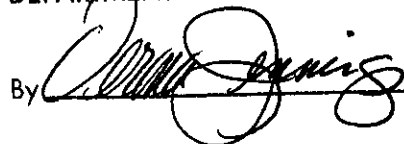


*SACD
Flag*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
DEC 19 2001
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27124 LA
)
JEFFREY ALAN HILL,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On November 11, 1997, a Decision was rendered herein
revoking the real estate broker license of Respondent, but
granting Respondent the right to the issuance of a restricted
real estate broker license. A restricted real estate broker
license was issued to Respondent or about December 9, 1997.

///
///
///
///
///
///
///

1
2 On February 21, 2001, Respondent petitioned for
3 reinstatement of said license and the Attorney General of the
4 State of California has been given notice of the filing of the
5 petition.

6 I have considered Respondent's petition and the
7 evidence and arguments in support thereof. Respondent has failed
8 to demonstrate to my satisfaction that Respondent has undergone
9 sufficient rehabilitation to warrant the reinstatement of
10 Respondent's real estate broker license, in that:

11 I

12 In the Decision which revoked Respondent's real estate
13 broker license, there was a Determination of Issues made that
14 there was cause to revoke Respondent's license pursuant to
15 Business and Professions Code ("Code") Sections 490 and 10177(b).

16 On or about May 29, 1996 Respondent was convicted of
17 violating Penal Code Section 245(a)(2) (Assault with a Firearm)
18 and Penal Code Section 12022.5(a) (Use of a Firearm).

19 II

20 Respondent's conviction has not been expunged or
21 dismissed. This evidences lack of rehabilitation and is cause to
22 deny Respondent's petition pursuant to Section 2911(c) of Title
23 10, Chapter 6, California Code of Regulations ("Regulations").

24 ///
25
26
27

III

1 Respondent has not submitted evidence of involvement
2 in community or social programs. This evidences lack of
3 rehabilitation and is cause to deny Respondent's petition
4 pursuant to Regulation 2911(k).
5

6 IV

7 On September 17, 2001, Respondent was interviewed by
8 a Deputy Real Estate Commissioner ("Deputy"). The interview
9 consisted of a discussion of the facts that led to Respondent's
10 conviction.

11 The Deputy stated that Respondent did not appear to
12 have taken responsibility for, or be entirely remorseful of the
13 incident leading to his conviction. This evidences a lack of
14 rehabilitation and is cause to deny Respondent's petition
15 pursuant to Regulation 2911(m) (1).
16

17 V

18 The conduct which led to the revocation of Respondent's
19 real estate broker license combined with the facts set forth in
20 Paragraphs II, III and IV, evidence Respondent is not completely
21 rehabilitated.
22

23 ///

24 ///

25 ///

26 ///

27

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of Respondent's real estate broker
3 license is denied.

4 This Order shall become effective at 12 o'clock noon on
5 January 8, 2002

6 DATED: December 12, 2001.

7 PAULA REDDISH ZINNEMANN
8 Real Estate Commissioner

9 
10
11
12
13
14
15
16
17
18
19
20
21
22

23 cc: Jeffrey Alan Hill
24 341 Bayside Drive, Suite 4
25 Newport Beach, CA 92660

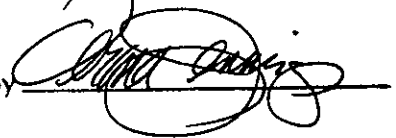
26 20201 Orchid Street
27 Newport Beach, CA 92660

FILED
NOV 17 1997

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By 

* * * * *

In the Matter of the Accusation of)
)
)
 JEFFREY ALAN HILL,)
)
)
 Respondent.)
_____)

No. H-27124 LA
L-1997060081

DECISION

The Proposed Decision dated October 27, 1997, 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.

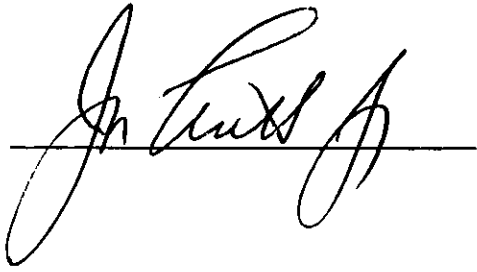
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on December 9, 1997.

IT IS SO ORDERED 11/11, 1997.

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:)

JEFFREY ALAN HILL,

Respondent.

)
)
) Agency No. H-27124

)
) OAH No. L-1997060081
)
)

PROPOSED DECISION

This matter came on regularly for hearing before Carolyn D. Magnuson, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on September 26, 1997.

The complainant was represented by Darlene Averetta, Staff Counsel.

Jeffrey Alan Hill appeared personally and was represented by Ron Córdova, attorney-at-law.

Oral and documentary evidence was received and the matter submitted. The Administrative Law Judge finds the following facts:

I

Thomas McCrady made and filed the accusation in his official capacity as a Deputy Real Estate Commissioner.

