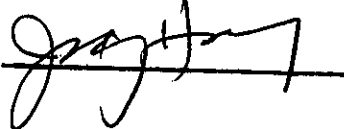


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FILED
SEP 27 2001

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-1533 SA
STELLA ELIZABETH PHILLIPS,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 3, 1994, a Decision was rendered herein
revoking the real estate salesperson license of Respondent,
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 11, 1994 and Respondent has operated as a restricted
licensee without cause for disciplinary action against
Respondent since that time.

On May 21, 2001, Respondent petitioned for
reinstatement of said real estate salesperson license and
the Attorney General of the State of California has been
given notice of the filing of said petition.

1 I have considered the petition of Respondent and
2 the evidence and arguments in support thereof including
3 Respondent's record as a restricted licensee. Respondent
4 has demonstrated to my satisfaction that Respondent meets
5 the requirements of law for the issuance to Respondent of an
6 unrestricted real estate salesperson license and that it would
7 not be against the public interest to issue said license to
8 Respondent STELLA ELIZABETH PHILLIPS.
9

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

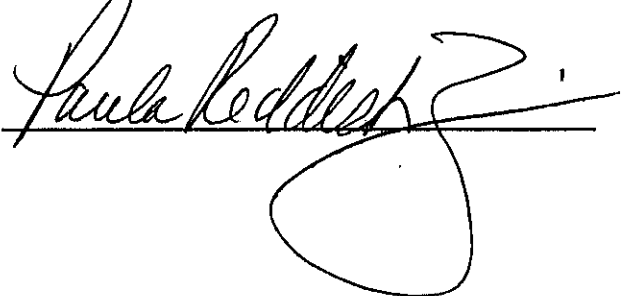
15 1. Submittal of a completed application and payment
16 of the fee for a real estate salesperson license.

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

22 This Order shall be effective immediately.

23 Dated: September 21, 2001.

24 PAULA REDDISH ZINNEMANN
25 Real Estate Commissioner

26 
27

cc: Stella Elizabeth Phillips
27 Malaga Drive
Rancho Mirage, CA 92270

Sacto Joe

FILED
JUL - 8 1994
DEPARTMENT OF REAL ESTATE

By *Emily Ikeda*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-1533 SA
STELLA ELIZABETH PHILLIPS,)	L-60365
Respondent.)	

ORDER DENYING RECONSIDERATION

On May 3, 1994, a Decision was rendered in the above-entitled matter to become effective July 11, 1994.

On or about June 15, 1994, Respondent petitioned for reconsideration of the Decision of May 3, 1994.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of May 3, 1994, and reconsideration is hereby denied.

DATED: 7/7/94

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

*Said
file*

FILED
MAY 16 1994
DEPARTMENT OF REAL ESTATE

By *K. Niederholz*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-1533 SA
STELLA ELIZABETH PHILLIPS,)
Respondent.)

ORDER STAYING EFFECTIVE DATE

On May 3, 1994, a Decision was rendered in the above-entitled matter to become effective May 31, 1994.

IT IS HEREBY ORDERED that the effective date of the Decision of May 3, 1994, is stayed for a period of forty days.

The Decision of May 3, 1994, shall become effective at 12 o'clock noon on July 11, 1994.

DATED: *16 May-94*

CLARK WALLACE
Real Estate Commissioner

By: *Randolph Brendia*
RANDOLPH BRENDIA
Regional Manager

FILED
MAY 10 1994
DEPARTMENT OF REAL ESTATE

By K. Friedenthal

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-1533 SA
STELLA ELIZABETH PHILLIPS,)	L-60365
Respondent.)	

DECISION

The above matter came on for hearing before Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on October 15, 1993.

Complainant was represented by James R. Peel, Counsel. Respondent was present throughout the hearing and represented herself. Evidence was received and the matter stood submitted on October 15, 1993.

On November 4, 1993, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as the Decision of the Real Estate Commissioner. Pursuant to Section 11517(c) of the Government Code of the State of California, Respondent was served with a copy of the Proposed Decision dated

1 November 4, 1993, and with Notice that the case would be decided
2 by me upon the record, including the transcript of proceedings
3 held on October 15, 1993, and upon any written argument offered
4 by Respondent.

