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JUL 17 2008

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-1642 FR
HARRIET REBECCA SCOTT,	)	
	)	
	)	
Respondent.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 1, 2004, 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 on May 4, 2004.

On February 5, 2007, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that Respondent meets the requirements of law for  
2 the issuance to Respondent of an unrestricted real estate broker  
3 license and that it would not be against the public interest to  
4 issue said license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's  
6 petition for reinstatement is granted and that a real estate  
7 broker license be issued to Respondent if Respondent satisfies  
8 the following condition within nine months from the date of this  
9 Order:

10 Submittal of a completed application and payment of the  
11 fee for a real estate broker license.

12 This Order shall become effective immediately.

13 DATED: \_\_\_\_\_ 7-1-08.

14 JEFF DAVI  
15 Real Estate Commissioner

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FILED  
APR 14 2004

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Ginters

\* \* \*

In the Matter of the Accusation of )	
HARRIET REBECCA SCOTT, )	NO. H-1642 FR
Respondent. )	OAH NO. N-2003120343
_____ )	

DECISION

The Proposed Decision dated March 17, 2004, 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 May 4, 2004.

IT IS SO ORDERED April 1, 2004.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

John R. Liberator

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

HARRIET REBECCA SCOTT,

Respondent.

Case No. H-1642 FR

OAH No. N2003120343

**PROPOSED DECISION**

Administrative Law Judge Muriel Evens, State of California, Office of Administrative Hearings, heard this matter in Sacramento, California on March 1, 2004.

Larry A. Alamao, Counsel, represented complainant John W. Sweeney.

Stanley S. Ma, Attorney at Law, represented respondent Harriet Rebecca Scott.

The matter was submitted March 1, 2004.

**FACTUAL FINDINGS**

1. John W. Sweeney, a Deputy Real Estate Commissioner, made the accusation in his official capacity.
2. Respondent is licensed by the Department as a real estate broker. Her license expires December 20, 2007.
3. On or about August 3, 2001, respondent was convicted in the Superior Court, County of Fresno, on her plea of nolo contendere to violation of Penal Code section 487(a) grand theft, a misdemeanor substantially related to the qualifications, functions or duties of a real estate licensee. Respondent was sentenced to 30 days in jail, suspended and three years conditional probation.

The facts and circumstances are that on July 13, 2001, respondent stole merchandise valued at approximately \$600.00 from a Macy's department store,

4. Respondent was given an early release from probation, effective September 15, 2003, and had the conviction expunged November 4, 2003, pursuant to Penal Code

section 1203.4. She has been married 41 years to the same man, has three adult children and five grandchildren. She has no other convictions. She went to counseling for three months to learn what caused her to shoplift. The counseling has apparently changed some ways she and her husband relate to each other, for the better. Respondent accepts responsibility for her conduct and is remorseful.

Respondent has been quite active in the business community, serving in several local and state positions with the realtors' association. She is also active in her church and raising her six-year-old grandchild.

### LEGAL CONCLUSIONS

1. Grounds for discipline exist pursuant to Business and Professions Code sections 490 and 10177(b), criminal conviction, by reason of Finding 3.
2. Respondent has shown significant rehabilitation and is an appropriate candidate for a restricted license.

### ORDER

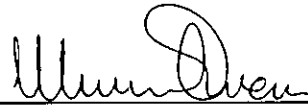
All licenses and licensing rights of respondent Harriet Rebecca Scott under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. 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 that 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 two 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.

DATED: March 17, 2004



MURIEL EVENS  
Administrative Law Judge  
Office of Administrative Hearings

FILED  
DEC 18 2003

**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By: 

*In the Matter of the Accusation of*

HARRIET REBECCA SCOTT,

} Case No. H-1642 FR

} OAH No. N-2003120343

---

*Respondent*

**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

**THE OFFICE OF ADMINISTRATIVE HEARINGS**

**560 J STREET, SUITES 340/360**

**SACRAMENTO, CALIFORNIA 95814**

on **MARCH 1, 2004**, at the hour of **10:00 AM**, 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.

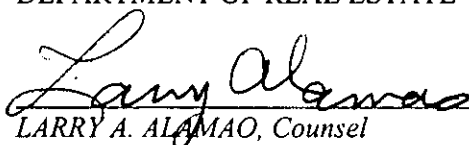
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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.

DEPARTMENT OF REAL ESTATE

Dated: DECEMBER 17, 2003

By:   
LARRY A. ALAMA, 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  
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FILED  
NOV 19 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Conleads*

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 HARRIET REBECCA SCOTT, ) NO. H-1642 FRESNO  
14 Respondent. ) ACCUSATION  
\_\_\_\_\_ )

15  
16 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against HARRIET REBECCA SCOTT (hereinafter referred to as  
19 Respondent), is informed and alleges as follows:

20 I

21 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate  
22 Commissioner of the State of California, makes this Accusation in  
23 his official capacity.

24 II

25 Respondent is presently licensed and/or has license  
26 rights under the Real Estate Law (Part 1 of Division 4 of the  
27 Business and Professions Code) (Code) as a real estate broker.



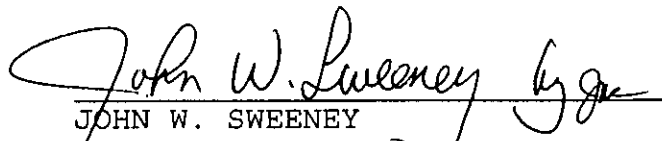
1 III

2 On or about August 3, 2001, in the Superior Court,  
3 Fresno County, Respondent was convicted of a violation of  
4 Section 487(a) of the California Penal Code (Grand Theft), a  
5 crime involving moral turpitude which bears a substantial  
6 relationship under Section 2910, Title 10, California Code of  
7 Regulations, to the qualifications, functions, or duties of a  
8 real estate licensee.

9 IV

10 The facts alleged above constitute cause under Sections  
11 490 and 10177(b) of the Code for suspension or revocation of all  
12 licenses and license rights of Respondent under the Real Estate  
13 Law.

14 WHEREFORE, Complainant prays that a hearing be  
15 conducted on the allegations of this Accusation and that upon  
16 proof thereof, a decision be rendered imposing disciplinary  
17 action against all licenses and license rights of Respondent  
18 under the Real Estate Law (Part 1 of Division 4 of the Business  
19 and Professions Code), and for such other and further relief as  
20 may be proper under the provisions of law.

21  
22  
23   
24 JOHN W. SWEENEY  
Deputy Real Estate Commissioner

25  
26 Dated at Fresno, California,  
27 this 12<sup>th</sup> day of November, 2003.