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DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-2644 SD
)	
KAREN HULL,)	
)	
)	
)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 24, 2002, a Decision After Rejection was rendered herein revoking the real estate salesperson license of Respondent.

On May 29, 2003, 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.

I have considered the petition of Respondent and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an

1 unrestricted real estate salesperson license and that it would
2 not be against the public interest to issue said license to
3 Respondent.

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

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

11 2. Submittal of evidence of having, since the most
12 recent issuance of an original or renewal real estate license,
13 taken and successfully completed the continuing education
14 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
15 for renewal of a real estate license.

16 This Order shall be effective immediately.

17 DATED: 1-6-05

18 JEFF DAVI
19 Real Estate Commissioner

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MAY - 2 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	NO. H-2644 SD
KAREN HULL,)	
)	OAH NO. N 2001070107
Respondent.)	
)	

DECISION AFTER REJECTION

A hearing was held in the above-referenced matter on October 30, 2001, before the Office of Administrative Hearings at San Diego, California.

Complainant was represented by Larry A. Alamao, Assistant Chief Counsel, Department of Real Estate.

Respondent was present at the hearing and was represented by Louis G. Bruno, Attorney at Law.

In a Proposed Decision dated November 9, 2001, the Administrative Law Judge recommended the revocation of Respondent's real estate salesperson license and the granting of a right to obtain a restricted real estate salesperson license upon terms and conditions. On December 5, 2001, I declined to

1 adopt the Proposed Decision. Pursuant to Section 11517(c) of the
2 Government Code of the State of California, Respondent was served
3 with notice of my determination not to adopt the Proposed
4 Decision of the Administrative Law Judge along with a copy of
5 said Proposed Decision. Respondent was notified that the case
6 would be decided by me upon the record, the transcript of
7 proceedings held on October 30, 2001, and upon any written
8 argument offered by Respondent and Complainant.

9 Respondent and Complainant have submitted written
10 argument.

11 I have given careful consideration to the record in
12 this case including the transcript of proceedings held on
13 October 30, 2001, and the written argument from Respondent and
14 Complainant.

15 The following shall constitute the Decision of the Real
16 Estate Commissioner in this proceeding:

17 FACTUAL FINDINGS

18 1. J. Chris Graves, Deputy Real Estate Commissioner of
19 the State of California (hereafter, "Department") filed
20 Accusation No. H-2644 SD in his official capacity on May 30,
21 2001. Respondent filed a Notice of Defense.

22 2. The Department issued Real Estate Salesperson
23 License Number 01264879 to Respondent on August 21, 1999, and at
24 all relevant times, the license was in full force and effect.

25 3. On June 22, 1993, in the San Diego County Superior
26 Court, Respondent was convicted upon her plea of guilty of one
27 count of violating Penal Code section 484/488, petty theft, a

1 misdemeanor. The court placed Respondent on probation for three
2 years, sentenced her to jail for 22 days with 20 days suspended
3 and credit for two days, fined her \$250.00, and ordered her to
4 pay restitution in the amount of \$440.00 to the Escondido
5 Recycling Center.

6 The crime involves moral turpitude and is
7 substantially related to the qualifications, functions, and
8 duties of a real estate salesperson.

9 4. Respondent signed a Salesperson License Application
10 on August 1, 1999, and submitted it to the Department. Question
11 number 25 reads:

12 *"Have you ever been convicted of any violation of law?
13 (You may omit convictions for drunk driving, reckless
14 driving, and minor traffic citations which do not
constitute a misdemeanor or felony offense.)"*

15 Respondent checked the "No" box and did not provide
16 an explanation as requested in question 27. Respondent's answer
17 was false in that Respondent had been convicted of petty theft in
18 1993.

