

July

FILED
JUL 27 2005

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By Anne Shavari

* * *

In the Matter of the Application of)	
ZACHARY DAVID LOVE,)	NO. H-3187 SD
Respondent.)	N-2005050263
_____)	

DECISION

The Proposed Decision dated JULY 7, 2005, 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 August 16, 2005.

IT IS SO ORDERED 7-25, 2005.

JEFF DAVI
Real Estate Commissioner

Jeff Davi

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

ZACHARY DAVID LOVE,

Applicant/Respondent.

Case No. H-3187 SD

OAH No. L2005050263

PROPOSED DECISION

James Ahler, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on June 29, 2005, in San Diego, California.

Truly Sughrue, Counsel, represented complainant J. Chris Graves, a Deputy Real Estate Commissioner, Department of Real Estate, State of California.

Zachary David Love represented himself and was present throughout the administrative hearing.

The matter was submitted on June 29, 2005.

FACTUAL FINDINGS

Jurisdictional Matters

1. On April 13, 2005, complainant J. Chris Graves, a Deputy Real Estate Commissioner, Department of Real Estate (the Department), State of California, signed the Statement of Issues in his official capacity.

The Statement of Issues and other required jurisdictional documents were served on applicant/respondent Zachary David Love (Love or respondent).

Love timely filed a Notice of Defense on Application.

On June 29, 2005, the administrative record was opened. Jurisdictional documents were presented. Sworn testimony and documentary evidence was received. Closing arguments were given, the record was closed, and the matter was submitted.

The Application for Licensure

2. On May 23, 2004, Love applied to the Department for the issuance of a real estate salesperson's license.

3. The application contained the following statements:

- **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.

4. Question 25 asked:

"HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE."

5. Love marked the "YES" box below that question.

6. In response to Question 27, which asked for detailed explanations related to any convictions, Love disclosed he received two citations in 1994-1996 for consuming alcohol in Bemidji, Minnesota, when he was a minor; an April 1996 obstruction of justice conviction in Bemidji; a July 1997 false personation conviction in San Diego, California; a June 1999 conviction of possession of a fraudulent identification in San Diego; an August 2000 "wet reckless" conviction in Santa Cruz, California; a September 2000 conviction for consuming alcohol on a beach after 8:00 p.m. in San Diego; and, a November 2003 conviction of driving on a suspended license in San Diego.

Love's Convictions

7. In April 1996, Love was convicted of violating Minnesota Statutes section 609.50 (Obstruction of Justice)¹ in the Beltrami County Courthouse, State of Minnesota.

¹ Notice is taken that a violation of Minnesota Statutes, section 609.50 required intentionally obstructing, resisting or interfering with a peace officer while the officer was engaged in the performance of official duties.

Evidence to support this conviction was contained in Love's application for a license. Love also admitted the conviction in his testimony at the administrative hearing. Love was fined and placed on summary probation. The conviction necessarily involved moral turpitude.

8. On November 6, 1997, Love was convicted on his plea of guilty of violating Penal Code section 148.9, subdivision (a) (False Personation to a Police Officer), a misdemeanor, in the Municipal Court of California, County of San Diego, San Diego Judicial District, in Case No. M-743384 entitled *People of the State of California v. Zachary David Love*. The conviction necessarily involved moral turpitude.

Love was placed on three years summary probation. Terms and conditions of his probation required him to pay fines and fees of approximately \$470 and to obey all laws.

9. On October 20, 1999, Love was convicted on his plea of guilty of violating Vehicle Code section 13004, subdivision (a) (Possession of False Identification), a misdemeanor, in the Superior Court of California, County of San Diego, in Case No. T-208637 entitled *People of the State of California v. Zachary David Love*. The conviction did not necessarily involve moral turpitude since specific intent was not an element of the offense.

Love was placed on three years summary probation. Terms and conditions of his probation required him to pay fines and fees of approximately \$150 and to obey all laws.

10. On November 9, 2000, Love was convicted on his plea of guilty of violating Vehicle Code section 23103.5 (Reckless Driving in Lieu of Driving Under the Influence), a misdemeanor, in the Superior Court of California, County of Santa Cruz, in Case No. M-03577 entitled *People of the State of California v. Zachary David Love*. The conviction did not necessarily involve moral turpitude.

Imposition of sentence was suspended and Love was placed on three years probation. Love was ordered to pay fines and fees of approximately \$900, to attend and complete a drinking driver's program, to obey any driver license restrictions imposed by the court or the Department of Motor Vehicles, and not to drive a motor vehicle unless properly licensed.