5 Argument has been submitted on behalf of Respondent
6 STELLA ELIZABETH PHILLIPS.

7 I have given careful consideration to the record in
8 this case, including the transcript of proceedings of
9 October 15, 1993.

10 I have determined that the Findings of Fact and
11 Determination of Issues in the Proposed Decision of the
12 Administrative Law Judge, dated November 4, 1993, are
13 appropriate in all respects and they are adopted as the Findings
14 of Fact and Determination of Issues of the Real Estate
15 Commissioner in this proceeding. The Order shall be as follows:

16 ORDER

17 All licenses and licensing rights of Respondent STELLA
18 ELIZABETH PHILLIPS under the Real Estate Law are revoked;
19 provided, however, a restricted real estate salesperson license
20 shall be issued to Respondent pursuant to Section 10156.5 of the
21 Business and Professions Code if Respondent makes application
22 therefor and pays to the Department of Real Estate the
23 appropriate fee for the restricted license within 90 days from
24 the effective date of this decision. The restricted license
25 issued to Respondent shall be subject to all of the provisions
26 of Section 10156.7 of the Business and Professions Code and to
27 the following limitations, conditions and restrictions imposed
under the authority of Section 10156.6 of that Code:

1 (1) All licenses and licensing rights of Respondent
2 STELLA ELIZABETH PHILLIPS under the Real Estate Law
3 are suspended for a period of thirty (30) days from
4 the date any new restricted real estate salesperson
5 license is issued.

6 (2) Respondent shall within six months from the
7 effective date of this Decision, take and pass the
8 Professional Responsibility Examination administered
9 by the Department and shall pay the appropriate
10 examination fee. If Respondent fails to satisfy this
11 condition, the Commissioner may order suspension of
12 Respondent's license until she passes the examination.

13 (3) The restricted license issued to Respondent may
14 be suspended prior to hearing by order of the Real
15 Estate Commissioner in the event of Respondent's
16 conviction or plea of nolo contendere to a crime which
17 is substantially related to Respondent's fitness or
18 capacity as a real estate licensee.

19 (4) Respondent shall not be eligible to apply for the
20 issuance of the unrestricted real estate license nor
21 the removal of any of the conditions, limitations, or
22 restrictions of a restricted license until two years
23 have elapsed from the effective date of this Decision.

24 (5) Respondent shall, within twelve months from the
25 effective date of this Decision, present evidence
26 satisfactory to the Commissioner that she has, since
27 the most recent issuance of an original or renewal
 real estate license, taken and successfully completed

1 the continuing education requirements of Article 2.5
2 of Chapter 3 of the Real Estate Law for renewal of the
3 real estate license. If Respondent fails to satisfy
4 this condition, the Commissioner may order the
5 suspension of the restricted license until the
6 Respondent presents such evidence. The Commissioner
7 shall afford Respondent the opportunity for a hearing
8 pursuant to the Administrative Procedure Act to
9 present such evidence.

10 (6) Respondent shall submit with any application for
11 a license under an employing broker, or any
12 application for transfer to a new employing broker, a
13 statement signed by the prospective employing real
14 estate broker which shall certify: (1) that the
15 employing real estate broker has read the Decision of
16 the Commissioner which granted Respondent the right
17 to the restricted license; and (2) that the employing
18 real estate broker will exercise close supervision
19 over the activities of the restricted licensee.

20 (7) The restricted license may be suspended, prior to
21 and pending final determination after formal hearing,
22 by order of the Real Estate Commissioner on evidence
23 satisfactory to the Commissioner that Respondent has
24 violated provisions of the California Real Estate Law,
25 the Subdivided Lands Law, Regulations of the Real
26 Estate Commissioner or conditions attaching to the
27 restricted license.

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This Decision shall become effective at 12 o'clock
noon on May 31, 1994

IT IS SO ORDERED 5/3/94

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

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gls

NOV 30 1993

DEPARTMENT OF REAL ESTATE
BY *R. Hueland*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
STELLA ELIZABETH PHILLIPS,) NO. H-1533 SA
Respondent.) L-60365

NOTICE

TO: STELLA ELIZABETH PHILLIPS, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated November 4, 1993, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated November 4, 1993, is attached for your information.

