

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6  
7 Telephone: (916) 227-0781

FILED  
AUG 18 2006

DEPARTMENT OF REAL ESTATE

By Anne Shaver

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-2737 SD  
12 PATRICIA ANN KAMMERZELL, )  
13 Respondent. )

14 ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

15 TO: PATRICIA ANN KAMMERZELL, Respondent

16 On August 8, 2002, a restricted real estate  
17 salesperson license was issued by the Department of Real Estate  
18 to Respondent on the terms, conditions and restrictions set  
19 forth in the Real Estate Commissioner's Order of July 29, 2002,  
20 in Case No. H-2737 SD. This Order provided that the right to a  
21 restricted real estate salesperson license was subject to the  
22 provisions of Section 10156.6 of the Business and Professions  
23 Code (Code).

24 On June 28, 2006, in Case No. H-3555 SD, an  
25 Accusation by a Deputy Real Estate Commissioner of the State of  
26 California was filed charging Respondent with a violation of  
27 Section 490 and 10177(b) of the Code, for the suspension or

1 revocation of all licenses and license rights of Respondent  
2 under the Real Estate Law.

3 NOW, THEREFORE, IT IS ORDERED under authority of  
4 Section 10156.7 of the Business and Professions Code of the  
5 State of California that the restricted real estate salesperson  
6 license heretofore issued to Respondent and the exercise of any  
7 privileges thereunder is hereby suspended pending a final  
8 determination made after the hearing on the aforesaid  
9 Accusation.

10 IT IS FURTHER ORDERED that all license certificates  
11 and identification cards issued by the Department of Real  
12 Estate which are in possession of Respondent be immediately  
13 surrendered by personal delivery or by mailing in the enclosed  
14 self-addressed envelope to:

15 Department of Real Estate  
16 ATTN: Flag Section  
17 P.O. Box 187007  
18 Sacramento, CA 95818-7007

19 This Order is effective immediately.

20 DATED: 8-15-06

21 JEFF DAVI  
22 Real Estate Commissioner  
23   
24  
25  
26  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

FILED  
JUN 02 2006

DEPARTMENT OF REAL ESTATE

By Juan Armenta

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) No. H-2737 SD  
PATRICIA ANN KAMMERZELL, )  
Respondent. )

ORDER DENYING UNRESTRICTED LICENSE

On July 29, 2002, a Decision was rendered herein denying Respondent's application for a real estate salesperson license 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 August 8, 2002, and Respondent has been licensed as such since that time.

On August 17, 2004, Respondent petitioned for removal of the restrictions on said real estate salesperson license.

The burden of proving rehabilitation rests with the petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof

1 must be sufficient to overcome the prior adverse judgment on the  
2 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d  
3 395).

4 I have considered Respondent's petition and the  
5 evidence and arguments in support thereof. Respondent has failed  
6 to demonstrate to my satisfaction that Respondent has undergone  
7 sufficient rehabilitation to warrant an unrestricted real estate  
8 salesperson license at this time. This determination has been  
9 made in light of Respondent's history of acts which are  
10 substantially related to the qualifications, functions and duties  
11 of a real estate licensee. That history includes:

12 1. Respondent's February 14, 2002 application for a  
13 real estate salesperson license was denied pursuant to the  
14 provisions of Section 480(a), 480(c), 10177(a) and 10177(b) of  
15 the Code:

16 (a) On the ground that on April 16, 1998, in the  
17 Municipal and Superior Courts of the State of California, County  
18 of San Diego, Case No. SF122561, Respondent was convicted of the  
19 crime of Infliction Of Injury On Cohabitant in violation of Penal  
20 Code Section 273.5(a), a misdemeanor and a crime involving moral  
21 turpitude that is substantially related to the qualifications,  
22 functions and duties of a real estate licensee; and

23 (b) On the further ground that Respondent failed to  
24 disclose said conviction in her February 14, 2002 application for  
25 a real estate salesperson license.