11. On November 24, 2003, Love was convicted on his plea of guilty of violating Vehicle Code section 12500, subdivision (a) (Driving Without a Valid Driver's License), a misdemeanor, in the Superior Court of California, County of San Diego, in Case No. M-825805 entitled *People of the State of California v. Zachary David Love*. The conviction did not necessarily involve moral turpitude.

Imposition of sentence was suspended and Love was placed on three years probation. Love was ordered to pay fines and fees of approximately \$400, not drive a motor vehicle unless properly licensed, and to obey all laws.

Circumstances of the Offenses

12. *The April 1996 Conviction:* Love and several other friends got together at Love's parent's home in Bemidji, Minnesota, to drink alcohol and party. The police were called. Love encouraged his friends to flee the home through the rear door and closed a window on the arm of an investigating officer. Love was cited for numerous offenses and was convicted of obstruction of justice. The nature of the offense necessarily involved moral turpitude.

13. *The November 1997 Conviction:* On July 26, 1997, Love was in Mission Beach, San Diego County, selling trinkets without a permit. When police officers stopped to investigate, Love became uncooperative and falsely identified himself. The offense necessarily involved moral turpitude.

14. *The October 1999 Conviction:* On June 5, 1999, Love was 21 years of age, but he did not possess a driver's license or other form of identification sufficient to establish he was 21 years old. He borrowed a friend's fraudulent identification and went drinking at nightclubs. When he was bicycling back home, Love was stopped by a police officer. According to Love, the police officer mistakenly believed he was under the influence of alcohol or drugs. At some point, the fraudulent identification was discovered. The nature of the offense did not necessarily involve moral turpitude and the facts and circumstances of the offense, as related by Love, did not involve moral turpitude. It did, however, technically violate the terms and conditions of probation related to his November 1997 conviction.

15. *The November 2003 Conviction:* As a result of his "wet reckless" arrest and conviction, Love's driver's license was suspended. He never had his driver's license reinstated. Love knew, or should have known, that it was unlawful for him to operate a motor vehicle without a valid driver's license as that was a condition of probation.

On February 20, 2001, when he was driving a motor vehicle in San Diego County, Love was stopped at approximately 11:25 p.m. for not dimming his headlights for oncoming traffic. It was determined Love was driving on a suspended license. Love was issued a citation in which he promised to appear in court on April 11, 2001, but evidently Love failed to appear as promised. On April 12, 2001, Love was charged with failing to appear and a warrant was issued for his arrest. The warrant was recalled on November 24, 2003.

Through a plea bargain, Love pled guilty to driving without a valid driver's license. The other charges were dismissed. The nature of the conviction did not necessarily involve moral turpitude, and the facts and circumstances of the offense, as related by Love, did not involve moral turpitude. It did, however, specifically violate the terms and conditions of probation related to his October 1999 conviction.

Love's Testimony and Other Evidence

16. Love is a bright, enthusiastic, highly motivated young man.

Love was born on [REDACTED], in Park Rapids, Minnesota. He grew up in Bemidji, Minnesota, graduating from Bemidji High School in 1996.

Love moved to San Diego, California, after high school and attended the University of San Diego from 1996 through 2003. He received a Bachelor of Arts degree in Business Administration from USD in May 2003. Love held a series of odd jobs while attending USD to help put himself through college.

In August 2004, Love became employed by Proffer Financial, a full-service mortgage firm. Love works on a contract basis assisting loan officers in the processing of loans. Love testified he has advised Proffer Financial of his convictions during his employment with that organization, but this testimony was not corroborated in any fashion.

17. Love described several matters which he asserted established his rehabilitation including going to and graduating from college, establishing a stable residence in fall 2000, joining the Art Glass Association of Southern California, joining the San Diego Gem and Mineralogical Society, joining the Glass Art Society, completing his DUI classes, seeking a real estate salesperson's license, joining the San Diego Lapidary Society, obtaining full-time employment, joining the Urban Land Institute, and seeking (two days before the hearing) the expungement of his California convictions.

18. Love said he is in the processing of clearing old debts owed on credit cards, as well as taking care of unpaid parking tickets and old cell phone accounts.