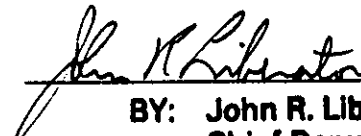
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on October 15, 1993, and any written argument hereafter submitted on behalf of respondent and complainant.

1 Written argument of respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of October 15, 1993, at the Los Angeles office
4 of the Department of Real Estate unless an extension of the time
5 is granted for good cause shown.

6 Written argument of complainant to be considered by me
7 must be submitted within 15 days after receipt of the argument of
8 respondent at the Los Angeles office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED: November 24, 1993

12 CLARK WALLACE
13 Real Estate Commissioner

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15 BY: John R. Liberator
16 Chief Deputy Commissioner
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

STELLA ELIZABETH PHILLIPS,)

Respondent.)

No. H-1533 SA

L-60365

PROPOSED DECISION

This matter was tried before Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on October 15, 1993. Complainant was represented at trial by James R. Peel, Staff Counsel. Respondent was present throughout the trial and represented herself.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Accusation was made by Thomas McCrady solely in his official capacity as Deputy Real Estate Commissioner of the State of California.

2. On September 15, 1975, the Department of Real Estate, State of California (hereafter Department), issued real estate salesperson's license number 00525360 to Stella A. Phillips (hereafter respondent). Said license is in full force and effect.

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3. At all times mentioned herein, respondent was employed by George Elkins (hereafter Elkins), a real estate broker, as a real estate salesperson and she was acting within the scope of her authorized capacity, performing duties and functions of a real estate agent within the meaning of Business and Professions Code (BPC) Sections 10131 and 10132.

4. In August 1991, respondent represented Mr. and Mrs. Richard R. Balsiger, Jr. (hereafter buyers), who wanted to purchase a single family residence in Palm Desert, California. On or about August 11, 1991, buyers made an offer to purchase a single family residence at 11 Margarita, Palm Desert, California, for \$120,000.00 (the first offer), and in furtherance of the first offer gave respondent a personal check in the amount of \$3,000 made out to General Escrow. Subsequently, buyers decided not to proceed with the first offer. Respondent did not return the \$3,000 check to buyers.

5. After receiving the \$3,000 check from buyers, respondent gave it to the general manager of her real estate office, who made a copy of it, logged it into the broker's records, and returned it to respondent. Respondent kept the uncashed \$3,000 check.

6. At all times mentioned herein, Richard Kern, Monica Kern, James Pappas and Linda Pappas (hereafter sellers) owned real property at 6 Paume Lane, Palm Desert, California (hereafter Palm Desert property), as tenants in common with joint tenancies between the Kernses and the Pappases. Sellers listed for sale Palm Desert property with a real estate agent other than respondent. Respondent was not sellers' agent or subagent.

7. On September 3, 1991, buyers made an offer to purchase Palm Desert property for \$140,000.00. Buyers authorized respondent to use the \$3,000 check made out to General Escrow as the deposit on the offer; and it was represented in the offer that buyers had given the \$3,000 deposit check to respondent for delivery to General Escrow.

8. On September 9, 1991, sellers counteroffered to buyers; buyers accepted the counteroffer, subject to certain changes; and sellers subsequently accepted the counter-offer.

9. On or about September 9, 1991, respondent opened escrow at General Escrow Company (hereafter General Escrow) for the sale of Palm Desert property by sellers to buyers. At the time escrow was opened, respondent failed to give the \$3,000 check to General Escrow. Respondent never did deposit the \$3,000 check into escrow.

10. The agreement entered into between buyers and sellers for the sale of Palm Desert property included the contingency that buyers, following receipt of the homeowners' association's covenants, conditions and restrictions, articles of incorporation, by-laws, rules and regulations, financial statement and other documents, had ten days to cancel the escrow if not satisfied with the information.

11. On September 25, 1991, buyers disapproved the financial statement of the homeowners' association and withdrew their offer to purchase Palm Desert property. At that time, escrow was canceled.

12. Shortly thereafter, sellers learned for the first time that buyers' \$3,000 deposit check was never given to General Escrow or deposited into the escrow for the sale of Palm Desert property to buyers.

13. Respondent asserts she lost buyers' \$3,000 deposit check, which prevented her from delivering it to General Escrow when requested to do so before escrow was canceled. Respondent's explanation is not credible. Rather, respondent held onto the \$3,000 deposit check until the contingency (described above in Finding 10) was satisfied; and, when it was not satisfied, respondent returned the \$3,000 check to buyers or destroyed it. Respondent's failure to give the \$3,000 deposit check to General Escrow was willful, not inadvertent.

