

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
MAR - 6 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

\* \* \*

In the Matter of the Application of )  
NATHALIA CECELIA TAGLE, )  
Respondent. )

NO. H-2577 SD  
L-2000110270

**DECISION**

The Proposed Decision dated February 21, 2001, 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 application for a real estate salesperson license is denied. There is no statutory restriction on when application may again be made for this license. If and when application is again made for this license, all competent evidence of rehabilitation presented by Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto for the information of Respondent.

This Decision shall become effective at 12 o'clock noon  
on March 26, 2001.

IT IS SO ORDERED March 5, 2001.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

Paula Reddish Zinnemann

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

In the Matter of the Application of:

NATHALIA CECELIA TAGLE,

Applicant.

DRE No. H-2577-SD

OAH No. L-2000110270

**PROPOSED DECISION**

Administrative Law Judge James Ahler, Office of Administrative Hearings, State of California, heard this matter in San Diego, California, on February 7, 2001.

Deidre L. Johnson, Counsel, represented complainant J. Chris Graves, Deputy Real Estate Commissioner, Department of Real Estate.

Nathalia Cecelia Tagle (hereafter applicant) represented herself and was present throughout the entire proceeding. She was assisted by her husband throughout the hearing.

The matter was submitted on February 7, 2001.

**FACTUAL FINDINGS**

1. Applicant was born on December 24, 1968. She immigrated from Indonesia to the Southern California in 1984 when she was 16 years old. Applicant graduated from Cleveland High School in 1988. Thereafter, applicant attended Pierce Junior College from 1990 through 1992, majoring in business.

In 1992, applicant started working at Lamps Plus as a retail salesperson. She continued that employment through her marriage in 1994. Applicant and her husband moved to San Diego where applicant continued to work through 1995.

Applicant attended a dental assistant vocational school in 1995 and after obtaining certification and licensure as a dental assistant, she began working for dental offices in San Diego County.

Applicant is happily married and she and her husband have two children, one of whom is five years old and one of whom is two years old. Applicant's husband was on active duty with the United States Navy from 1979-1985, was a deputy sheriff with San

Diego County thereafter while remaining in the United States Naval Reserve, and was recalled to active service on embassy duty in August 1999. Since August 1999, applicant and her family have lived in the United Kingdom. Her husband's tour of duty has been extended through approximately March 2002 and the family will live in Italy.

Applicant would like to hold a real estate salesperson license when she and her family return to San Diego after her husband's tour of duty. She believes that her hours as a real estate salesperson will be far more flexible than if she were working as a dental assistant and that she will be a much better mother for that reason.

2. On August 11, 1999, applicant filed a Salesperson License Application with the Department. She listed Southwest Paradigm Companies, Inc., as her sponsoring broker.

Question 18 asked:

HAVE YOU USED ANY OTHER NAMES (i.e., MAIDEN NAME, AKA'S ETC.)?

Applicant checked the box for "No."

Immediately above Question 24, the following warning was set forth:

- **Carefully read and provide detailed answers to questions #24-26. You must provide a yes or no response to all questions.**
- "Convicted" as used in Question 25 includes a verdict of guilty by judge or jury, a plea of guilty or of nolo contendere, or a forfeiture of bail in municipal, superior or federal court. All convictions must be disclosed whether or not the plea of verdict was set aside, the conviction against you was dismissed or expunged or if you have been pardoned. Convictions occurring while you were a minor must be disclosed unless the record of conviction has been sealed under Section 1203.45 of the California Penal Code or Section 781 of the California Welfare and Institutions Code.

Question 25 asked:

HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? (YOU MAY OMIT CONVICTIONS FOR DRUNK DRIVING, RECKLESS DRIVING, AND MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE).

Applicant checked the box for "No."

Applicant did not provide a response to Question 27, requesting detailed information concerning prior criminal convictions.

Applicant signed the application under penalty of perjury.

3. Applicant had been known as Nathalia Wibowo, her maiden name.

When asked why she did not list her maiden name on the application, applicant testified that she was in a hurry.

4. Applicant also had been convicted of a crime.

Applicant testified that when she was in her early 20s, she associated with a bad crowd which frequently shoplifted. Applicant stole an item from Nordstroms Rack and was arrested and convicted of petty theft.

At the time of her arrest and conviction, applicant was known as Nathalia Wibowo.

5. Certified court records established, that on August 7, 1990, applicant was convicted of petty theft in violation of Penal Code section 484(a)-488 in the Municipal Court of California, Van Nuys Judicial District, County of Los Angeles, State of California, in Case No. 90P08303.

Applicant was placed on one years summary probation, was fined \$100, was ordered to pay a \$135 penalty assessment, was ordered to make restitution in the amount of \$10, and was ordered to obey all laws.

Applicant successfully completed her period of probation.

6. When asked about her failure to disclose the fact of her conviction, applicant testified that she didn't carefully read the warning above Question 24, that she did not carefully read Question 25, and that the offense occurred so long ago she was uncertain if it remained on her record. Applicant testified that she "made believe it did not happen" and "I just wanted to forget about it – it was just such a horrible thing for me."