19. Love submitted a letter dated April 7, 2005, signed by Mark Madden, the Operations Manager of Proffer Financial. It stated:

"This is a letter of reference for Zachary Love. Zach has been a contract employee with our firm since August of 2004. Zach has worked within the operations team assisting us in the processing of loans. Zach has performed with above average results, he is a valuable asset to our company and I feel he will make a great Loan Officer. If you have any questions or concerns, please feel free to contact me."

No other letters of reference were submitted. Madden's letter did not acknowledge any knowledge of Love's convictions.

20. Love thought he handled alcohol irresponsibly in the past, but he testified he no longer has any significant problems with alcohol, which he continues to consume.

21. Love described the circumstances surrounding each conviction. He did not consider any of the convictions to be very important and argued the convictions did not involve moral turpitude (as he understood that term) or have a substantial, adverse relationship to the functions, qualifications and duties of a licensed real estate salesperson.

Love expressed some remorse, but he expressed far more concern for the problems he has caused himself than any problems he may have caused others. Love correctly noted the last misconduct for which he was convicted occurred four and one-half years ago (driving without a valid driver's license), but conveniently omitted to mention the delay was a result of his failure to appear as promised.

Evaluation

22. Love has never been convicted of a theft-related offense, but he has a history of problems in dealing with authority and following orders – the convictions of obstructing justice, providing a false identity to a police officer in the course of an investigation, reckless driving after drinking when under a court order to violate no laws, and a conviction of driving on a suspended license when ordered by the court not to do so clearly establish this to be the case. Love remains on probation for the November 2003 conviction.

Not one conviction, standing alone, would be sufficient to result in the denial of Love's application, but taken together the convictions evidence a pattern of misconduct involving a lack of judgment and an extended period of irresponsibility.

Love fully disclosed all of his convictions in his application for a real estate salesperson's license, which constitutes some evidence of honesty and rehabilitation, but his expression of remorse was not particularly sincere.

Nearly all of Love's convictions were alcohol-related. Love pointed to no meaningful program to deal with the recognition or correction of any alcohol-related problems, which raised questions about the chances of his misusing alcohol in the future.

In considering whether a license should be denied on the basis of the conviction(s) of a crime, California Code of Regulations, title 10, section 2910 provides a conviction(s) is deemed to be substantially related to the qualifications, functions or duties of a Department licensee if the crime(s) involved a willful failure to comply with a court order or demonstrated a pattern of repeated and willful disregard of law. In addition, two or more convictions involving the consumption or use of alcohol or drugs (when at least one of the convictions involved driving and the use of alcohol or drugs) is deemed to be substantially related to the qualifications, functions or duties of a Department licensee by regulation.

On this regulatory basis, Love's five misdemeanor convictions between April 1996 and November 2003 have a substantial, adverse relationship to the qualifications, functions and duties of a Department licensee.

The issue then becomes whether Love demonstrated sufficient rehabilitation to hold a real estate salesperson's license.

Using the Department's regulatory criteria to evaluate Love's rehabilitation, the following appears: About 20 months have passed since the most recent conviction; the

criminal convictions have not been expunged; Love remains on probation for one conviction; Love has paid all fines and other monetary penalties arising out of his convictions; Love has been employed; Love's residential circumstances have changed; Love is a member of several civic organizations; and, Love testified he has changed his attitude. No testimony other than Love's was offered to establish he is trustworthy and of good moral character.

It cannot be concluded that Love's rehabilitation has reached the point where it is in the public interest to issue a real estate salesperson's license to him, even on a restricted basis. The pattern of alcohol-related convictions and the relatively recent willful failures to comply with court orders do not permit a license to be granted on this application, even on a restricted basis.

Love is commended for his recent rehabilitation efforts and he is encouraged to remain law-abiding. The denial of his application in this matter does not preclude Love from seeking a real estate license in the future upon a more compelling showing of rehabilitation.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. In a proceeding involving the issuance of a license, the burden of proof is on the applicant to show that he or she is qualified to hold the license. The standard of proof is a preponderance of the evidence. See, *California Administrative Hearing Practice* (Second Edition), "The Hearing Process," sections 7.51-7.53, pp. 365-367, and the cases cited therein.

Applicable Statutes

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

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime

. . . .

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made"

3. Business and Professions Code Section 10177 provides in pertinent part:

"The commissioner . . . may deny the issuance of a license to an applicant, who has done any of the following . . .