* * * * *

Pursuant to the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

CONCLUSIONS OF LAW

1. Grounds exist to revoke or suspend respondent's license to act as a real estate salesperson pursuant to Business and Professions Code (BPC) Sections 10177(d) in that respondent willfully violated BPC Section 10145(c), by failing to place buyers' \$3,000 deposit into escrow, based on Findings 4-13 above.

2. Grounds also exist to discipline respondent pursuant to BPC Section 10176(a) in that respondent substantially misrepresented in buyers' written offer to sellers that a \$3,000 deposit would be placed into escrow, based on Findings 4-13 above.

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* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

Real salesperson's license no. 00525360 issued to respondent Stella E. Phillips is hereby suspended for one (1) year; provided, however, said suspension is stayed and respondent placed on probation for two (2) years if respondent, within sixty (60) days of this Decision, applies for a restricted real estate salesperson's license pursuant to Business and Professions Code (BPC) Section 10156.5 and pays the appropriate fee for said license.

The restricted real estate salesperson's license shall then be issued to respondent, subject to the provisions of BPC Sections 10156.6 and 10156.7, and the following terms and conditions:

1. Said restricted license shall be suspended for thirty (30) days. However, pursuant to BPC Section 10175.2, respondent may petition the Department to pay a monetary penalty in lieu of suspension; provided said petition may be granted for no more than ten (10) days of the period of suspension.

2. Respondent shall, within six (6) months of the issuance of the restricted license, take and pass the professional responsibility examination administered by the Department. If respondent fails to pass the examination, the Commissioner may order respondent's restricted license be suspended until she has passed the examination.

3. Respondent shall, within twelve (12) months of the effective date of this Decision, present evidence satisfactory to the Commissioner that she has, since the most recent issuance of an original or renewal of a 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 respondent presents such evidence.

4. 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 of, or plea of nolo contendere to, a crime which bears a significant relationship to respondent's fitness or capacity as a real estate licensee. 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.

5. 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 of a restricted license until two (2) years have elapsed from the date of issuance of the restricted license to her.

6. Respondent shall submit with any application for a license under an employing broker, or any application for transfer to a new employer broker, a statement signed by the prospective employing real estate broker which shall certify:

(1) that the employing real estate broker has read the Decision of the Commissioner which granted respondent the right to restricted license; and (2) that the employing real estate broker will exercise close supervision over the activities of the restricted licensee.

DATED: November 4, 1993

Rosalyn M. Chapman
ROSALYN M. CHAPMAN
Administrative Law Judge

RMC:btm

NOV 30 1993

DEPARTMENT OF REAL ESTATE
BY K. Mueller

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
STELLA ELIZABETH PHILLIPS,)
Respondent.)

NO. H-1533 SA
L-60365

NOTICE

TO: STELLA ELIZABETH PHILLIPS, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated November 4, 1993, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated November 4, 1993, is attached for your information.

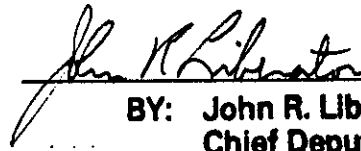
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on October 15, 1993, and any written argument hereafter submitted on behalf of respondent and complainant.

1 Written argument of respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of October 15, 1993, at the Los Angeles office
4 of the Department of Real Estate unless an extension of the time
5 is granted for good cause shown.

6 Written argument of complainant to be considered by me
7 must be submitted within 15 days after receipt of the argument of
8 respondent at the Los Angeles office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED: November 24, 1993

12 CLARK WALLACE
13 Real Estate Commissioner

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16 BY: John R. Liberator
17 Chief Deputy Commissioner
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

STELLA ELIZABETH PHILLIPS,)

Respondent.)

No. H-1533 SA

L-60365

PROPOSED DECISION

This matter was tried before Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on October 15, 1993. Complainant was represented at trial by James R. Peel, Staff Counsel. Respondent was present throughout the trial and represented herself.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Accusation was made by Thomas McCrady solely in his official capacity as Deputy Real Estate Commissioner of the State of California.

