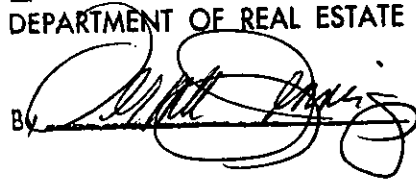


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FILED
DEC 23 2009
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-32345 LA
JEFFERY ROBERT PHILLIPS,)
Respondent.)

DECISION AFTER RECONSIDERATION

On March 24, 2009, an Order was rendered herein by the Real Estate Commissioner which denied Respondent's petition for removal of restrictions from Respondent's real estate salesperson license. Said Order was to become effective on May 21, 2009, and was stayed by separate Order to June 22, 2009.

On or about June 11, 2009, Respondent petitioned for reconsideration of the Order.

On June 17, 2009, an Order Granting Reconsideration was filed. I have considered the petition of Respondent and have concluded that good cause has been presented for reconsideration of the Order of March 24, 2009, for the purpose of determining

1 whether the disciplinary action therein imposed should be
2 reduced.

3 I have reconsidered said Order and it is hereby ordered
4 that the disciplinary action therein imposed be reduced by
5 modifying the Order to read as follows:

6 ORDER

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

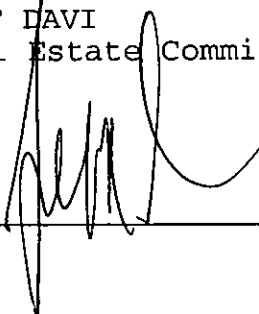
12 (1) Submittal of a completed application and payment
13 of the fee for a real estate salesperson license.

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

19 As hereby modified and amended, the Order of March 24,
20 2009 shall become effective at 12 o'clock noon on
21 January 12, 2010

22 IT IS SO ORDERED

23 JEFF DAVI
24 Real Estate Commissioner

25 
26 _____
27

FLAG

FILED

MAY 11 2009

DEPARTMENT OF REAL ESTATE

By L. Frost

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

JEFFERY ROBERT PHILLIPS,

Respondent.

No. H-32345 LA

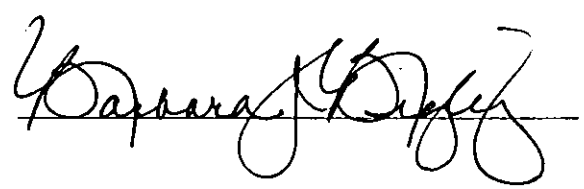
ORDER STAYING EFFECTIVE DATE

On March 24, 2009, an Order Denying Unrestricted License was rendered in the above-entitled matter to become effective on May 21, 2009. On May 8, 2009, Respondent requested a stay for the purpose of filing a petition for reconsideration of the Order Denying Unrestricted License of March 24, 2009.

IT IS HEREBY ORDERED that the effective date of the Order Denying Unrestricted License is stayed for a period of thirty (30) days. The Order Denying Unrestricted License of March 24, 2009, shall become effective at 12 o'clock noon on June 22, 2009.

DATED: 5/11/09

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

flag

FILED

APR 30 2009

DEPARTMENT OF REAL ESTATE

By Jean Aronoff

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

JEFFERY ROBERT PHILLIPS,

Respondent.

No. H-32345 LA

ORDER DENYING UNRESTRICTED LICENSE

On January 20, 2006, a Decision was rendered in Case No. H-32345 LA denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 15, 2006 and Respondent has operated as a restricted licensee since that time.

On July 28, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

///

1 I have considered Respondent's petition and the evidence and arguments in
2 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has
3 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
4 estate salesperson license at this time.

5 The Department has developed criteria in Section 2911 of Title 10, California
6 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
7 reinstatement of a license. Among the criteria relevant in this proceeding are:

8 Regulation 2911(c) Expungement of criminal convictions resulting from immoral
9 or antisocial acts.

10 Respondent has provided no evidence showing expungement of any of his
11 convictions.

12 Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,
13 adjudicated debts or monetary obligations to others.

14 Respondent has one unsatisfied federal tax lien and two unsatisfied state tax liens.

15 Regulation 2911(l) Significant or conscientious involvement in community,
16 church or privately-sponsored programs designed to provide social benefits or to ameliorate
17 social problems.

18 Respondent has provided no evidence of qualifying community service activities.

19 Regulation 2911(n) Change in attitude from that which existed at the time of the
20 conduct in question as evidenced by any or all of the following:

21 (1) Testimony of applicant.

22 (2) Evidence from family members, friends or other persons familiar with
23 applicant's previous conduct and with his subsequent attitudes and behavioral
24 patterns.

25 No letters of recommendation were received.

26 (3) Evidence from probation or parole officers or law enforcement officials
27 competent to testify as to applicant's social adjustments.

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No letters of recommendation were received.

(4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.

No letters of recommendation were received.

(5) Absence of subsequent felony or misdemeanor convictions that are reflective of an inability to conform to societal rules when considered in light of the conduct in question.

On October 27, 2008, the deputy commissioner assigned to Respondent's petition sent a letter to Respondent requesting additional information, but respondent did not respond. An interview appointment was set for Respondent on January 6, 2009, but Respondent did not appear. This suggests Respondent is no longer interested in the removal of restrictions from Respondent's license.

Given the violations found and the fact that Respondent has not established that Respondent has satisfied Sections 2911(c), (j), (l), or (n) of the Regulations, I am not satisfied that Respondent is sufficiently rehabilitated to receive an unrestricted real estate salesperson license.

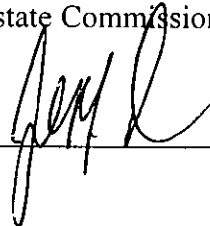
NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate salesperson license is denied.

