions.

9. Respondent attended adult school in Pittsburg and earned his high school diploma in 2015.

10. Respondent recently created a business, Black Gold Investment Group, in anticipation of licensure. Respondent hopes to enter the real estate profession because he wants to help others, especially in the African American community, create generational wealth. Respondent is close to his family and has their support. Some of respondent's relatives work in the real estate industry. Respondent is a student member of a real estate investing group. He is highly motivated to succeed in the real estate industry. Respondent stated that he has many potential clients.

11. Respondent is 27 years old. He lives with his grandfather. He is single and has no children. Respondent has a large debt from a hospital bill and also a debt of about \$1,000 for a phone bill from 2012. He is working on paying off these debts.

12. On his application, respondent stated that he was not interested in a restricted license. At hearing, respondent stated that he would accept a restricted license and is willing to comply with whatever restriction the Bureau imposes, including drug testing.

13. Respondent's testimony at hearing was candid and credible.

14. Respondent's father, Joseph Cleveland White, testified on his behalf. White related that he went to Texas to bail respondent out of jail and bring him home in 2013. White believes that respondent's troubles there were due to differences between Texas and California. He believes that his son was not treated fairly by the Texas authorities.

White testified that respondent has matured since his convictions, with the support of his close-knit family. White described his son as tenacious and determined, and as having a strong character.

15. In a letter dated February 20, 2018, Ernest Nichols III of Loans/Realty Group/E.N. Associates, wrote that he has been a real estate broker since 2002 and is the branch manager for Loans Realty Group. Nichols is a graduate of West Point. He wrote, "I am willing to put my reputation on the line because I believe in this young man. Please accept this letter as confirmation of my endorsement of [respondent]." Nicholas added that he is familiar with the issues that have caused a delay in respondent's licensure and believes that respondent is ready to be a real estate agent. Nichols hopes that respondent receives his license and is ready to hire him immediately.

16. In a letter dated February 20, 2018, Danny Lockwood, Vice Principal of Pittsburg Adult Education Center, wrote that respondent attended school at the center from August through December 2015. Respondent was respectful and hardworking and graduated with a diploma.

17. In a letter to the Bureau dated February 22, 2018, Federal D. Glover, Supervisor, District Five, Contra Costa County Board of Supervisors, wrote that he has known respondent and his family for many years. Glover has worked with respondent on community projects and believes him to be an ambitious young man with dedication to perfecting his skills.

18. In a letter to the Bureau dated February 20, 2018, Angela Brisco, Executive Assistant to the Directors of Engineering and Environmental Programs and Planning of the Port of Oakland, wrote that she has known respondent for approximately six years. She described respondent as thoughtful, considerate, confident, charismatic, well-spoken, and able to interact with people from various cultural and social backgrounds. She believes that respondent has a strong grasp of real estate trends and she is confident that he would be a stellar real estate salesperson.

19. Respondent was previously employed at Neiman Marcus. He received a "Sales Support Hero" award for excellent customer service.

LEGAL CONCLUSIONS

1. Respondent's conviction for failing to identify a fugitive/giving false information is substantially related to the qualifications, functions, or duties of a real estate professional because it involved: 1) employment of a falsehood to achieve an end; 2) an unlawful act done with the intent of conferring a financial or economic benefit on respondent; and 3) willful failure to comply with a court order. (Cal. Code Regs., tit. 10, § 2910, subds. (a)(4,8,9).) Respondent's conviction for public intoxication is not substantially related to the qualification, functions, or duties of a real estate licensee. Cause exists to deny respondent's application for a real estate salesperson license pursuant to Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b), in light of the matters set forth in Finding 5.

2. In California Code of Regulations, title 10, section 2911, the Bureau has established criteria to be used in evaluating the rehabilitation of an applicant who has committed a criminal offense. These criteria include the passage of not less than two years since the most recent conviction or act that provides grounds for denial, the nature and severity of the offenses, payment of restitution, expungement of convictions, successful completion or early discharge from probation, abstinence from controlled substances and/or alcohol, payment of fines, stability of family life, education or vocational training, significant community involvement, formation of new social and business relationships, and a change in attitude from that which existed at the time of the criminal conduct.

3. Respondent was convicted of two non-violent misdemeanor offenses during a short time period in 2013, when he was visiting his sister in Texas. He was 22 years old at the time. He was not placed on criminal probation for either offense and he has now paid all fines imposed. Almost five years have passed since the offenses with no further arrests.

During this time, respondent successfully earned his high school diploma through adult school. Respondent is involved in a real estate investing group and is eager to enter the real estate profession. His goal is to help his underserved community achieve wealth. Respondent has the support of his family and a broker who wishes to hire him and provide oversight. Respondent was candid with the Bureau and did not conceal his criminal history.

Respondent persuasively established that he has been rehabilitated from his criminal history. Respondent presented sufficient evidence of rehabilitation to warrant a restricted license. It would not be against the public interest to grant respondent a restricted salesperson license, for a period of three years.

ORDER

Respondent Jordan Lewis White'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 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 or for the removal of any of the conditions, limitations or restrictions attaching to the restricted license until three years have elapsed from the date of issuance of the restricted license to respondent.

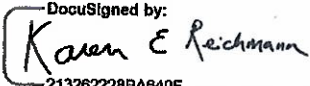
3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Bureau of Real Estate which shall certify as follows:

(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 the 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.

4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of respondent's arrest, the crime for which respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

DATED: March 20, 2018

DocuSigned by:

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KAREN REICHMANN
Administrative Law Judge
Office of Administrative Hearings