2. On September 15, 1975, the Department of Real Estate, State of California (hereafter Department), issued real estate salesperson's license number 00525360 to Stella A. Phillips (hereafter respondent). Said license is in full force and effect.

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3. At all times mentioned herein, respondent was employed by George Elkins (hereafter Elkins), a real estate broker, as a real estate salesperson and she was acting within the scope of her authorized capacity, performing duties and functions of a real estate agent within the meaning of Business and Professions Code (BPC) Sections 10131 and 10132.

4. In August 1991, respondent represented Mr. and Mrs. Richard R. Balsiger, Jr. (hereafter buyers), who wanted to purchase a single family residence in Palm Desert, California. On or about August 11, 1991, buyers made an offer to purchase a single family residence at 11 Margarita, Palm Desert, California, for \$120,000.00 (the first offer), and in furtherance of the first offer gave respondent a personal check in the amount of \$3,000 made out to General Escrow. Subsequently, buyers decided not to proceed with the first offer. Respondent did not return the \$3,000 check to buyers.

5. After receiving the \$3,000 check from buyers, respondent gave it to the general manager of her real estate office, who made a copy of it, logged it into the broker's records, and returned it to respondent. Respondent kept the uncashed \$3,000 check.

6. At all times mentioned herein, Richard Kern, Monica Kern, James Pappas and Linda Pappas (hereafter sellers) owned real property at 6 Paume Lane, Palm Desert, California (hereafter Palm Desert property), as tenants in common with joint tenancies between the Kernses and the Pappases. Sellers listed for sale Palm Desert property with a real estate agent other than respondent. Respondent was not sellers' agent or subagent.

7. On September 3, 1991, buyers made an offer to purchase Palm Desert property for \$140,000.00. Buyers authorized respondent to use the \$3,000 check made out to General Escrow as the deposit on the offer; and it was represented in the offer that buyers had given the \$3,000 deposit check to respondent for delivery to General Escrow.

8. On September 9, 1991, sellers counteroffered to buyers; buyers accepted the counteroffer, subject to certain changes; and sellers subsequently accepted the counter-counteroffer.

9. On or about September 9, 1991, respondent opened escrow at General Escrow Company (hereafter General Escrow) for the sale of Palm Desert property by sellers to buyers. At the time escrow was opened, respondent failed to give the \$3,000 check to General Escrow. Respondent never did deposit the \$3,000 check into escrow.

10. The agreement entered into between buyers and sellers for the sale of Palm Desert property included the contingency that buyers, following receipt of the homeowners' association's covenants, conditions and restrictions, articles of incorporation, by-laws, rules and regulations, financial statement and other documents, had ten days to cancel the escrow if not satisfied with the information.

11. On September 25, 1991, buyers disapproved the financial statement of the homeowners' association and withdrew their offer to purchase Palm Desert property. At that time, escrow was canceled.

12. Shortly thereafter, sellers learned for the first time that buyers' \$3,000 deposit check was never given to General Escrow or deposited into the escrow for the sale of Palm Desert property to buyers.

13. Respondent asserts she lost buyers' \$3,000 deposit check, which prevented her from delivering it to General Escrow when requested to do so before escrow was canceled. Respondent's explanation is not credible. Rather, respondent held onto the \$3,000 deposit check until the contingency (described above in Finding 10) was satisfied; and, when it was not satisfied, respondent returned the \$3,000 check to buyers or destroyed it. Respondent's failure to give the \$3,000 deposit check to General Escrow was willful, not inadvertent.

* * * * *

Pursuant to the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

CONCLUSIONS OF LAW

1. Grounds exist to revoke or suspend respondent's license to act as a real estate salesperson pursuant to Business and Professions Code (BPC) Sections 10177(d) in that respondent willfully violated BPC Section 10145(c), by failing to place buyers' \$3,000 deposit into escrow, based on Findings 4-13 above.

2. Grounds also exist to discipline respondent pursuant to BPC Section 10176(a) in that respondent substantially misrepresented in buyers' written offer to sellers that a \$3,000 deposit would be placed into escrow, based on Findings 4-13 above.