19 5. In connection with the 1993 theft offense,
20 Respondent testified she was renting space on some property on
21 which she parked her trailer. She had little income at the time
22 and the owner of the property knew that. He suggested to her
23 that if she drove him to the recycling center in Escondido, he
24 would pay her \$10.00. She agreed and did it twice. On the third
25 occasion, there was a long line when they arrived and after
26 unloading, they left without cashing the ticket they received. A
27 few days later, Respondent asked the property owner for the

1 \$10.00 and he said he had not cashed the ticket. Respondent said
2 she would do that for him, and when she did, she was arrested.

3 Respondent's account of what occurred in 1993 would
4 be an entirely innocent activity if believed. Yet she pled
5 guilty to petty theft pursuant to a plea in which two other
6 counts were dismissed. She was the only person named in the
7 criminal complaint. She was ordered to pay restitution to the
8 recycling center in the amount of \$440.00. In light of her plea
9 and the sentence imposed, her wrongdoing was far greater than she
10 admitted and therefore her testimony at the hearing was not
11 credible.

12 6. In February, 1999, Respondent through her attorney
13 petitioned the Superior Court for relief under Penal Code section
14 1203.4. Probation had ended on June 24, 1996. On March 2, 1999,
15 the court granted the petition and dismissed the case.

16 7. In connection with the answer to question 25,
17 Respondent testified that when she decided she wanted to go into
18 the field of real estate, she contacted the Department to see if
19 she could get a license. She states she was told she could
20 notwithstanding the conviction and that she should attach the
21 dismissal to her application.

22 Respondent enrolled in real estate classes at Mira
23 Costa College and then asked for an application packet from the
24 Department. When she received it, she saw some information that
25 indicated to her that anyone could apply for a license, even if
26 the applicant had been convicted of a crime and can get a license
27 if he or she can prove good character. Respondent testified she

1 did not understand that she could get into trouble if she did not
2 disclose a conviction, although the information the Department
3 provided to her would have indicated that the failure to reveal a
4 criminal conviction may result in the denial of a license.

5 Prior to applying for a real estate license,
6 Respondent had applied for jobs and the applications had asked
7 her if she had been convicted of a crime. Respondent talked to
8 her attorney about how to answer the question and he told her she
9 could answer the questions with a "No" for the rest of her life.
10 Respondent testified that later, after the Department denied her
11 application, she talked to her attorney again and he said he had
12 told her she could say "No" except in cases of state licensing.
13 Respondent seems to have forgotten that portion of the advice she
14 received from her attorney.

15 Upon receiving the application from the Department
16 and seeing the question relating to criminal convictions,
17 Respondent spoke to Robert Richard, a real estate broker. She
18 had previously talked to him about working for him. She was
19 concerned about disclosing the conviction because she had in mind
20 her attorney's advice that she did not have to disclose the
21 conviction for the rest of her life, yet despite having a legal
22 right not to disclose it, she felt she had a moral obligation to
23 disclose it. Richard told her to consult with an attorney, but
24 Respondent did not at that point because she had already spoken
25 to him about prior job applications with similar questions on
26 them. She testified at this point she did not know that a
27 failure to disclose the conviction would get her into trouble.

1 Respondent testified that when she submitted her
2 application, she attached a copy of the dismissal order.

3 8. The application Respondent submitted to the
4 Department contains this instruction:

5 *"'Convicted' as used in Question 25 includes a verdict
6 of guilty by judge or jury, a plea of guilty or of
7 nolo contendere, or a forfeiture of bail in municipal,
8 superior or federal court. All convictions must be
9 disclosed whether or not the plea or verdict was set
10 aside, the conviction against you was dismissed, or
11 expunged or if you have been pardoned.*

12 Respondent testified she did not read this portion
13 of the application.

14 The order dismissing Respondent's 1993 conviction
15 contains the following:

16 *"This order does not relieve [a petitioner] of the
17 obligation to disclose the conviction in response to
18 any direct question contained in any questionnaire or
19 application for public office or for licensure by any
20 state or local agency.*

21 Respondent testified she did not read this portion
22 of the dismissal order.

23 9. The Department's file in which Respondent's
24 application was placed did not contain the dismissal order.
25 Respondent when questioned by a Department investigator in
26 connection with her answer to question 25 examined her file and
27 did not see the dismissal order in it.