26 2. On December 17, 2003, in the Superior Court of the  
27 State of California, County of San Diego, Case No. C229492,

1 Respondent was convicted of the crime of Driving Under The  
2 Influence Of Alcohol in violation of Vehicle Code Section  
3 23152(a), a misdemeanor and a crime involving moral turpitude  
4 that is substantially related to the qualifications, functions  
5 and duties of a real estate licensee. Respondent was placed on  
6 probation for a term of five years upon the conditions, among  
7 others, that Respondent pay a \$1,685.00 fine, participate in a  
8 First Offender's Program, not drive with a measurable amount of  
9 alcohol in system, and violate no laws regarding driving a motor  
10 vehicle while under the influence or in the possession of  
11 alcohol.

12           3.     On October 7, 2004, while on probation for the  
13 December 17, 2003 conviction, Respondent was arrested in San  
14 Diego County, California, for Driving Under The Influence Of  
15 Alcohol. Respondent's blood alcohol was .23%. Consequently, on  
16 January 11, 2005, in the Superior Court of the State of  
17 California, County of San Diego, Case No. C229492, Respondent was  
18 convicted of the crime of Driving Under The Influence Of Alcohol  
19 in violation of Vehicle Code Section 23152(a), a misdemeanor and  
20 a crime involving moral turpitude that is substantially related  
21 to the qualifications, functions and duties of a real estate  
22 licensee. Respondent was placed on probation for a term of five  
23 years upon the conditions, among others, that Respondent pay a  
24 \$2.130 fine, participate in a Multiple Offender's Program, not  
25 drive with a measurable amount of alcohol in system, and violate  
26 no laws regarding driving a motor vehicle while under the  
27 influence or in the possession of alcohol.

1           The Department has developed criteria in Section 2911  
2 of Title 10, California Code of Regulations ("Regulations") to  
3 assist in evaluating the rehabilitation of an applicant for  
4 removal of restrictions on a license. Among the criteria  
5 relevant in this proceeding are:

6           Section 2911(n). Change in attitude from that which  
7 existed at the time of the conduct in question as evidenced by  
8 any or all of the following: (1) Testimony of applicant. (2)  
9 Evidence from family members, friends or other persons familiar  
10 with applicant's previous conduct and with his subsequent  
11 attitudes and behavioral patterns. (3) Evidence from probation or  
12 parole officers or law enforcement officials competent to testify  
13 as to applicant's social adjustments. (4) Evidence from  
14 psychiatrists or other persons competent to testify with regard  
15 to neuropsychiatric or emotional disturbances. (5) Absence of  
16 subsequent felony or misdemeanor convictions that are reflective  
17 of an inability to conform to societal rules when considered in  
18 light of the conduct in question. Respondent's conviction on  
19 December 17, 2003, arrest on October 7, 2004, and conviction on  
20 January 11, 2005, for committing "substantially - related" crimes  
21 demonstrate a lack of rehabilitation. This is cause to deny  
22 Respondent's petition pursuant to Section 2911(n) of Chapter 6,  
23 Title 10, California Code of Regulations.

24           NOW, THEREFORE, IT IS ORDERED that Respondent's  
25 petition for removal of restrictions on Respondent's real estate  
26 salesperson license is denied.

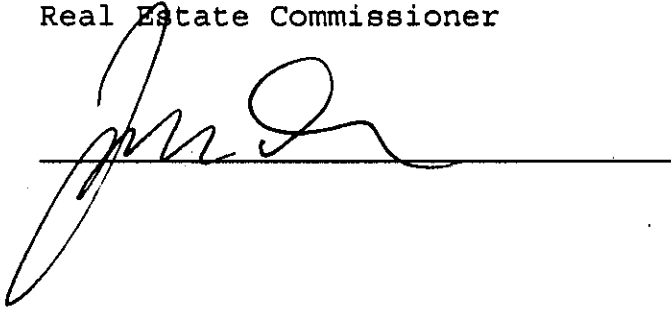
27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

This Order shall become effective at 12 o'clock  
noon JUN 23 2006, 2006.

DATED: 5-9, 2006

JEFF DAVI  
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line. The signature is stylized and cursive.