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude”

The Use of Convictions in Licensing Matters

4. In *Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 402, the appellate court wrote:

“Conviction alone will not support a denial of a license unless the crime substantially relates to the qualifications, functions, or duties of the business or profession in question.”

and

“Honesty and truthfulness are two qualities deemed by the Legislature to bear on one’s fitness and qualification to be a real estate licensee. If appellant’s offenses reflect unfavorably on his honesty, it may be said he lacks the necessary qualifications to become a real estate salesperson. [Citation.] The Legislature intended to ensure that real estate brokers and salespersons will be honest, truthful and worthy of the fiduciary responsibilities which they will bear. [Citation.]”

5. A plea of guilty admits every element of the offense charged. *Sanchez v. Superior Court* (2002) 102 Cal.App.4th 1266, 1269.

6. *Arneson v. Fox* (1980) 28 Cal.3d 440 held an administrative agency may rely on a plea and the conviction based on that plea to establish a reasonable and substantial relationship to licensed activities. An applicant or licensee may introduce evidence of extenuating circumstances by way of mitigation or explanation, as well as any evidence of rehabilitation, but an inquiry into the circumstances surrounding the offense cannot form the basis of impeaching a prior conviction.

Moral Turpitude/Substantial Relationship

7. Moral turpitude, broadly defined, is any conduct which is contrary to justice, honesty and good morals. Moral turpitude includes fraud and a crime in which an intent to defraud is an essential element is a crime involving moral turpitude. *Otash v. Bureau of Private Investigators & Adjusters* (1964) 230 Cal.App.2d 568, 571.

8. Obstruction of justice under a state statute requiring specific intent to prevent the apprehension of any person (similar to the Minnesota statute Love violated) involves moral turpitude. See, *Padilla v. Gonzales* (2005) 397 F.3d 1016, 1020.

9. Penal Code section 148.9, subdivision (a) (an offense to which Love pled guilty) provides:

“Any person who falsely represents or identifies himself or herself as another person or as a fictitious person to any peace officer . . . upon a lawful detention or arrest of the person, either to evade the process of the court, or to evade the proper identification of the person by the investigating officer is guilty of a misdemeanor.”

A conviction involving false personation involves some form of deceit and is a basis for concluding the conviction involved moral turpitude. See, for example, *In re Lamb* (1989) 49 Cal.3d 239.

10. Two misdemeanor DUI convictions standing alone do not constitute moral turpitude as a matter of law. *In re Carr* (1988) 46 Cal.3d 1089.

Notwithstanding the *In re Carr* decision, appellate decisions have concluded that multiple recent DUI convictions support the imposition of discipline against a professional license (or the denial of it) when a substantial adverse relationship is established between the licensed activity and those convictions. See, *In re Kelley* (1990) 52 Cal.3d 487 and *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757.

11. In *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757 a physician suffered two alcohol-related driving convictions. The physician’s medical license was suspended under Business and Professions Code section 2239 (which provided two or more alcohol-related convictions constitute unprofessional conduct). On appeal, the appellate court found a logical connection (i.e., a substantial relationship) between the alcohol-related convictions and the physician’s fitness to practice medicine. In reaching this decision, the appellate court wrote:

“Driving while under the influence of alcohol . . . shows an inability or unwillingness to obey the legal prohibition against drinking and driving and constitutes a serious breach of a duty owed to society . . . Knowledge of such repeated conduct by a physician, and particularly of its propensity to endanger members of the public, tends to undermine public confidence in and respect for the medical profession . . . Repeated convictions involving alcohol use, two of which violated Griffiths’ probation, reflect poorly on Griffiths’ common sense and professional judgment, which are essential to the practice of medicine, and tend to undermine public confidence in and respect for the medical profession.” *Id.*, at pp. 770-771.

12. California Code of Regulations, title 10, section 2910, subdivision (a)(11) is similar to Business and Professions Code section 2239. It states two or more convictions involving the consumption or use of alcohol or drugs (when at least one conviction involved driving and the use or consumption of alcohol or drugs) is deemed to be substantially related to the qualifications, functions or duties of a real estate licensee.

13. Love's reckless driving conviction did not involve moral turpitude as a matter of law, but when it is taken with his other conviction it demonstrates a pattern of repeated and willful disregard of law approaching if not actually constituting moral turpitude. Alcohol abuse adversely affected Love's private life for several years. The five misdemeanor convictions reflect poorly on Love's common sense and good judgment, character traits essential to the practice of real estate. The five convictions considered together are substantially and adversely related to Love's qualification to be a real estate salesperson by regulation.