10. Respondent is 46 years of age and at the time of
her conviction, was a single mother trying to raise two young
children. She had been abandoned by her husband, was living in a
trailer, and was on welfare. She continued to struggle after her

1 conviction, but in 1999 decided she wanted to better herself and
2 get an education. At first she wanted to become a teacher, but
3 on the suggestion of friends, turned to real estate.

4 After receiving her license, Respondent worked for
5 Richard selling houses. He called her a natural at sales and the
6 best agent he had ever had. Respondent worked for him for about
7 a year. He described her as excited about her career, community
8 oriented, and someone who provided excellent customer service.

9 Respondent has achieved some professional and
10 financial success since becoming a real estate salesperson.
11 Whereas at the time of her conviction, Respondent's daughter had
12 to go a friend's house to take a shower, now Respondent is in a
13 position to buy a car for her.

14 11. Respondent presently works for John Hartman. He
15 has been her broker for about a year and he has found her to be a
16 wonderful agent. He has received no complaints about her. He
17 noted she voluntarily works on committees for the North County
18 Board of Realtors and she enjoys working with first time
19 homebuyers. He would be willing to take on the responsibilities
20 of supervising Respondent if she were to receive a restricted
21 license.

22 12. Respondent submitted nine letters supporting her.
23 She is described by clients and other realtors as honest,
24 sincere, professional, earnest, hardworking, compassionate, kind,
25 courteous, trustworthy and so forth. A co-worker wrote that she
26 takes a personal interest in the welfare of her clients and
27 practices her profession with the utmost care.

1 13. Title 10, California Code of Regulations, section
2 2912, contains the Department's criteria of rehabilitation
3 relating to a criminal conviction in a disciplinary setting. The
4 evidence established the conviction occurred eight years ago and
5 six years later, after Respondent completed probation, the case
6 was dismissed. While no evidence was offered to establish
7 Respondent paid the fine and restitution as required at the time
8 of sentencing, it may be assumed the case would not have been
9 dismissed if the fine and restitution had not been paid.
10 Respondent has changed her life considerably since the time of
11 her conviction. She attended college to learn about real estate
12 and performs community service in her field. She continues to
13 raise her family. She is well respected by the brokers for whom
14 she has worked, co-workers, and clients.

15 In aggravation, Respondent was not entirely
16 forthcoming in describing the activities which led to her
17 conviction.

18 Section 2911 contains similar criteria in assessing
19 an application for licensure. Because Respondent failed to
20 reveal her conviction, the Department was deprived of an
21 opportunity to weigh the evidence of rehabilitation to determine
22 if she could be licensed.

23 14. Respondent's false answer to question 25
24 constitutes a substantial misrepresentation within the meaning of
25 Business and Professions Code section 10177(a) and a knowing
26 misrepresentation or omission of a material fact within the
27 meaning of section 498. Respondent's explanation that she

1 thought the case had been dismissed and she did not have to
2 disclose the conviction is not persuasive. She was advised by
3 the application itself, the order of dismissal, and her attorney
4 that she did have to reveal the conviction on this application.
5 Respondent's testimony that she did not read the application or
6 the dismissal order is hardly a reason to excuse her false
7 answer, nor is her apparent selective memory of her attorney's
8 advice.

9 The evidence shows Respondent did undertake some
10 effort to determine how to answer the question correctly.
11 Unfortunately, Respondent made the wrong decision.

12 On cross-examination, Respondent was asked to read
13 the instruction quoted in Finding 8. She testified she did not
14 read the instruction but if she had she would have answered the
15 question differently by disclosing the conviction. Her demeanor
16 when she gave this answer showed she was surprised this
17 instruction was on the application and made her answer
18 believable.