By way of explaining the offense itself, applicant testified, "I was just young and stupid."

7. Applicant testified that she has not engaged in similar conduct before or after the incident resulting in her conviction.

The offense appears to be situational in nature, but applicant had no responsible explanation for her failure to disclose the conviction in her Application for a Salesperson License. As pleasant and contrite as applicant appears to be, the fact is she failed to reveal her conviction because she believed it would not to her benefit to do so.

8. Applicant's conviction of petty theft was a conviction involving moral turpitude and it was substantially related to the qualifications, functions and duties of a licensed real estate salesperson.<sup>1</sup>

A licensed real estate salesperson has access to the homes and properties of others while they are away and must be of good moral character. A licensed real estate salesperson engaged in sales and lending transactions must be truthful.

A conviction of a crime involving moral turpitude reflects adversely on an individual's moral character as does the failure to disclose a prior conviction.

9. The following criteria exist with regard to applicant's rehabilitation.<sup>2</sup>

More than ten years have passed since applicant's conviction. There is no other history of any misconduct other than applicant's deliberate failure to disclose her conviction in her Real Estate Salesperson application in August 1999, which occurred less than two years ago.

Applicant made restitution and promptly paid her fine and fulfilled all other terms and conditions of her probation. Applicant's family life appears to be stable. Applicant has maintained full employment since her conviction.

Applicant has experienced a significant change in her lifestyle since her arrest and conviction. Respondent is embarrassed and repentant concerning the offense. It is clear is that the offense was out of character and the likelihood of a similar offense is remote. However, applicant's conscious disregard in failing to disclose her conviction in the application is of great concern and constitutes good cause to deny her application.

10. On March 29, 2000, applicant filed her application for the issuance of a real estate salesperson license with the Department.

On June 13, 2000, the Department issued a real estate salesperson license to applicant in reliance on the factual representations contained in applicant's application for a real estate license including her representation that she had not been convicted of any crime.

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<sup>1</sup> Theft is a crime involving moral turpitude. See, *In re Honoroff* (1975) 15 Cal.3d 755.

Title 10, California Code of Regulations, section 2910 sets forth criteria which should be considered in determining if the conviction of a crime is substantially related to the qualifications, functions and duties of a licensee of the Department of Real Estate.

<sup>2</sup> Title 10, California Code of Regulations, section 2911 sets forth criteria which should be considered in evaluating whether an applicant for a real estate license is rehabilitated and fit to hold a license.

On September 7, 2000, Deputy Real Estate Commissioner Charles W. Koenig signed the Statement of Issues in his official capacity.

On September 12, 2000, an Order Suspending Real Estate License was signed.

The Statement of Issues, Order Suspending Real Estate License and other jurisdictional documents were served on applicant thereafter.

On October 10, 2000, applicant signed a Notice of Defense and requested an administrative hearing.

On February 7, 2001, the record in the administrative hearing was opened. Jurisdictional documents were presented, sworn testimony was received and documentary evidence was introduced. Closing arguments were given, the record was closed and the matter was submitted.

### LEGAL CONCLUSIONS

1. Business and Professions Code section 480 provides in pertinent part:

“(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.”

2. Business and Professions Code section 10177 provides in pertinent part:

“The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following...:

(a) Procured, or attempted to procure, a real estate license or license renewal, for himself or herself or any salesperson, by fraud, misrepresentation, or deceit, or by making any material misstatement of fact in an application for a real estate license, license renewal, or reinstatement.”

3. Cause exists to deny applicant's application for the issuance of a real estate salesperson license under Business and Professions Code sections 480(c) and 10177(a). Applicant attempted to procure a real estate license for herself by misrepresenting that she had not been convicted of a crime, a material misstatement of fact in her application for a real estate salesperson license.

This conclusion is based on Legal Conclusions 1 and 2 and on Factual Findings 2-6 and 8.

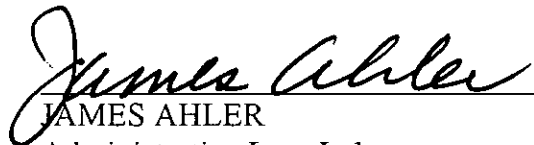
4. Applicant has no other criminal record. Applicant did not disclose her conviction in her application for a real estate license. While the conviction appears to be out of character, while applicant completed her criminal probation, and while applicant's expression of remorse was sincere and compelling, she did not satisfactorily explain her material omission on the salesperson application filed in March 2000. In light of applicant's material misstatement, it would not be in the public interest to permit applicant to obtain a real estate salesperson license at this time.

This conclusion is based on Legal Conclusions 1-3 and on all Factual Findings.

### ORDER

The application of Nathalia Cecelia Tagle for the issuance of a real estate salesperson license is denied.

