

FILED

AUG 03 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JULIE M. CROCK,)
Respondent.)

No. H-2324 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 3, 1998, 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 March 26, 1998, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On August 17, 1999, 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 the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

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

13 1. Submittal of a completed application and payment of
14 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 Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: July 7, 2000

22
23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner
25
26
27

5000

FILED
FEB 19 1998
DEPARTMENT OF REAL ESTATE

By Laura B. Orme

THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
JULIE M. CROCK,)
Respondent.)

H-2324 SD
L-1997070530

ORDER STAYING EFFECTIVE DATE

On February 3, 1998, a Decision was rendered in the above-entitled matter to become effective February 26, 1998.

IT IS HEREBY ORDERED that the effective date of the Decision of February 3, 1998, is stayed for a period of 30 days.

The Decision of February 3, 1998, shall become effective at 12 o'clock noon on March 26, 1998.

DATED

February 17, 1998

Steve Ellis
Regional Manager



FILED
FEB - 6 1998
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)
JULIE M. CROCK,)
Respondent.)

No. H-2324 SD
L-1997070530

Stana B. Crow

DECISION

The Proposed Decision dated November 5, 1997, 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 February 26, 1998.

IT IS SO ORDERED

2/3/98

JIM ANTT, JR.
Real Estate Commissioner

Jim Antt, Jr.

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC 29 1997
DEPARTMENT OF REAL ESTATE

By Dana B. Crane

In the Matter of the)	Case No. H-2324 SD
Accusation Against:)	
)	
JULIE M. CROCK,)	OAH No. L-1997070530
)	
Respondent.)	
)	

PROPOSED DECISION

On October 17, 1997, in San Diego, California, Myrna Bryn Pascual, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter. Elliott Mac Lennan, Staff Counsel, Department of Real Estate, represented complainant. Respondent, Julie M. Crock, was present and represented by her attorney, Nicholas De Pento.

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

FINDINGS OF FACT

I

J. Chris Graves (complainant), signed the Accusation dated May 28, 1997, against Julie M. Crock (respondent), in his official capacity as Deputy Real Estate Commissioner. The Accusation is based on respondent's criminal convictions of possession for sale of methamphetamine and possession for sale of marijuana on December 3, 1991 and another possession for sale of methamphetamine on January 3, 1991. Respondent filed a timely Notice of Defense and this hearing ensued.

II

On August 26, 1996, the California Department of Real Estate issued to respondent real estate salesperson license No. 01212676. The license will expire August 25, 2000.

III

On January 3, 1991, in the Municipal Court of California, San Diego Judicial District, in People vs. Julie M. Crock, Case No. F133442, respondent entered a plea of guilty to one count of violating California Health and Safety Code section 11378, possession of methamphetamine for sale.

On December 3, 1991, in the Municipal Court of California, San Diego Judicial District, in People vs. Julie M. Crock, Case No. F142490, respondent entered a plea of guilty to one count of violating California Health and Safety Code Section 11378, possession of methamphetamine for sale and one count of violating California Health and Safety Code section 11359, possession of marijuana for sale.

Both criminal cases were consolidated for sentencing and transferred to Superior Court of California, County of San Diego. (Case No. F142490 became Case No. CR127914, and Case No. F133442 became Case No. CR119079.) On June 29, 1992, respondent was placed on five (5) years formal probation, fined \$500 and ordered to pay restitution of \$100. Formal probation terminated June 28, 1997. Respondent already served one day in jail and was not sentenced to serve any more time in custody.

IV

At the date of this hearing, respondent has fully met all court orders, including completion of probation on June 28, 1997. She has also paid all fines and restitution. On August 25, 1997, respondent was granted a dismissal of the two criminal accusatory pleadings pursuant to Penal Code section 1203.4.

V

The crimes of respondent demonstrate moral turpitude per se. Her crimes were serious and involved acts for personal and financial gain. By admission of her crimes, respondent held an intent to corrupt and endanger others. Her acts have demonstrated a "readiness to do evil." People v. Castro, 38 Cal.3d 301, 315 (1985).