19 15. Respondent has been licensed as a real estate
20 salesperson for more than two years. Her conviction in 1993 is
21 relatively old and Respondent presented substantial evidence of
22 rehabilitation. She has relied on the license to build a career
23 and support her family, and the evidence she presented
24 established she has achieved some success, and she has improved
25 her life and the lives of her family members. Respondent's
26 broker is aware of her conviction and this proceeding, and is
27 willing nevertheless to continue her employment.

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LEGAL CONCLUSIONS

1. Cause to revoke or suspend Respondent's real estate salesperson license was established for violation of Business and Professions Code sections 498 and 10177(a).

2. Respondent's lack of candor in completing her license application establishes that Respondent does not yet appreciate the need to speak honestly about and to accept responsibility for her actions. (Harrington v. Department of Real Estate (1989) 214 Cal. App. 3d 394 at 406). Coupled with her lack of candor in describing the acts leading to her criminal conviction, Respondent has not demonstrated that she possesses the requisite honesty and truthfulness to function as a real estate licensee. I am not satisfied that the issuance to Respondent of a restricted real estate salesperson license would be in the public interest.

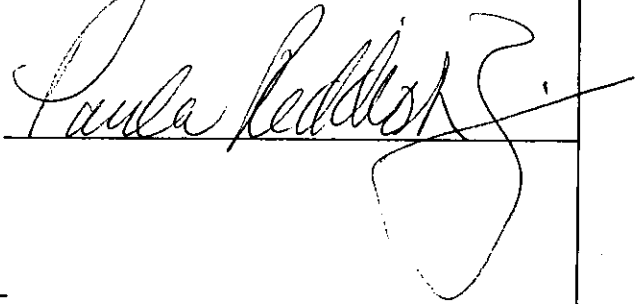
ORDER

All licenses and licensing rights of Respondent KAREN SUE HULL under the Real Estate Law are revoked.

This Decision shall become effective at 12 o'clock noon on May 22, 2002.

IT IS SO ORDERED April 24, 2002.

PAULA REDDISH ZINNEMAN
Real Estate Commissioner



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DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

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

In the Matter of the Accusation of)
KAREN HULL,) No. H-2644 SD
Respondent.) N-2001070107

NOTICE

TO: KAREN HULL, Respondent, and LOUIS G. BRUNO, her Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated November 9, 2001, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated November 9, 2001, is attached for your information.

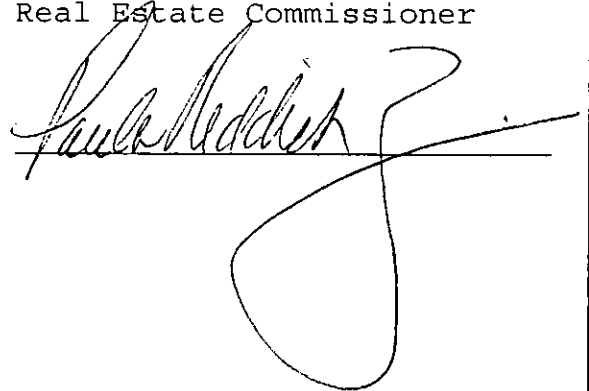
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on October 30, 2001, and any written argument hereafter submitted on behalf 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 30, 2001, at the Sacramento 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 Sacramento office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED: December 5, 2001

12
13 PAULA REDDISH ZINNEBANN
14 Real Estate Commissioner

15  A large, stylized handwritten signature in black ink, appearing to read "Paula Reddish Zinnemann", written over a horizontal line. The signature includes a large, looping flourish at the end.

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

KAREN SUE HULL,

Respondent.

Case No. H-2644 SD

OAH No. L2001070107

PROPOSED DECISION

On October 30, 2001, in San Diego, California, Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Larry A. Alamao, Assistant Chief Counsel, represented complainant.

Louis G. Bruno, Attorney at Law, represented respondent.

The matter was submitted on October 30, 2001.