MAY 21 2009

This Order shall become effective at 12 o'clock noon on

IT IS SO ORDERED 3/24/09

JEFF DAVI
Real Estate Commissioner



1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED
JAN 24 2006
DEPARTMENT OF REAL ESTATE
By *Jana B. [Signature]*

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 JEFFERY ROBERT PHILLIPS,

12
13 Respondent

)
) No. H- 32345 LA
)
)

) **STIPULATION AND**
) **WAIVER**
)
)

14
15 I, JEFFERY ROBERT PHILLIPS, respondent herein, do hereby affirm that I have applied to the
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
20 filed by the Department of Real Estate on December 19, 2005, in connection with my application for a real
21 estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
27 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
- 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
26
27

1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and

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

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of a course in real estate practices and one of
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
18 the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 12/16/05

4 Dated

5 Jeffery Robert Phillips
6 JEFFERY ROBERT PHILLIPS, Respondent

7 ***

8 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
9 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
10 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
11 restricted real estate salesperson license to respondent.

12 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
13 respondent JEFFERY ROBERT PHILLIPS if respondent has otherwise fulfilled all of the statutory
14 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
15 the foregoing Stipulation and Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED January 20, 2006.

18 Jeff Davi
19 Real Estate Commissioner

20 By: Dolores Weeks
21 DOLORES WEEKS
22 Regional Manager

*Secto
Kee*

KELVIN K. LEE, Counsel (SBN 152867)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6905

FILED
DEC 13 2005
DEPARTMENT OF REAL ESTATE

Janice B. Brown

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
JEFFERY ROBERT PHILLIPS,)
Respondent.)

No. H-32345 LA

STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against JEFFERY ROBERT PHILLIPS ("Respondent"), is informed and alleges as follows:

I

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

II

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about August 12, 2005, with the knowledge and understanding that any license issued as a result of said

1 application would be subject to the conditions of Business and
2 Professions Code ("Code") Section 10153.4.

3 CRIMINAL CONVICTIONS

4 III

5 On or about September 2, 2004, in the Superior Court
6 of California, County of Ventura, in Case No. 2004024406 M A,
7 Respondent was convicted of violating the California Penal Code
8 415(1), (Disturbing the Peace by Fighting). This crime involves
9 moral turpitude and bears a substantial relationship under
10 Section 2910, Title 10, Chapter 6, California Code of
11 Regulations to the qualifications, functions or duties of a real
12 estate licensee.

13 IV

14 On or about February 26, 1996, in the Municipal Court
15 of California, County of Ventura, in Case No. 96C001927,
16 Respondent was convicted of violating the California Penal Code
17 12025(a)(1), (Carrying a Concealed Weapon Without a Permit).
18 This crime involves moral turpitude and bears a substantial
19 relationship under Section 2910, Title 10, Chapter 6, California
20 Code of Regulations to the qualifications, functions or duties
21 of a real estate licensee.

22 V

23 On or about May 20, 1987, in the Superior Court of
24 California, County of Ventura, in Case No. VE 20644, Respondent
25 was convicted of violating the California Penal Code 476A,
26 subdivision (A), (Writing Checks with Insufficient Funds). This
27 crime involves moral turpitude and bears a substantial

1 relationship under Section 2910, Title 10, Chapter 6, California
2 Code of Regulations to the qualifications, functions or duties
3 of a real estate licensee.

4
5 FAILURE TO DISCLOSE CONVICTION

6 VI.

7 In response to Question 25 of his license application,
8 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
9 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
10 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
11 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE". Respondent
12 answered "Yes", but failed to disclose the convictions described
13 in Paragraphs IV and V, above.

14 V

15 The crimes for which Respondent was convicted, as
16 described in Paragraph III, IV and V, above, constitute cause
17 for the denial of Respondent's application for a real estate
18 license under Code Sections 475(a), 480(a) and/or 10177(b).

19 VI

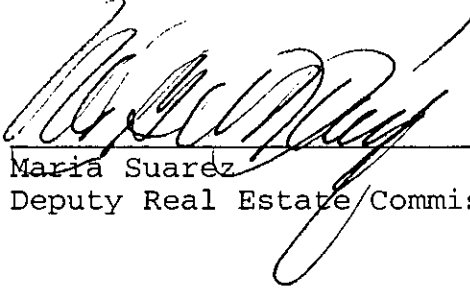
20 Respondent's failure to reveal the conviction as set
21 forth in Paragraph IV and V, above, in his license application,
22 constitutes the attempt to procure a real estate license by
23 fraud, misrepresentation, or deceit, or by making a material
24 misstatement of fact, or knowingly making a false statement of
25 material fact required to be revealed in said application, which
26 is grounds for the denial of the issuance of a license under
27

1 Business and Professions Code Sections 475(a), 480(c), and/or
2 10177(a).

3 The Statement of Issues is brought under the
4 provisions of Section 10100, Division 4 of the Business and
5 Profession Code of the State of California and Sections 11500
6 through 11528 of the Government Code.

7 WHEREFORE, Complainant prays that the above entitled
8 matter be set for hearing and, upon proof of the charges
9 contained herein, that the Commissioner refuse to authorize the
10 issuance of, and deny the issuance of, a real estate salesperson
11 license to Respondent, JEFFERY ROBERT PHILLIPS, and for such
12 other and further relief as may be proper under other provisions
13 of law.

14 Dated at Los Angeles, California
15 this 13th day of December 2005.

16
17
18 
19 _____
20 Maria Suarez
21 Deputy Real Estate Commissioner

22 cc: Jeffery Robert Phillips
23 Scott Darren Sherman
24 Maria Suarez
25 Sacto.
26
27