This conclusion is based on Factual Findings 16-22 and on Legal Conclusions 2-12.

Rehabilitation

14. Rehabilitation is a "state of mind" and the law looks with favor upon rewarding with the opportunity to serve, one who has achieved "reformation and regeneration." *Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.

15. Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. *Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.

16. Mere remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is demonstrated by sustained conduct over an extended period of time. *In re Menna* (1995) 11 Cal.4th 975, 991.

17. The evidentiary significance of misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct. *Kwasnik v. State Bar* (1990) Cal.3d 1061, 1070.

18. California Code of Regulations, title 10, section 2911 provides relevant criteria of rehabilitation. The most applicable factors relating to rehabilitation were previously discussed and evaluated in Factual Findings 16-22.

It is concluded Love's period of rehabilitation has not progressed to the point where it would be in the public interest to issue a real estate license to him, even on a restricted basis.

This conclusion is based on Factual Findings 2-22 and Legal Conclusions 1-17.

Cause Exists to Deny the Application

19. Cause exists to deny Love's application for a real estate salesperson's license under Business and Professions Code section 10177, subdivision (b). It was not established that Love has been convicted of obstruction of justice and false personation, crimes necessarily involving moral turpitude. Insufficient rehabilitation was established to permit the granting of a real estate salesperson's license to Love at this time, even on a restricted basis.

This conclusion is based on Factual Findings 7, 8, 12, 13 and 16-22 and on Legal Conclusions 1, 3, 4-9 and 14-18.


20. Cause exists to deny Love's application for a real estate salesperson's license under Business and Professions Code section 480, subdivision (a). Love was convicted of five misdemeanors which, taken together, have a substantial adverse relationship to the qualifications, functions and duties of a real estate salesperson. Love failed to establish sufficient rehabilitation to warrant granting him a real estate salesperson's license at this time, even on a restricted basis.

This conclusion is based on Factual Findings 2-22 and on Legal Conclusions 1, 2 and 4-18.

ORDER

The application for a Real Estate Salesperson License filed by Zachary David Love with the Department of Real Estate on May 23, 2004, is denied.

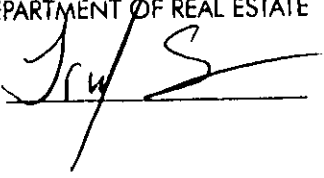
DATED: 7/7/05.


JAMES AHLER
Administrative Law Judge
Office of Administrative Hearings

FILED
APR 15 2005

DEPARTMENT OF REAL ESTATE

By



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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-3187 SD
12 ZACHARY DAVID LOVE,) STATEMENT OF ISSUES
13 Respondent.)
14

15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against ZACHARY DAVID LOVE (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about May 23, 2004, with the knowledge and
23 understanding that any license issued as a result of said
24 application would be subject to the conditions of Section 10153.4
25 of the Business and Professions Code.

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II

Complainant, J. CHRIS GRAVES, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

III

On or about April, 1996, in the State of Minnesota, County of Baltrami/City of Bemidji, Respondent was convicted of a violation of Section 609.50 of the Minnesota Statutes (Obstruction of Justice), 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.

IV

On or about November 6, 1997, in the Municipal Court, County of San Diego, Respondent was convicted of a violation of Section 148.9(a) of the California Penal Code (False Personation to Officer), 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.

V

On or about June 30, 1999, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 13004(a) of the California Vehicle Code (Altered/Fraudulent ID), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10,

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

3 VI

4 On or about November 9, 2000, in the Superior Court,
5 County of Santa Cruz, Respondent was convicted of a violation of
6 Section 23103 of the California Vehicle Code (Wet Reckless
7 Driving), a crime involving moral turpitude which bears a
8 substantial relationship under Section 2910, Title 10, California
9 Code of Regulations, to the qualifications, functions, or duties
10 of a real estate licensee.

11 VII

12 On or about November 24, 2003, in the Superior Court,
13 County of San Diego, Respondent was convicted of a violation of
14 Section 12500(a) of the California Vehicle Code (Driving Without
15 a License), a crime involving moral turpitude which bears a
16 substantial relationship under Section 2910, Title 10, California
17 Code of Regulations, to the qualifications, functions, or duties
18 of a real estate licensee.

19 VIII

20 The crimes of which Respondent was convicted, as
21 alleged above, constitutes cause for denial of Respondent's
22 application for a real estate license under Sections 480(a) and
23 10177(b) of the California Business and Professions Code.

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