FILED

AUG - 7 2002

DEPARTMENT OF REAL ESTATE

*Laurie A. Zair*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

*In the Matter of the Application of*

PATRICIA ANN KAMMERZELL,

Respondent

No. H- 2737 SD

STIPULATION AND  
WAIVER

I, PATRICIA ANN KAMMERZELL, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on JUNE 27, 2002, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate



1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a  
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to exercise any privileges granted under this restricted license in the event of:
  - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 20 b. The receipt of evidence that respondent has violated provisions of the California Real  
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.  
26  
27

1 3. With the application for license, or with the application for transfer to a new employing broker, I  
2 shall submit a statement signed by the prospective employing broker on a form approved by the  
3 Department of Real Estate wherein the employing broker shall certify as follows:

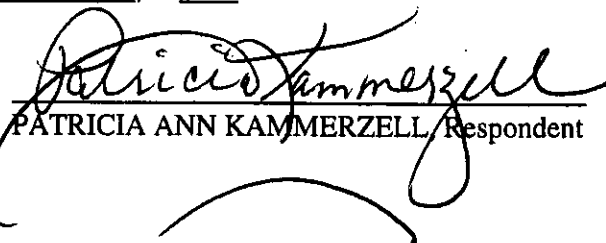
4 a. That broker has read the Statement of Issues which is the basis for the issuance of the  
5 restricted license; and

6 b. That broker will carefully review all transaction documents prepared by the restricted  
7 licensee and otherwise exercise close supervision over the licensee's performance of acts  
8 for which a license is required.

9 4. My restricted real estate salesperson license is issued subject to the requirements of Section  
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18)  
11 months of the issuance of the restricted license, to submit evidence satisfactory to the  
12 Commissioner of successful completion, at an accredited institution, of two of the courses listed  
13 in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,  
14 advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the  
15 Department satisfactory evidence of successful completion of the two required courses, the  
16 restricted license shall be automatically suspended effective eighteen (18) months after the date  
17 of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted  
18 license, I have submitted the required evidence of course completion and the Commissioner has  
19 given written notice to me of the lifting of the suspension.

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license  
21 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be  
22 entitled to the issuance of another license which is subject to Section 10153.4 until four years  
23 after the date of the issuance of the preceding restricted license.

24 DATED this 2<sup>nd</sup> day of July, 2002.

25   
26 PATRICIA ANN KAMMERZELL, Respondent  
27


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a  
restricted real estate salesperson license to respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
respondent PATRICIA ANN KAMMERZELL if respondent has otherwise fulfilled all of the statutory  
requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
the foregoing Stipulation and Waiver.

This Order is effective immediately.

DATED this 29<sup>th</sup> day of July, 2002.

  
\_\_\_\_\_  
Paula Reddish Zinnemann  
Real Estate Commissioner

1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000  
5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)  
7

FILED  
JUN 27 2002

DEPARTMENT OF REAL ESTATE  
By *Laurie L. Zari*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 PATRICIA ANN KAMMERZELL, )  
13 Respondent. )  
14 )

No. H-2737 SD  
FIRST AMENDED  
STATEMENT OF ISSUES

15 The Complainant, J. Chris Graves, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against PATRICIA ANN KAMMERZELL (hereinafter "Respondent"),  
18 alleges as follows:

19 I

20 Complainant, J. Chris Graves, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues in his official capacity.

23 II

24 On or about February 14, 2002, Respondent made  
25 application to the Department of Real Estate of the State of  
26 California (hereinafter "the Department") for a real estate  
27 salesperson license with the knowledge and understanding that,

1 pursuant to the provisions of Section 10153.3 of the Business  
2 and Professions Code, any license issued as a result of said  
3 application would be subject to the conditions of Section  
4 10153.4 of the California Business and Professions Code  
5 (hereinafter "the Code").

6 III

7 In response to Question 25 of said application, to  
8 wit: "Have you ever been convicted of any violation of law?  
9 Convictions expunged under Penal Code Section 1203.4 must be  
10 disclosed. However, you may omit minor traffic citations which  
11 do not constitute a misdemeanor or felony offense", Respondent  
12 concealed and failed to disclose the conviction described in  
13 Paragraph IV, below.

