

FILED
JUN 27 2008
DEPARTMENT OF REAL ESTATE
[Signature]

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

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-29972 LA
PATRICIA N. FUSILIER,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On May 28, 2003, a Decision was rendered herein, 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 July 8, 2003.

On February 11, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

///
///

1 I have considered Respondent's petition and the
2 evidence submitted in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it
6 would not be against the public interest to issue said license
7 to Respondent.

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

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

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

20 This Order shall be effective immediately.

21 Dated: 6-11-08

22
23 JEFF DAVI
24 Real Estate Commissioner
25
26
27

FILED
JUN - 4 2003
DEPARTMENT OF REAL ESTATE

By K. M. Maderholt

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

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-29972 LA
PATRICIA N. FUSILIER,)	
Respondent.)	<u>STIPULATION</u>
)	<u>AND</u>
)	<u>WAIVER</u>

It is hereby stipulated by and between PATRICIA N. FUSILIER (hereinafter "Respondent") and Respondent's attorney, Frank M. Buda, and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on February 24, 2003 in this matter:

A. Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty

1 and truthfulness and to prove other allegations therein, or that
2 she may in her discretion waive the hearing and grant Respondent
3 a restricted real estate salesperson license based upon this
4 Stipulation and Waiver. Respondent also understands that by
5 filing the Statement of Issues in this matter the Real Estate
6 Commissioner is shifting the burden to Respondent to make a
7 satisfactory showing that Respondent meet all the requirements
8 for issuance of a real estate salesperson license. Respondent
9 further understands that by entering into this stipulation and
10 waiver Respondent will be stipulating that the Real Estate
11 Commissioner has found that Respondent has failed to make such
12 a showing, thereby justifying the denial of the issuance to
13 Respondent of an unrestricted real estate salesperson license.

14 B. Respondent hereby admits that the allegations of
15 the Statement of Issues filed against Respondent are true and
16 correct and requests that the Real Estate Commissioner in her
17 discretion issue a restricted real estate salesperson license to
18 Respondent under the authority of Section 10156.5 of the Business
19 and Professions Code. Respondent understands that any such
20 restricted license will be issued subject to and be limited by
21 Section 10153.4 of the Business and Professions Code.

22 C. Respondent is aware that by signing this
23 Stipulation and Waiver, Respondent is waiving Respondent's right
24 to a hearing and the opportunity to present evidence at the
25 hearing to establish Respondent's rehabilitation in order to
26 obtain an unrestricted real estate salesperson license if this
27 Stipulation and Waiver is accepted by the Real Estate

1 Commissioner. However, Respondent is not waiving Respondent's
2 right to a hearing and to further proceedings to obtain a
3 restricted or unrestricted license if this Stipulation and Waiver
4 is not accepted by the Commissioner.

5 D. Respondent further understands that the following
6 conditions, limitations, and restrictions will attach to a
7 restricted license issued by the Department of Real Estate
8 pursuant hereto:

9 1. The license shall not confer any property right in
10 the privileges to be exercised including the right of renewal,
11 and the Real Estate Commissioner may by appropriate order suspend
12 the right to exercise any privileges granted under this
13 restricted license in the event of:

14 a. The conviction of Respondent (including a plea of
15 nolo contendere) to a crime which bears a substantial
16 relationship to Respondent's fitness or capacity as a real estate
17 licensee; or

18 b. The receipt of evidence that Respondent has
19 violated provisions of the California Real Estate Law, the
20 Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner, or conditions attaching to this restricted license.

22 2. Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license nor the removal
24 of any of the conditions, limitations or restrictions attaching
25 to the restricted license until two (2) years have elapsed from
26 the date of issuance of the restricted license to Respondent.

27

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

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

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

12 4. Respondent's restricted real estate salesperson
13 license is issued subject to the requirements of Section 10153.4
14 of the Business and Professions Code, to wit: Respondent is
15 required, within eighteen (18) months of the issuance of the
16 restricted license, to submit evidence satisfactory to the
17 Commissioner of successful completion, at an accredited
18 institution, of two of the courses listed in Section 10153.2,
19 other than real estate principles, advanced legal aspects of
20 real estate, advanced real estate finance, or advanced real
21 estate appraisal. If Respondent fails to timely present to the
22 Department satisfactory evidence of successful completion of
23 the two required courses, the restricted license shall be
24 automatically suspended effective eighteen (18) months after
25 the date of its issuance. Said suspension shall not be lifted
26 unless, prior to the expiration of the restricted license,
27 Respondent has submitted the required evidence of course

1 completion and the Commissioner has given written notice to
2 Respondent of the lifting of the suspension.

3 5. Pursuant to Section 10154, if Respondent has not
4 satisfied the requirements for an unqualified license under
5 Section 10153.4, Respondent shall not be entitled to renew the
6 restricted license, and shall not be entitled to the issuance of
7 another license which is subject to Section 10153.4 until four
8 years after the date of the issuance of the preceding restricted
9 license.