FACTUAL FINDINGS

1. J. Chris Graves, Deputy Real Estate Commissioner of the State of California (hereafter, "Department") filed Accusation No. H-2644 SD in his official capacity on May 30, 2001. Respondent filed a Notice of Defense.

2. The Department issued real estate salesperson's license number 01264879 to respondent on August 21, 1999, and at all relevant times, the license was in full force and effect.

3. On June 22, 1993, in the San Diego County Superior Court, respondent was convicted upon her plea of guilty of one count of violating Penal Code section 484/488, petty theft, a misdemeanor. The court placed respondent on probation for three years, sentenced her to jail for 22 days with 20 days suspended and credit for two days, fined her \$250.00, and ordered her to pay restitution in the amount of \$440 to the Escondido Recycling Center.

The crime involves moral turpitude and is substantially related to the qualifications, functions, and duties of a real estate salesperson.

4. Respondent signed a Salesperson's License Application on August 1, 1999, and submitted it to the Department. Question number 25 reads:

"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.)"

Respondent checked the "No" box and did not provide an explanation as requested in question 27. Respondent's answer was false in that respondent had been convicted of petty theft in 1993.

5. In connection with the 1993 theft offense, respondent testified she was renting space on some property on which she parked her trailer. She was little income at the time and the owner of the property knew that. He suggested to her that if she drove him to the recycling center in Escondido, he would pay her \$10.00. She agreed and did it twice. On the third occasion, there was a long line when they arrived and after unloading, they left without cashing the ticket they received. A few days later, respondent asked the property owner for the \$10.00 and he said he had not cashed the ticket. Respondent said she would do that for him, and when she did, she was arrested.

Respondent's account of what occurred in 1993 would be an entirely innocent activity if believed. Yet she pled guilty to petty theft pursuant to a plea in which two other counts were dismissed. She was the only person named in the criminal complaint. She was ordered to pay restitution to the recycling center in the amount of \$440.00. In light of her plea and the sentence imposed, her wrongdoing was far greater than she admitted and therefore her testimony at the hearing was not credible.

6. In February 1999, respondent through her attorney petitioned the Superior Court for relief under Penal Code section 1203.4. Probation had ended on June 24, 1996. On March 2, 1999, the court granted the petition and dismissed the case.

7. In connection with the answer to question 25, respondent testified that when she decided she wanted to go into the field of real estate, she contacted the Department to see if she could get a license. She was told she could notwithstanding the conviction and that she should attach the dismissal to her application.

Respondent enrolled in real estate classes at Mira Costa College and then asked for an application packet from the Department. When she received it, she saw some information that indicated to her that anyone could apply for a license, even if the applicant had been convicted of a crime and can get a license if he or she can prove good character. Respondent testified she did not understand that she could get into trouble if she did not disclose a conviction, although the information the Department provided to her would have indicated that the failure to reveal a criminal conviction may result in the denial of a license.

Prior to applying for a real estate license, respondent had applied for jobs and the applications had asked her if she had been convicted of a crime. Respondent talked to her attorney about how to answer the question and he told her she could answer the questions with a "No" for the rest of her life. Respondent testified that later, after the Department denied her application, she talked to her attorney again and he said he had told her she could say "No" except in cases of state licensing. Respondent seems to have forgotten that portion of the advice she received from her attorney.

Upon receiving the application from the Department and seeing the question relating to criminal convictions, respondent spoke to Robert Richard, a real estate broker. She had previously talked to him about working for him. She was concerned about disclosing the conviction because she had in mind her attorney's advice that she did not have to disclose the conviction for the rest of her life, yet despite having a legal right not to disclose it, she felt she had a moral obligation to disclose it. Richard told her to consult with an attorney, but respondent did not at that point because she had already spoken to him about prior job applications with similar questions on them. She testified at this point she did not know that a failure to disclose the conviction would get her into trouble.

Respondent testified that when she submitted her application, she attached a copy of the dismissal order.