Dated: February 21, 2001

  
\_\_\_\_\_  
JAMES AHLER  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
NOV 17 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Centres

In the Matter of the Application of

NATHALIA CECELIA TAGLE,

}

Case No. H-2577 SD

OAH No. \_\_\_\_\_

Respondent

FIRST AMENDED  
**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 \_\_\_\_\_  
The Office of Administrative Hearings, 1350 Front Street,  
Room 6022, San Diego, California 92101

on February 7, 2001, at the hour of 10:00 AM,  
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 for 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: November 17, 2000

By Deidre L. Johnson  
DEIDRE L. JOHNSON Counsel



BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
NOV 14 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Application of

NATHALIA CECELIA TAGLE,

}

Case No. H-2577 SD

OAH No. \_\_\_\_\_

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 \_\_\_\_\_

The Office of Administrative Hearings, 1515 Clay Street,

Room 6022, San Diego, California 92101

on February 7, 2001, at the hour of 10:00 AM,  
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 for 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: November 9, 2000

By Deidre L. Johnson  
DEIDRE L. JOHNSON Counsel



1           On September 7, 2000, in case No. H-2577 SD, a  
2 Statement of Issues signed by a Deputy Real Estate Commissioner  
3 of the State of California was filed charging respondent with  
4 having procured a real estate license by fraud, misrepresentation  
5 or deceit and with knowingly having made a false statement of  
6 fact required to be revealed in the application for such license.


7           NOW, THEREFORE, IT IS ORDERED under authority of  
8 Section 10177.1 of the Business and Professions Code of the State  
9 of California that the real estate salesperson license heretofore  
10 issued to respondent and the exercise of any privileges  
11 thereunder is hereby suspended pending final determination made  
12 after a hearing on the aforesaid Statement of Issues, a copy of  
13 which is attached hereto.

14           IT IS FURTHER ORDERED that all licensee certificates  
15 and identification cards issued by the Department which are in  
16 the possession of respondent be immediately surrendered by  
17 personal delivery or by mailing in the enclosed self-addressed  
18 envelope to: Department of Real Estate, P.O. Box 187000,  
19 Sacramento, California, 95818-7000.

20           This Order shall be effective immediately.

21           DATED: September 12, 2000

22                           PAULA REDDISH ZINNEMANN  
23                           Real Estate Commissioner

24                             
25  
26  
27

1 DEIDRE L. JOHNSON, Counsel  
State Bar No. 66322  
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P.O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789  
5  
6  
7

FILED  
SEP 07 2000  
DEPARTMENT OF REAL ESTATE  
By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of) NO. H-2577 SD  
12 NATHALIA CECELIA TAGLE, )  
13 ) STATEMENT OF ISSUES  
14 Respondent. )

15 The Complainant, Charles W. Koenig, a Deputy Real  
16 Estate Commissioner of the State of California, for Statement of  
17 Issues against NATHALIA CECELIA TAGLE ("respondent") is informed  
18 and alleges in his official capacity as follows:

19 I

20 Respondent was issued a real estate salesperson license on or  
21 about June 13, 2000, following respondent's application therefor  
22 filed on or about March 29, 2000.

23 II

24 Respondent, pursuant to the provisions of Section  
25 10153.3 of the California Business and Professions Code ("Code"),  
26 made the above application to the Department of Real Estate of  
27 the State of California for a real estate salesperson license

1 with the knowledge and understanding that any license issued as a  
2 result of the application would be subject to the conditions of  
3 Section 10153.4 of the Code.

4 III

5 In response to Question 25 of said application, to wit,  
6 "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? (You may  
7 omit any traffic violations where the disposition was a fine and  
8 the amount was \$100 or less)" respondent answered "No" and failed  
9 to disclose the conviction set forth in Paragraph v.

10 IV

11 In response to Question 18 of said application, to wit:  
12 "Have you used any other names? (i.e., Maiden Name, AKA's,  
13 etc.)", Respondent answered "No," and failed to disclose her  
14 prior last name of "WIBOWO," as alleged in Paragraph V below.

15 V

16 On or about August 7, 1990, in the Municipal Court of  
17 the State of California, County of Los Angeles, respondent was  
18 convicted under the name of NATHALIA WIBOWO of violating  
19 Section 484(a) of the Penal Code (THEFT), a crime involving moral  
20 turpitude, and a crime substantially related to the  
21 qualifications, functions or duties of a real estate licensee.

22 VI

23 The crime of which respondent was convicted, as  
24 described in Paragraph V, constitutes cause for denial of her  
25 application for a real estate license under Sections 480(a) and  
26 10177(b) of the California Business and Professions Code.

27 ///

VII

Respondent's failures to disclose the conviction set forth in Paragraph V, and her prior last name set forth in Paragraph IV above, in the application, constitute the procurement of a real state license by misrepresentation, fraud or deceit, or by making a material misstatement of fact in said application, which is cause for denial of respondent's real estate license application under Sections 480(c) and 10177(a) of the California Business and Professions Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of a real estate salesperson license to respondent, and for such other and further relief as may be proper in the premises.

  
CHARLES W. KOENIG  
Deputy Real Estate Commissioner

Dated at Sacramento, California  
this 7<sup>th</sup> day of September, 2000.