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* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

Real salesperson's license no. 00525360 issued to respondent Stella E. Phillips is hereby suspended for one (1) year; provided, however, said suspension is stayed and respondent placed on probation for two (2) years if respondent, within sixty (60) days of this Decision, applies for a restricted real estate salesperson's license pursuant to Business and Professions Code (BPC) Section 10156.5 and pays the appropriate fee for said license.

The restricted real estate salesperson's license shall then be issued to respondent, subject to the provisions of BPC Sections 10156.6 and 10156.7, and the following terms and conditions:

1. Said restricted license shall be suspended for thirty (30) days. However, pursuant to BPC Section 10175.2, respondent may petition the Department to pay a monetary penalty in lieu of suspension; provided said petition may be granted for no more than ten (10) days of the period of suspension.

2. Respondent shall, within six (6) months of the issuance of the restricted license, take and pass the professional responsibility examination administered by the Department. If respondent fails to pass the examination, the Commissioner may order respondent's restricted license be suspended until she has passed the examination.

3. Respondent shall, within twelve (12) months of the effective date of this Decision, present evidence satisfactory to the Commissioner that she has, since the most recent issuance of an original or renewal of a 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 respondent presents such evidence.

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4. 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 of, or plea of nolo contendere to, a crime which bears a significant relationship to respondent's fitness or capacity as a real estate licensee. 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.

5. 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 of a restricted license until two (2) years have elapsed from the date of issuance of the restricted license to her.

6. Respondent shall submit with any application for a license under an employing broker, or any application for transfer to a new employer broker, a statement signed by the prospective employing real estate broker which shall certify:

(1) that the employing real estate broker has read the Decision of the Commissioner which granted respondent the right to restricted license; and (2) that the employing real estate broker will exercise close supervision over the activities of the restricted licensee.

DATED: November 4, 1993



ROSALYN M. CHAPMAN
Administrative Law Judge

RMC:btm

*with
page*

BEFORE THE DEPARTMENT OF REAL ESTATE JUN 28 1993
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY K. Friederichs

In the Matter of the Accusation of

STELLA ELIZABETH PHILLIPS,

} Case No. H-1533 SA

} OAH No. L-60365

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 _____

Office of Administrative Hearings, 314 West First Street

Los Angeles, California

on October 15, 1993, at the hour of 1:30 p.m.
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: June 28, 1993

By

James R. Peef
Counsel

cc: Stella Elizabeth Phillips
Sacto
OAH
William Evans Bonnar

RE 501 (1/92)

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File

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

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FILED

APR -2 1993

DEPARTMENT OF REAL ESTATE
BY *R. Medinholz*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-1533 SA
STELLA ELIZABETH PHILLIPS,)	
Respondent.)	A C C U S A T I O N

The complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against STELLA ELIZABETH PHILLIPS (hereinafter "Respondent"), alleges as follows:

I

The complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

STELLA ELIZABETH PHILLIPS is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code (hereinafter referred to as the "Code")).

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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate as a real estate salesperson, and was employed by William Evans Bonnar.

IV

On or about September 3, 1991, respondent, acting on behalf of others, for or in expectation of compensation, negotiated the sale of real property located at 6 Paume Lane, Palm Desert, California, from Richard Brian and Monica Gayle Kern and James and Linda Gayle Pappas (hereinafter referred to as seller) to Richard R. and Charlotte J. Balsiger (hereinafter referred to as buyer).

V

In connection with the above sale, respondent received or claimed to have received a total of \$3,000 on behalf of the buyer as an earnest money deposit toward the purchase of the property.

VI

After collecting the above-referenced deposit in the total amount of \$3,000 from the buyer, respondent failed to handle the deposit as required by Section 10145(c) of the Code in that she did not immediately deliver the funds to her broker.

VII

In the alternative, respondent only claimed to have received the deposit of \$3,000 and never, in truth, had said deposit in violation of Section 2785(a) of Chapter 6, Title 10, California Code of Regulations.

VIII

Respondent's conduct, as alleged above, was in violation of Section 10145(c) of the Code and subjects her real estate license to suspension or revocation pursuant to Sections 10177(d)/10177(g) or 10176(a) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of Respondent STELLA ELIZABETH PHILLIPS under the Real Estate Law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Santa Ana, California
this 2nd day of April, 1993.

THOMAS MC CRADY
Deputy Real Estate Commissioner

cc: Stella Elizabeth Phillips
William Evans Bonnar
Sacto
AK