II

At all relevant times herein, Jeffrey Alan Hill (hereinafter "respondent"), was licensed and/or had licensing rights as a real estate broker under the Real Estate Law.

III

On or about May 29, 1996, in the Superior Court of the State of California, County of San Diego, in People v. Jeffrey Alan Hill, case number SCN 031281, the respondent was convicted of violating Penal Code section 245(a)(2) (assault with a firearm) and Penal Code section 12022.5(a) (use of a firearm), crimes which do not necessarily involve moral turpitude and are not per se substantially related to the duties, functions, and qualifications of a departmental licensee.

IV

The facts and circumstances underlying the conviction are that a friend of respondent's was driving respondent's car to meet respondent in San Diego County when the friend got into a dispute with another driver.

Respondent's friend made a "gun" with his hand, pointed his finger at the other driver, and mouthed the words, "Do you want to die."

The other driver contacted the police and reported that the driver of respondent's vehicle had pointed a gun at him.

When respondent attempted to return home from San Diego, he was stopped at the immigration check point on Highway 101. His car was searched; and guns, which belonged to respondent's friend, were found in the car.

Respondent was arrested and ultimately charged with committing four felonies, which carried a possible penalty of 18 years in prison, if he were convicted.

Respondent and his friend were sufficiently similar in looks that it would be very difficult to differentiate between them with limited exposure.

Respondent was sufficiently concerned about the possibility that he might be mistakenly convicted and sent to prison for many years, which respondent believed would be a death sentence, that he accepted a plea bargain which required him to plead guilty to two felony counts but limited jail time to 90 days.

Respondent is still on probation, but he has met all of the terms, and probation is now unsupervised.

The evidence did not establish that the facts and circumstances of the crime involved moral turpitude.

IV

Although respondent has claimed that he did not personally participate in the acts which led to his criminal conviction, he may not collaterally attack the convictions. Thus, respondent is a convicted felon. That fact alone is sufficient to justify imposing discipline against respondent's license.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Cause exists to discipline respondent's license under the provisions of Business and Professions Code sections 490 and 10177(b) for conviction of a crime; however, giving due consideration to the evidence of mitigation and rehabilitation, the public interest will not be adversely affected by the issuance to him of a properly conditioned restricted license.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate broker's license and license rights previously issued to the respondent, Jeffrey Alan Hill, are revoked; provided, however, a restricted real estate broker's license shall be issued to respondent pursuant to Section 10156.6 of the Business and Professions Code, if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within six (6) months from the effective date of the decision herein. 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 restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until 3 years have elapsed from the effective date of this Decision.

4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

Dated: October 27, 1997



CAROLYN D. MAGNUSON
Administrative Law Judge
Office of Administrative Hearings

SACTO.
Flan

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
AUG 12 1997
DEPARTMENT OF REAL ESTATE

* * * * *

In the Matter of the Accusation of)
)
 JEFFREY ALAN HILL,)
)
 Respondent.)

By 

Case No. H-27124 LA
OAH No. L-1997060081

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California, on September 26, 1997, at the hour of 10:00 a.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 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.

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: August 12, 1997.

cc: Jeffrey Alan Hill
Ron Cordova, Esq.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

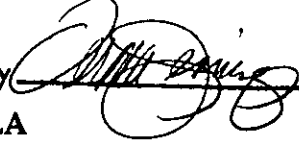
By: 
DARLENE AVERETTA, Counsel

SACTO.
KLS

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 18 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
 JEFFREY ALAN HILL,)
)
 Respondent.)

By 

Case No. H-27124 LA
OAH No. L-1997060081

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 107 South Broadway, 2nd Floor, Los Angeles, California, on August 12, 1997, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: June 18, 1997.

cc: Jeffrey Alan Hill
Ron Cordova, Esq.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE


DARLENE AVERETTA, Counsel


*SACD,
Flah*

1 DARLENE AVERETTA, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

(213) 897-3937

FILED
MAY 12 1997

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27124 LA
JEFFREY ALAN HILL,)	A C C U S A T I O N
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JEFFREY ALAN HILL ("Respondent") 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

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"), as a real estate broker.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

III

At all times material herein, Respondent was licensed by the Department of Real Estate of the State of California ("Department") as a real estate broker.

IV

On or about May 29, 1996, in the Superior Court of the State of California, for the County of San Diego, Respondent JEFFREY ALAN HILL, aka Jeffrey Hill, aka Jeff Hill, was convicted on his plea of guilty of violating Section 245(a)(2) of the California Penal Code (Assault With a Firearm), in conjunction with Section 12022.5(a) of the California Penal Code (Use of a Firearm). Said crimes are felonies and/or crimes involving moral turpitude, which 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.

V

The crimes of which Respondent was convicted, as described in Paragraph IV, above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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 the licenses and license rights of Respondent, JEFFREY ALAN HILL, 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 12th day of May, 1997.


Deputy Real Estate Commissioner

cc: Jeffrey Alan Hill
Sacto.
SR