14 IV

15 On or about April 16, 1998, in the Superior and  
16 Municipal Courts of the State of California, County of San  
17 Diego, South Bay Judicial District, Respondent was convicted of  
18 the crime of Infliction of Injury on Cohabitant in violation of  
19 Penal Code Section 273.5(a), a misdemeanor and a crime involving  
20 moral turpitude which bears a substantial relationship under  
21 Section 2910, Title 10, California Code of Regulations (herein  
22 "the Regulations"), to the qualifications, functions or duties  
23 of a real estate licensee.

24 V

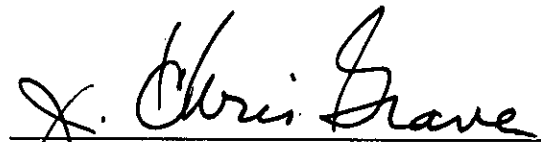
25 In failing to reveal the conviction described in  
26 Paragraph IV, above, in said application, Respondent attempted  
27 to procure a real estate license by fraud, misrepresentation, or

1 deceit, or by making a material misstatement of fact in said  
2 application, which constitutes cause for denial of Respondent's  
3 application for a real estate license under Sections 480(c) and  
4 10177(a) of the California Business and Professions Code.

5 VI

6 Respondent's criminal conviction, as described in  
7 Paragraph IV, above, constitutes cause for denial of  
8 Respondent's application for a real estate license under  
9 Sections 480(a) and 10177(b) of the California Business and  
10 Professions Code.

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

17  
18   
19 J. CHRIS GRAVES  
Deputy Real Estate Commissioner

20 Dated at San Diego, California,  
21 this 20<sup>th</sup> day of June, 2002.

1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)

FILED  
JUN 10 2002

DEPARTMENT OF REAL ESTATE

By Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 PATRICIA ANN KAMMERZELL, ) No. H-2737 SD  
13 Respondent. ) STATEMENT OF ISSUES  
14 )

15 The Complainant, J. Chris Graves, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against PATRICIA ANN KAMMERZELL (hereinafter "Respondent"),  
18 alleges as follows:

19 I

20 Complainant, J. Chris Graves, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues in his official capacity.

23 II

24 On or about February 14, 2002, Respondent made  
25 application to the Department of Real Estate of the State of  
26 California (hereinafter "the Department") for a real estate  
27 salesperson license with the knowledge and understanding that,

1 pursuant to the provisions of Section 10153.3 of the Business  
2 and Professions Code, any license issued as a result of said  
3 application would be subject to the conditions of Section  
4 10153.4 of the California Business and Professions Code  
5 (hereinafter "the Code").

6 III

7 In response to Question 25 of said application, to  
8 wit: "Have you ever been convicted of any violation of law?  
9 Convictions expunged under Penal Code Section 1203.4 must be  
10 disclosed. However, you may omit minor traffic citations which  
11 do not constitute a misdemeanor or felony offense", Respondent  
12 concealed and failed to disclose the conviction described in  
13 Paragraph IV, below.

14 IV

15 On or about August 14, 1995, in the Superior and  
16 Municipal Courts of the State of California, County of San  
17 Diego, South Bay Judicial District, Respondent was convicted of  
18 the crime of Infliction of Injury on Cohabitant in violation of  
19 Penal Code Section 273.5(a), a misdemeanor and a crime involving  
20 moral turpitude which bears a substantial relationship under  
21 Section 2910, Title 10, California Code of Regulations (herein  
22 "the Regulations"), to the qualifications, functions or duties  
23 of a real estate licensee.

24 V

25 In failing to reveal the conviction described in  
26 Paragraph IV, above, in said application, Respondent attempted  
27 to procure a real estate license by fraud, misrepresentation, or



1 deceit, or by making a material misstatement of fact in said  
2 application, which constitutes cause for denial of Respondent's  
3 application for a real estate license under Sections 480(c) and  
4 10177(a) of the California Business and Professions Code.

5 VI

6 Respondent's criminal conviction, as described in  
7 Paragraph IV, above, constitutes cause for denial of  
8 Respondent's application for a real estate license under  
9 Sections 480(a) and 10177(b) of the California Business and  
10 Professions Code.

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

17  
18   
19 J. CHRIS GRAVES  
Deputy Real Estate Commissioner

20 Dated at San Diego, California,  
21 this 23<sup>rd</sup> day of May, 2002.