

IN THE MATTER OF:

GEORGE W. HIGH, SR., and
HIGH'S REALTY, INC.,

Respondents.

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BEFORE THE GEORGIA REAL

ESTATE COMMISSION

GREC #910142

GREC #910272

GREC #910536

FINAL ORDER

The Georgia Real Estate Commission with Chairperson J. D Caswell; Vice Chairperson Alfred L. Knox, Sr.; members Alta P Bruce and A. M. Redd, Jr., present, met on January 8, 1992, at the Commission's office at Suite 500 - Sussex Place, 148 International Boulevard, N. E., Atlanta, Georgia. The Commission on motion of the Respondents, reviewed the record, the Hearing Officer's Initial Decision, and the Respondent's written and oral presentations in this case. Prior to this action, the Respondents were served with a copy of the Hearing Officer's Initial Decision.

After reviewing the record, the Initial Decision, and the Respondent's written and oral presentations, it is ordered that the Hearing Officer's Findings of Fact and Conclusions of Law be AFFIRMED and that the real estate license of the Respondents be and are hereby REVOKED.

It is further ORDERED that these proceedings be and are hereby terminated.

This 8th day of January, 1992.

GEORGIA REAL ESTATE COMMISSION

BY: 

CHARLES CLARK
Real Estate Commissioner

IN THE MATTER OF:	:	BEFORE THE GEORGIA
	:	
GEORGE W. HIGH, SR. AND	:	REAL ESTATE COMMISSION
HIGH'S REALTY, INC.,	:	
	:	GREC #910142
Respondents.	:	GREC #910272
	:	GREC #910536

INITIAL DECISION OF HEARING OFFICER

A hearing was held in this matter before the undersigned hearing officer on November 4, 1991. The Respondent was present at the hearing but was not represented by legal counsel. The Commission was represented at the hearing by Kirby G. Atkinson, Special Assistant Attorney General.

The Commission called the following witnesses at the hearing: Ledoris Chandler, Thomas Duke, Sarah Jan Nichols, Lawrence Isaac, Beverly Robotham and Donna Bramlett. The Respondent testified in his own behalf.

The following documents were received in evidence: S-#1 - a Management Agreement between High-Five Ltd. and Thomas Duke dated May 30, 1990; S-#2 - a packet of receipts for rents collected by the Respondent; S-#3 - a packet of documents pertaining to rental collections made by the Respondent for property owned by Thomas Duke; S-#4 - a Management Agreement between Sarah Nichols and High-Five Ltd. pertaining to property located at 241 Amal Drive; S-#5 - a Management Agreement between Sarah Nichols and High-Five Ltd. pertaining to property located at 1729 New South Pryor Circle; S-#6 - a Sales Contract between George High and Sarah Nichols pertaining to property located at 241 Amal Drive; S-#7 - Investigator's notes pertaining to property involved in these charges;

South Pryor Circle; R-#5 - a Closing Settlement Statement dated "11/17/89" pertaining to property located at 241 Amal Drive; R-#6 - a letter dated April 9, 1990 from Jim Jeselnick to Sarah J. Nichols.

FINDINGS OF FACT

1.

The Respondents are licensed real estate brokers. George W. High, Sr. has been the qualifying broker for High's Realty, Inc., corporate broker, since December 7, 1990. The Respondent, George W. High, Sr., was licensed by the Georgia Real Estate Commission as a sole proprietorship, High's Realty, Inc., from February 22, 1988 to December 6, 1990.

2.

In May 1984, Respondent High filed an application for a real estate salesperson's license with the Commission. In response to question #2 in Section III of the application which asked "Have you ever been convicted for any criminal offense?", he answered "No".

3.

On December 28, 1987, Respondent High filed an application for a real estate broker's license with the Commission. In response to question #2 in Section II of the application which asked "Have you ever been convicted of any criminal offense?", he answered "No".

4.

On January 4, 1988, Respondent High filed a release/transfer application with the Commission. In response to a question on the application which asked "Have you ever been convicted of any criminal offense or are there any criminal charges or licensing disciplinary proceeding pending against you at this time?", he answered "No".

5.

On November 30, 1990, Respondent High filed an application for a broker's license for a real estate firm with the Commission. In response to question #3 in Section II of the application which asked "Has this applicant; its broker; its owner or owners; or any of its officers, directors, or stockholders ever been (a) convicted of any criminal offense, (b) plead nolo contendere to any criminal offense, (c) granted first offender treatment for any criminal offense, (d) found guilty of a violation of the federal or state fair housing laws; (e) disciplined by HUD or VA or (f) disciplined by the Georgia Real Estate Commission or any state or federal licensing agency or authority which regulates any profession?", he answered "No".

6.

On November 30, 1990, Respondent High filed a change application with the Commission. In response to a question in Section I of the application which asked "Have you ever been (1) convicted of, plead nolo contendere to, or granted first offender treatment for a criminal offense; (2) found guilty of a violation of the

federal or state fair housing laws; (3) disciplined by the Georgia Real Estate Commission or any state or federal licensing agency or authority which regulates the profession; or (4) disciplined by HUD or VA?", he answered "No".

7.

Respondent High was charged in a criminal information on February 8, 1960 in the District Court, Fourth Judicial District, State of Colorado, with the criminal offense of aggravated robbery. He entered a plea of guilty to that charge on February 29, 1960 and was sentenced to imprisonment for not less than five years or more than eight years.

8.

Respondent High was also charged in a criminal information on February 8, 1960, in the District Court, Fourth Judicial District, State of Colorado, with the criminal offense of burglary. On February 29, 1960, he entered a plea of guilty to that charge and was sentenced to imprisonment for not less than two years nor more than three years. The sentence imposed in Criminal Information #10888 was ordered to be served concurrently with the sentence imposed in Criminal Information #10889.

9.

Respondent High was indicted by the Grand Jury, Superior Court of Fulton County, Georgia, in September, 1965, in a two count indictment for the criminal offense of larceny. On January 6, 1966, he entered a plea of guilty to Count 2 of the indictment and was sentenced to 12 months imprisonment.

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4.

Respondent High has been convicted of crimes similar to those enumerated in O.C.G.A. §43-40-15(b). At least some of those crimes are felonies and involve moral turpitude. See Huff v. Anderson, 212 Ga. 32, 34 (1955). In addition, Mr. High also made material misstatements on applications to the Commission by answering "no" to questions relating to arrests and convictions. Consequently, issuance of a sanction pursuant to O.C.G.A. §43-40-15(f) is permitted.

5.

By depositing rents collected from principals into a non-registered business account, the Respondents violated O.C.G.A. §43-40-25(a)(5) by failing to deposit a principal's money in an escrow account and O.C.G.A. §43-40-25(a)(4) by commingling the money of principals with their own.

6.

By responding "no" to questions relating to criminal arrests and convictions, the Respondents violated Rule #520-1-.17(e) and O.C.G.A. §43-40-25(a)(21) by making substantial misrepresentations in an attempt to deceive the Commission.

7.

The Respondents did not maintain an escrow journal which was available to the Commission and by doing so violated Rule #520-1-.26(3).