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DEC 8 1 2010

DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
ERMA GRAHAM,
Respondent.

No. H-1379 FRESNO

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: Respondent ERMA GRAHAM (herein "Respondent"):

At all times mentioned herein since January 15, 1999, Respondent has been and now is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code") as a real estate salesperson whose license was and now is restricted subject to the provisions of Section 10156.7 of the Code and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

On November 19, 2010, in Case No. H-2549 FRESNO, an Accusation (hereinafter "Accusation") by a Deputy Real Estate Commissioner of the State of California was filed alleging cause under Sections 10085, 10130 and 10146 of the Code and Section 2970 of the Commissioner's Regulations (Title 10 of the California Code of Regulations) in conjunction

1 with Section 10177(d) of the Code for the suspension or revocation of all licenses and license
2 rights of Respondent under the Real Estate Law.

3 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of
4 the Code of the State of California that any restricted real estate salesperson license heretofore
5 issued to Respondent, and the exercise of any privileges thereunder, is hereby suspended
6 pending final determination made after the hearing on the aforesaid Accusation.

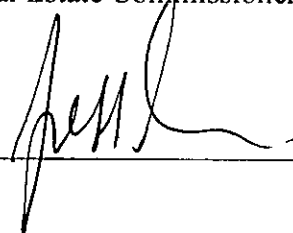
7 IT IS FURTHER ORDERED that all license certificates and identification cards
8 issued by the Department of Real Estate which are in the possession of Respondent be
9 immediately surrendered by personal delivery or by mailing in the enclosed self-addressed
10 envelope to:

11 DEPARTMENT OF REAL ESTATE
12 ATTN: Flag Section
13 Post Office Box 187000
Sacramento, CA 95818-7000

14 This order shall be effective immediately.

15 DATED: 12-30-2010

16 JEFF DAVI
17 Real Estate Commissioner

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FILED
NOV 30 1998

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * *

By Jean Arnes

In the Matter of the Application of)
ERMA LARA GRAHAM,)
Respondent.)

NO. H-1379 FRESNO
N-1998070600

DECISION

The Proposed Decision dated October 27, 1998, 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 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 appended hereto.

This Decision shall become effective at 12 o'clock noon
on December 21, 1998.

IT IS SO ORDERED November 30, 1998.

JIM ANTT, JR.
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

ERMA LARA GRAHAM,

Respondent.

) No. H-1379 FRESNO

) OAH No. N-1998070600

PROPOSED DECISION

On October 14, 1998, in Sacramento, California, Keith A. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Larry A. Alamao, Staff Counsel, represented the Department of Real Estate.

Erma Lara Graham, Respondent, represented herself.

Evidence was received, the record was closed and the matter was submitted.

FACTUAL FINDINGS

1. Complainant, M. Dolores Ramos, A Deputy Real Estate Commissioner of the State of California, made and filed the Statement of Issues in her official capacity and not otherwise.

2. Erma Graham (hereinafter "respondent") filed an application with the Department of Real Estate (hereinafter "the Department") for a real estate salesperson license on or about December 18, 1997, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

3. On September 15, 1997, in the Municipal Court, Tulare County, Visalia Division, respondent was convicted of violation of Section 10980(c)(2) of the California Welfare and Institutions Code (Fraud in Obtaining Aid), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions and duties of a real estate licensee.

The facts and circumstances are that between September 1994 and May 1996 respondent was living off and on with a man that became her spouse in September 1995. He ran a business out of the home which earned no income, but he did receive unemployment benefits. These facts were not reported to the Department of Social Services which resulted in respondent receiving aid in the approximate amount of \$13,000 that she was not entitled to.

4. Respondent was contrite and remorseful to having committed Welfare Fraud. She started making restitution even before she was convicted. This is her only criminal conviction and she was convincing in demonstrating that she is a different person now and unlikely to be of any danger to the public. She was struggling at the time taking care of three young children following a divorce. There were some uncertainties in her relationship with her boyfriend and respondent was afraid he would leave, and she was fearful about having to apply for aid again. Respondent knows she was wrong and she has learned from this negative experience. She did not realize, as she does now, what kind of support she has from family and friends. She is a lot stronger now. She has a good marriage and a strong family life with their children. Respondent is working as a processor for Partners Mortgage and hopes to become a loan officer once she obtains her license. Respondent's husband is employed full time as a fire technician. Respondent regularly attends church and is the block captain of her local neighborhood watch program. Respondent has worked hard to get her real estate license, finally passing the test after three tries.

LEGAL CONCLUSIONS

1. Cause for discipline of Respondent's license for violation of Business and Professions Code sections 480(a) and 10177(b) was established by Finding 3.
2. Respondent has demonstrated that she is rehabilitated and that the public would be adequately protected if respondent was granted a probationary license.

ORDER

Respondent'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 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. Respondent's restricted real estate salesperson license is issued subject to the requirements of section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within 18 months of the issuance of the restricted license submit evidence satisfactory to the Commissioner of the successful completion, at an accredited institution, of two of the courses listed in section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective 18 months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, respondent has submitted the required evidence of course completion and the Commissioner has given written notice to respondent of lifting of the suspension.

2. Pursuant to section 10154, if respondent has not satisfied the requirements for an unqualified license under section 10153.4, respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to section 10153.4 until four years after the date of the issuance of the preceding restricted license.

3. 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.

4. 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 one year has elapsed from the date of issuance of the restricted license to respondent.

5. 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 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: October 27, 1998



KEITH A. LEVY
Administrative Law Judge
Office of Administrative Hearings

FILED
SEP 24 1998

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By Shelly Eliz

In the Matter of the Application of
ERMA LARA GRAHAM

} Case No. H-1379 FRESNO
OAH No. N 1998070600

Respondent

CONTINUED
NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

The Office of Administrative Hearings, 560 J Street, Suite 340/360

Sacramento, CA 95814

on Wednesday -- October 14, 1998, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: September 24, 1998

By Wing S. Peters
for LARRY ALAMAO Counsel

FILED
AUG 5 1998

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

Shelly King

In the Matter of the Application of

ERMA LARA GRAHAM

}

Case No. H-1379 FRESNO

OAH No. N 1998070600

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____

The Office of Administrative Hearings, 560 J Street, Suite 340/360

Sacramento, California 95814

on Thursday -- September 10, 1998, at the hour of 1:30 PM,

or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: August 5, 1998

By Larry Alamao
LARRY A. ALAMAO Counsel

1 LARRY A. ALAMAO, Counsel
State Bar No. 47379
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
JUL 13 1998
DEPARTMENT OF REAL ESTATE

By Juan Luna

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
ERMA LARA GRAHAM,)
Respondent.)

No. H-1379 FRESNO
STATEMENT OF ISSUES

The Complainant, M. Dolores Ramos, a Deputy Real Estate
Commissioner of the State of California, for Statement of Issues
against ERMA LARA GRAHAM, (hereinafter "Respondent"), is informed
and alleges as follows:

I

Respondent made application to the Department of Real
Estate of the State of California for a real estate salesperson
license on or about December 18, 1997, with the knowledge and
understanding that any license issued as a result of said
application would be subject to the conditions of Section 10153.4
of the Business and Professions Code.

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II

Complainant, M. Dolores Ramos, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in her official capacity and not otherwise.

III

On or about September 15, 1997, in the Municipal Court, Tulare County, Visalia Division, Respondent was convicted of violation of Section 10980(c)(2) of the California Welfare and Institutions Code (Fraud in Obtaining Aid), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as alleged in Paragraph III, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law.

M. Dolores Ramos
M. DOLORES RAMOS
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 8th day of July, 1998