Pursuant to the criteria set forth in Title 10, California Code of Regulations section 2910(a)(8), respondent's crimes bear a substantial relationship to the qualifications, functions and duties of a licensed real estate salesperson. Licensees must refrain from doing unlawful acts with the intent of conferring personal benefit or from doing substantial injury to others.

VI

Respondent explained that she came from a troubled family. She left home when she was seventeen years old. Her mother was an alcoholic. Her father is deceased.

In 1991, when she was first arrested, respondent was twenty-two years old. She was living with a boyfriend who used drugs. A friend of her boyfriend came by with methamphetamine, and they were all arrested. Respondent was still living with this same boyfriend when the second arrest occurred. Her boyfriend possessed methamphetamine and marijuana and, again, they were arrested.

Respondent is now thirty years old. She attributes her previous problems to being with her drug-using boyfriend and his friends. She has since broken off the relationship. She is currently living with and is engaged to be married to Jordan Lehr, age 34, who has known her for four years. Jordan Lehr has no criminal record and is pursuing a teaching credential. They have purchased a home together, and they plan to be married February 15, 1998.

In 1992, respondent enrolled into and successfully completed an intensive outpatient drug rehabilitation program, Probationers in Recovery (PIR). She completed the program in September 1993. She attended 3-hour group counseling sessions three times per week and individual counseling sessions two times per month. She also participated in weekly 12-step meetings and random urinalysis testing one to three times per week. Respondent continues to be involved in PIR. She has maintained contact with PIR staff and has attended graduation ceremonies. Respondent also attended Narcotics Anonymous meetings and met with her chemical dependency counselor twice a month. Since starting probation, she had never tested positive for the use of controlled substances.

Respondent is diligent and often works seven days a week. She is presently employed as a real estate salesperson with Prudential California Realty. Since August 1996, when she received her salesperson license, respondent has completed two sales. She presently has three home listings. Her co-workers and friends respect her and her work. Respondent uses her free time to go to a gym three times a week, to play golf, or to work on restoring old Camaros.

Respondent has shown a track record of changed and positive attitude.

VII

In mitigation of the discipline to be imposed, consideration is given to the following:

1. Since the time of her convictions, respondent has had a responsible work history. She has severed all ties with her previous boyfriend, a relationship that introduced her to drugs.

2. The arrests and ensuing convictions occurred more than two years ago.

3. Respondent has paid all fines and restitution that she was ordered to pay. She has fully completed probation. The court has ordered dismissals of the accusatory pleadings.

4. The conduct resulting in the criminal convictions did not arise out of any licensed activity.

5. Respondent is now drug free and continues to volunteer her time at Probationers in Recovery (PIR).

6. The circumstances leading to the 1991 arrests were events which do not indicate respondent's lack of honesty or integrity. Respondent described a situation that will not likely be repeated. Respondent readily admitted her guilt and fully cooperated with law enforcement. Respondent has otherwise shown good judgment and proper behavior. Respondent has taken pride in pursuing a drug-free life and in demonstrating a professional work attitude in a career in real estate.

7. Respondent submitted numerous letters from friends, business and social acquaintances, and co-workers who vouched for her good character. The letters from the Program Coordinator, Judy Gellert, of Probationers in Recovery, and from the Deputy Probation Officer, Cathie Valderrama, of the San Diego County Probation Department, are convincing testimonials of respondent pursuing responsibility and a life without the use of illegal drugs. All of the letters uniformly describe a person who is hard working, conscientious, and determined to pursue proper behavior.

8. Respondent demonstrated sincerity and honesty at the hearing. She was not reluctant to admit guilt. She has shown a changed attitude and has already made changes in her life. This Administrative Law Judge is convinced that respondent is now more mature and will no longer associate herself with persons who use or who possess illegal drugs. Respondent has shown outstanding skills as a salesperson. The public would not be jeopardized, given certain restrictions, if respondent is allowed to continue employment in real estate.