8. The application respondent submitted to the Department contains this instruction:

"'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 or verdict was set aside, the conviction against you was dismissed, or expunged or if you have been pardoned."

Respondent testified she did not read this portion of the application.

The order dismissing respondent's 1993 conviction contains the following:

"This order does not relieve [a petitioner] of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency."

Respondent testified she did not read this portion of the dismissal order.

9. The Department's file in which respondent's application was placed did not contain the dismissal order. Respondent when questioned by a Department investigator in connection with her answer to question 25 examined her file and did not see the dismissal order in it.

10. Respondent is 46 years of age and at the time of her conviction, was a single mother trying to raise two young children. She had been abandoned by her husband, was living in a trailer, and was on welfare. She continued to struggle after her conviction, but in 1999 decided she wanted to better herself and get an education. At first she wanted to become a teacher, but on the suggestion of friends, turned to real estate.

After receiving her license, respondent worked for Richard selling houses. He called her a natural at sales and the best agent he had ever had. Respondent worked for him for about a year. He described her as excited about her career, community oriented, and someone who provided excellent customer service.

Respondent has achieved some professional and financial success since becoming a real estate salesperson. Whereas at the time of her conviction, respondent's daughter had to go a friend's house to take a shower, now respondent is in a position to buy a car for her.

11. Respondent presently works for John Hartman. He has been her broker for about a year and he has found her to be a wonderful agent. He has received no complaints about her. He noted she voluntarily works on committees for the North County Board of Realtors and she enjoys working with first time homebuyers. He would be willing to take on the responsibilities of supervising respondent if she were to receive a restricted license.

12. Respondent submitted nine letters supporting her. She is described by clients and other realtors as honest, sincere, professional, earnest, hardworking, compassionate, kind, courteous, trustworthy and so forth. A co-worker wrote that she takes a personal interest in the welfare of her clients and practices her profession with the utmost care.

13. Title 10, California Code of Regulations, section 2912 contains the Department's criteria of rehabilitation relating to a criminal conviction in a disciplinary setting. The evidence established the conviction occurred eight years ago and six years later, after respondent completed probation, the case was dismissed. While no evidence was offered to establish respondent paid the fine and restitution as required at the time of sentencing, it may be assumed the case would not have been dismissed if the fine and restitution had not been paid. Respondent has changed her life considerably since the time of her conviction. She attended college to learn about real estate and performs community service in her field. She continues to raise her family. She is well respected by the brokers for whom she has worked, co-workers, and clients.

In aggravation, respondent was not entirely forthcoming in describing the activities which led to her conviction.

Section 2911 contains similar criteria in assessing an application for licensure. Because respondent failed to reveal her conviction, the Department was deprived of an opportunity to weigh the evidence of rehabilitation to determine if she could be licensed.

14. Respondent's false answer to question 25 constitutes a substantial misrepresentation within the meaning of Business and Professions Code section 10177(a) and a knowing misrepresentation or omission of a material fact within the meaning of section 498. Respondent's explanation that she thought the case had been dismissed and she did not have to disclose the conviction is not persuasive. She was advised by the application itself, the order of dismissal, and her attorney that she did had to reveal the conviction on this application. Respondent's testimony that she did not read the application or the dismissal order is hardly a reason to excuse her false answer, nor is her apparent selective memory of her attorney's advice.

On the other hand, respondent did not simply and cavalierly provide a false answer based solely upon her understanding of the dismissal order. She did talk to her lawyer and her prospective broker. She called the Department to see if a conviction precluded licensure and she reviewed the information packet the Department provided to her. She may have submitted a copy of the dismissal order, although even if she did, that would not constitute a correct answer to question 25. The evidence shows respondent did undertake some effort to determine how to answer the question correctly. Unfortunately, respondent made the wrong decision.

