


FILED

MAY 03 2013

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
BY: 

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In the Matter of the Accusation of )	No. H-38018 LA
)	
CRYSTAL LESLIE CARTER, )	OAH No. 2012050386
)	
Respondent. )	
_____ )	

DECISION

The Proposed Decision dated March 24, 2013, 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 23 2013.

IT IS SO ORDERED

4/29/2013

Real Estate Commissioner

  
\_\_\_\_\_  
Wayne S. Bell

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

Crystal Leslie Carter,

Respondent.

Case No. H-38018 LA

OAH No. 2012050386

**PROPOSED DECISION**

Administrative Law Judge Howard Posner, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on February 7, 2013.

Julie L. To, Staff Counsel, represented Complainant Robin Trujillo, Deputy Real Estate Commissioner in the Department of Real Estate (Department).

Attorney Roger J. Rosen represented respondent.

Oral and documentary evidence was received at the hearing, and the matter was submitted February 7, 2013.

The Department of Real Estate brings this Accusation to revoke Respondent's real estate salesperson license. For the reasons set out below, the license is revoked.

**FACTUAL FINDINGS**

*Jurisdiction and Background*

1. Complainant issued this Accusation in her official capacity.
2. The Department granted respondent a conditional real estate salesperson license on May 4, 2006. On November 5, 2007, the license was suspended under Business and Professions Code section 10153.4 for failure to meet education requirements. It was reinstated on May 2, 2010, but expired the next day, and was not renewed until October 25, 2011. It will expire October 24, 2015. On April 5, 2012, the Department brought this Accusation to revoke respondent's license, and she timely requested a hearing.

### *Criminal Conviction*

3. On November 3, 2010, in Los Angeles Superior Court, case number BA373476, respondent was convicted on her no contest pleas of seven counts of burglary (Pen. Code § 459) and two counts of receiving stolen property (Pen. Code §496, subd. (a)), all misdemeanors. The court did not make a finding that there was a factual basis for the plea, although one of the arresting police officers testified at the hearing in which the pleas were entered. Respondent and three acquaintances shoplifted from seven shops in Santee Alley in downtown Los Angeles on June 21, 2010. In the police report, the arresting officer reports seeing respondent shoplifting from one of the stores in footage from a security camera. Respondent was fined \$160, ordered to perform 45 days of community labor, and placed on three years of summary probation.

### *Mitigation, Aggravation and Rehabilitation*

4. Respondent paid the fine and completed her community labor. She remains on probation until November 2013.

5. Responding to a request for the details of the crimes in her December 11, 2011 Conviction Detail Report, respondent wrote, "I was shopping downtown in Santee Alley with friends. While I was shopping my friends were stealing. I didn't know until a police car pulled up on us and told us to stop and drop [our] bags. They did find [a receipt for] my items I bought but still arrested me." In response to the report form's request for an explanation of why she committed the crimes, respondent wrote, "I was with the wrong people at the wrong time. I didn't commit any crime but I was still charged." According to the police report, she told an officer at the police station that she had two items of jewelry in her possession because she "put them on and forgot to pay for them." At hearing, respondent admitted stealing some of the items, but pointed out that she actually bought other items from stores in Santee Alley that day.

6. Respondent is 26 years old. When the crimes were committed she was 23, the oldest of the four women involved. Two of the three women who were arrested with respondent were her cousins. According to the hearing testimony of Antionesha Jordan, one of the cousins, and of respondent's father, respondent was remorseful because, as the oldest of the women involved, she felt she should have taken responsibility for stopping the shoplifting. Respondent rarely has contact with the other cousin and has had no contact with the fourth woman, to whom she is unrelated, since the arrest. Her relationship with Antionesha Jordan is closer because respondent's parents adopted Jordan, making them sisters.

7. Respondent submitted in evidence a letter she wrote to "Dear Sir/Madam," but intended for the administrative law judge, on January 14, 2013. It said that she has been "humbled" and learned "not to compromise on what you know is right." Her experience is, it says, "a testament" to "the ignorance and arrogance of youth." She now tells younger family members "to choose their friends wisely, and to never in to peer pressure." It speaks of the "idiocy" of her action, though it never says what she did.

8. Respondent submitted a letter from Mark Alston, broker/owner of Skyway Realty in Inglewood. He has been respondent's employing broker since some time after April 16, 2012.<sup>1</sup> He wrote that he was aware that respondent pleaded "no contest and was convicted of 1 count for violation of penal code 459 (burglary) and 1 count for violation of penal code 486(a) (receiving stolen property) both misdemeanors." He wrote that respondent "realizes that she made a horrible mistake and I believe is truly sorry." Alston described respondent as an asset to his office who is "hard working and diligent," and wrote that he plans to "continue our Broker/Agent relationship."

9. Respondent also assists her mother, who runs a day care.

### LEGAL CONCLUSIONS

1. There is cause to revoke or suspend respondent's license under Business and Professions Code sections 490 and 10177, subdivision (b),<sup>2</sup> as paragraph 5 of the Accusation alleges. Section 490, subdivision (a) allows a board to revoke a license if the licensee "has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued." Section 10177, subdivision (b), which applies specifically to the Department, similarly allows it to revoke a license if the licensee has been convicted of "a crime substantially related to the qualifications, functions, or duties" of a real estate licensee. The crimes of burglary and receiving stolen property (Factual Findings 3 and 6) are substantially related crimes under California Code of Regulations title 10, section 2910, subdivision (a)(8),<sup>3</sup> because each crime is an unlawful act to confer a financial or economic benefit on the perpetrator.

2. Respondent has the burden of showing rehabilitation. Respondent has failed to make a strong showing of rehabilitation. She has met some of the criteria of rehabilitation set out in CCR section 2912 and not met others. More than two years have passed since her convictions. (Factual Finding 3; CCR §2912, subd. (a).) She has paid the fine imposed for the convictions (Factual Finding 4; CCR §2912, subd. (a)), but has not completed probation or had her convictions dismissed under Penal Code section 1203.4. ((Factual Finding 4; CCR §2912, subd. (c) and (e).) Respondent has broken off or limited her relationships with some of the women involved in the crimes (Factual Finding 6; CCR §2912, subd. (i).) She has not shown evidence of significant education or vocational training courses (CCR §2912, subd. (k)) or programs to provide social benefits or to ameliorate social problems. (CCR §2912, subd. (l).)

3. Most significantly, respondent has not shown that her attitude has changed since she committed the crimes (CCR §2912, subd. (m).) In late 2011, she wrote in her

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<sup>1</sup> The Department's History Certification for respondent, printed out on that date, does not list Alston.

<sup>2</sup> Further references to the Business and Professions Code are cited as sections.

<sup>3</sup> "CCR" will denote further references to California Code of Regulations, title 10.


Conviction Detail Report that she had committed no crime and in hearing testimony she was concerned with showing that there were items that she did not steal. (Factual Finding 5.) Her letter of January 2013, which does not mention the crimes (Factual Finding 7), and the letter from her employing broker, who is under the impression that respondent was convicted of only two misdemeanors rather than nine (Factual Finding 8), while not by themselves particularly troublesome, are both consistent with an attitude of minimizing her guilt and not accepting responsibility for her actions.

4. Respondent's seven years as a licensed real estate salesperson are not a factor in mitigation, because she was not working in real estate much of that time. Her license was suspended or expired for four of those years. It would not be in the public interest to allow her to remain licensed.

ORDER

Respondent Crystal Leslie Carter's license rights under the Real Estate Law are  
revoked.

DATED: March 24, 2013

  
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HOWARD POSNER  
Administrative Law Judge  
Office of Administrative Hearings