Because of the seriousness of respondent's criminal convictions and the recency of her probation termination, the public interest requires that there be restrictions on respondent's license. This is so that she can demonstrate a record of proper behavior. Allowing respondent a restricted license will accomplish these concerns.

DETERMINATION OF ISSUES

I

Cause was established to discipline respondent's license pursuant to Business and Professions Code sections 490 and 10177(b). This is established by Findings III and V, as a result of respondent's criminal convictions for possession of methamphetamine and marijuana for sale, crimes which are substantially related to the qualifications, functions, and duties of a real estate licensee.

II

Given the circumstances of the crime to which respondent plead guilty, and by demonstrated signs of rehabilitation as

enumerated in Findings IV, VI and VII, the appropriate discipline is issuance of a restricted license for a sufficient period of time for assurance that respondent continues to exhibit proper behavior and for respondent to demonstrate that she does not associate with persons who pursue illegal activities.

ORDER

All licenses and licensing rights of respondent Julie M. Crock under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson 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 one (1) year has elapsed from the effective date of this Decision.
4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing

real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. 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 hearing pursuant to the Administrative Procedure Act to present such evidence.

Dated: November 5, 1997



MYRNA BRYN PASCUAL

Administrative Law Judge

Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUL 31 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

Case No. H-2324 SD

JULIE M. CROCK,

OAH No. L-1997070530

Respondent(s).

By

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 1350 Front Street, Room 6022, San Diego, California on OCTOBER 17, 1997 at the hour of 9:00 a.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.

Dated: JUL 31 1997

DEPARTMENT OF REAL ESTATE

By:

ELLIOTT MACLENNAN, Counsel

cc: Julie M. Crock
Nicholas De Pento, Esq.
Sacto.
OAH LA & SD
SDDO
DMB

RE 501 (Mac 8/92lbo)

5/10/97
Flare

ELLIOTT MAC LENNAN, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
MAY 28 1997

DEPARTMENT OF REAL ESTATE

By *Alma J. [Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-2324 SD
JULIE M. CROCK,)	A C C U S A T I O N
Respondent.)	

The Complainant, J. Chris Graves, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against JULIE M. CROCK is informed and alleges in his official capacity as follows:

I

Respondent 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) (Code).

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II

Respondent was originally licensed by the Department of Real Estate of the State of California as a real estate salesperson on August 26, 1996.

III

On July 23, 1991, in the Superior Court of California, County of San Diego, State of California, respondent was convicted upon a plea of guilty to one count of violating Section 11378 of the California Health & Safety Code (possession for sale of a controlled substance - methamphetamine) and respondent was convicted upon a plea of guilty to one count of violating Section 11359 of the California Health & Safety Code (possession for sale - marijuana), felony crimes, which by their facts and circumstances involve moral turpitude and are substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

On December 3, 1991, in the Superior Court of California, County of San Diego, State of California, respondent was convicted upon a plea of guilty to one count of violating Section 11378 of the California Health & Safety Code (possession for sale of a controlled substance - methamphetamine), a felony crime, which by its facts and circumstances involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

1 the California Code of Regulations, to the qualifications,
2 functions or duties of a real estate licensee.

3 V

4 The facts as alleged in Paragraphs III and IV constitute
5 cause under Sections 490 and 10177(b) of the Code for the
6 suspension or revocation of all licenses and license rights of
7 respondent under the Real Estate Law.

8 WHEREFORE, Complainant prays that a hearing be conducted on
9 the allegations of this Accusation and that upon proof thereof, a
10 decision be rendered imposing disciplinary action against the
11 license and license rights of respondent JULIE MARIE CROCK (Part 1
12 of Division 4 of the Business and Professions Code), and for such
13 other and further relief as may be proper under other applicable
14 provisions of law.

15 Dated at San Diego, California
16 this 28th day of May, 1997.

17
18 
19 Deputy Real Estate Commissioner
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21
22
23
24

25 cc: Julie Marie Crock
26 Sacto.
27 DMB