10
11 5-12-03
12 DATED

E. J. L.
Elliott Mac Lennan, Counsel
Department of Real Estate

13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///

27

* * *

1
2 I have read the Stipulation and Waiver, have
3 discussed it with my counsel, and its terms are understood by
4 me and are agreeable and acceptable to me. I understand that
5 I am waiving rights given to me by the California
6 Administrative Procedure Act (including but not limited to
7 Sections 11506, 11508, 11509, and 11513 of the Government
8 Code), and I willingly, intelligently, and voluntarily waive
9 those rights, including the right of a hearing on the Statement
10 of Issues at which I would have the right to cross-examine
11 witnesses against me and to present evidence in defense and
12 mitigation of the charges.

13 Respondent can signify acceptance and approval of the
14 terms and conditions of this Stipulation and Wavier by faxing a
15 copy of the signature page, as actually signed by Respondent,
16 to Elliott Mac Lennan at the Department at fax number (213)
17 576-6917. Respondent agrees, acknowledges and understands that
18 by electronically sending to the Department a fax copy of his
19 actual signature as it appears on the Stipulation and Waiver,
20 that receipt of the faxed copy by the Department shall be as
21 binding on Respondent as if the Department had received the
22 original signed Stipulation and Waiver.

23
24
25 _____
DATED

PATRICIA N. FUSILIER
Respondent

PATRICIA BUSTILIER

826 894 8927

05/12/03 02:55pm P. 001

05/12/2003 13:32 818-5018465

FRANK BUDA ESQ

PAGE 09

MAY-12-03 MON 01:36 PM

FAX NO. 2136788917

P. 09/08

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

5. 12-03
DATED

Frank M. Buda
FRANK M. BUDA
Attorney for Respondent

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

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, PATRICIA BUSTILIER, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED _____

PAULA REEDTISH ATTORNEY

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

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

DATED

FRANK M. BUDA
Attorney for Respondent

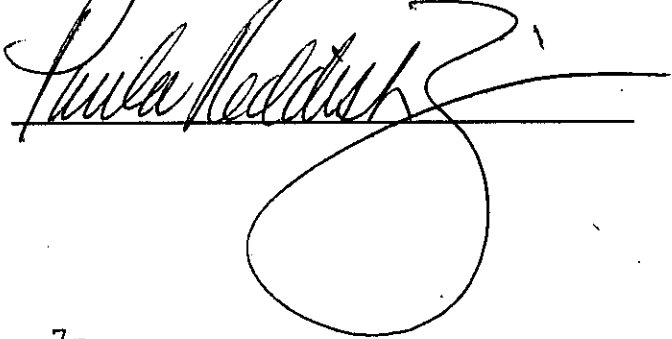
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public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

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, PATRICIA N. FUSILIER, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED May 28, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



Handwritten initials/signature

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

FILED
9 2003
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

PATRICIA N. FUSILIER,

By *K. Kreibich*

Case No. H-29972 LA

OAH No. L-2003030546

} (Grouping symbol for case and OAH numbers)

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 **320 W. Fourth Street, Ste. 630, Los Angeles, California** on **May 14, 2003**, at the hour of **1:30 p.m.**, 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 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: April 9, 2003

By *EL*
ELLIOTT MACLENNAN, Counsel

cc: Patricia N. Fusilier
Frank M. Buda, Esq.
Sacto/OAH/AW

*Arce
Fing*

FILED
FEB 24 2003
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

By *R. Heber*

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 PATRICIA N. FUSILIER,)
13 Respondent.)

No. H-29972 LA

STATEMENT OF ISSUES

14
15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against PATRICIA N. FUSILIER aka Patricia Nuñez Fusilier
18 (Respondent) is informed and alleges in her official capacity as
19 follows:

20 1.

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about September 9, 2002, with the knowledge and
24 understanding that any license issued as a result of said
25 application would be subject to Section 10153.4(c) under the Real
26
27

1 Estate Law (Part 1 of Division 4 of the California Business and
2 Professions Code) (Code).

3 2.

4 On November 13, 1995, in the Superior Court of
5 California, Central Judicial District, County of Los Angeles,
6 respondent was convicted by a guilty plea to violating one count
7 of Section 245(a)(2) (assault with firearm on person), a felony
8 crime, which by its facts and circumstances, involves moral
9 turpitude and is substantially related under Section 2910,
10 Chapter 6, Title 10 of the California Code of Regulations, to the
11 qualifications, functions or duties of a real estate licensee.

12 3.

13 This crime constitutes cause for denial of respondent's
14 application for a real estate license under Sections 480(a) and
15 10177(b) of the Code.

16 These proceedings are brought under the provisions of
17 Section 10100, Division 4 of the California Business and
18 Professions Code and Sections 11500 through 11529 of the
19 California Government Code.
20

21 ///

22 ///

23 ///

24 ///

25 ///

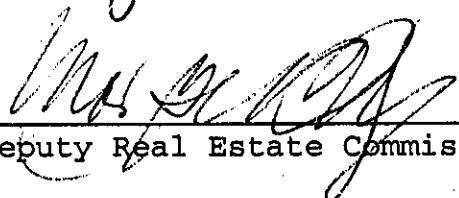
26 ///

27

1 WHEREFORE, the Complainant prays that above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent PATRICIA N. FUSILIER, and for such other
6 and further relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this 20th day of February 2003.

9
10 
11 _____
12 Deputy Real Estate Commissioner
13
14
15
16
17
18
19
20
21
22

23 cc: Patricia N. Fusilier
24 Bruce Mulhearn - Mulhearn Realtors
25 Maria Suarez
26 Sacto
27 AW