On cross-examination, respondent was asked to read the instruction quoted in Finding 8. She testified she did not read the instruction but if she had she would have answered the question differently by disclosing the conviction. Her demeanor when she gave this answer showed she was surprised this instruction was on the application and made her answer believable.

15. Respondent has been licensed as a real estate salesperson for more than two years. Her conviction in 1993 is relatively old and respondent presented substantial evidence of rehabilitation. She has relied on the license to build a career and support her family, and the evidence she presented established she has achieved some success, and she has improved her life and the lives of her family members. Respondent's broker is aware of her conviction and this proceeding, and is willing nevertheless to continue her employment.

The evidence established respondent sincerely but erroneously believed she had the legal right to refuse to disclose her conviction. While not sufficient to excuse her failure to disclose the conviction, that belief, coupled with the other factors described above, warrants allowing respondent to continue to work as a real estate salesperson, but with a license restricted for two years and restricted to employment with respondent's current broker, John Hartman.

LEGAL CONCLUSIONS

1. Cause to revoke or suspend respondent's real estate salesperson license was established for violation of Business and Professions Code section 498 and 10177(a),

obtaining a real estate salesperson's license by failing to disclose a prior criminal conviction on an application for a license, by reason of Findings 3 and 5.

2. Cause to issue a restricted real estate salesperson license pursuant to Business and Professions Code section 10156.5 was established by Findings 6, 7 and 10 through 15.

ORDER

All licenses and licensing rights of respondent Karen Sue Hull under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson's 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 the 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 said 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 this 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 attaching to the restricted license until two years have elapsed from the effective date of this Decision.
4. Respondent shall submit an application for a restricted license only under respondent's present employing broker, John Hartman (J. E. M. Realty, Inc.). Respondent may not be employed by any other broker while respondent holds a restricted license. Further, respondent shall submit with the application a statement signed by the 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


NOT ADOPTED

NOT ADOPTEZ

(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 a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: November 9, 2001



ALAN S. METH
Administrative Law Judge
Office of Administrative Hearings

FILED
JUL 06 2001

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Accusation of

KAREN SUE HULL

} Case No. H-2644 SD
} OAH No.

Respondent

FIRST AMENDED
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 THE OFFICE OF ADMINISTRATIVE HEARINGS, 1350 FRONT STREET, ROOM 6022, SAN DIEGO, CALIFORNIA 92101 on TUESDAY--OCTOBER 30, 2001, at the hour of 3:00 PM, or as soon thereafter as the matter can be heard, upon the Accusation 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.

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: JULY 6, 2001

By Larry Alamao
LARRY ALAMAO, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUL 03 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Accusation of

KAREN SUE HULL

} Case No. H-2644 SD

} OAH No.

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

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DEPARTMENT OF REAL ESTATE

Dated: JULY 3, 2001

By Larry Alamao
LARRY ALAMAO Counsel

1 MICHAEL B. RICH, Counsel
State Bar No. 84257
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789
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7

FILED
JUN 19 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 KAREN SUE HULL,) NO. H- 2644 SD
14 Respondent.) ACCUSATION
15)

16 The Complainant, J. Chris Graves, a Deputy Real Estate
17 Commissioner of the State of California, for cause of accusation
18 against KAREN SUE HULL is informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law (Part 1 of Division 4 of the
22 California Business and Professions Code) (Code) as a real estate
23 salesperson.

24 II

25 The Complainant, J. Chris Graves, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity.

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III

Respondent was issued a real estate salesperson license on or about August 21, 1999, following Respondent's application therefor filed on or about August 5, 1999, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

IV

In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law?", Respondent answered "No".

V

On or about June 24, 1993, in the Municipal Court, State of California, San Diego County, North County Judicial District, Respondent was convicted of violation of Sections 484 and 488 of the California Penal Code (Theft), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

VI

Respondent's failure to reveal the conviction set forth above in said application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application.

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VII

The facts alleged above constitute cause under Sections 498 and 10177(a) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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 all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.

J. Chris Graves

J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 30th day of May, 2001