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JAN 29 2010

DEPARTMENT OF REAL ESTATE

By *L. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
GEORGIA ANN MONTAGUE,
Respondent.

No. H-3332 SD

ORDER GRANTING UNRESTRICTED LICENSE

On February 8, 2006, 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 March 1, 2006, and Respondent has operated as a restricted licensee since that time.

On June 4, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
2 restrictions is granted and that a real estate salesperson license be issued to Respondent subject to
3 the following understanding and conditions:

4 1. The license issued pursuant to this order shall be deemed to be the first
5 renewal of Respondent's real estate salesperson license for the purpose of applying the provisions
6 of Section 10153.4.

7 2. Within twelve (12) months from the date of this order Respondent shall:

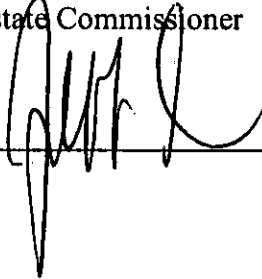
8 (a) Submit a completed application and payment of the appropriate fee for a
9 real estate salesperson license, and

10 (b) Submit evidence of having taken and successfully completed the courses
11 specified in subdivisions (a) (1), (2), (3), (4) and (5) of Section 10170.5 of the Real Estate Law
12 for renewal of a real estate license.

13 3. Upon renewal of the license issued pursuant to this order, Respondent
14 shall submit evidence of having taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
16 license.

17 This Order shall become effective immediately.

18 IT IS SO ORDERED

19 1-21-10
20 JEFF DAVI
21 Real Estate Commissioner
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Dept. of Real Estate

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1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
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Telephone: (916) 227-0781

DEPARTMENT OF REAL ESTATE

By Anne Shannin

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
GEORGIA ANN MONTAGUE,)
Respondent.)

No. H-3332 SD

STIPULATION AND WAIVER

I, GEORGIA ANN MONTAGUE, 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 December 2, 2005, 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 Respondent's honesty and truthfulness and to prove other

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1 allegations therein, or that he may in his discretion waive the
2 hearing and grant me a restricted real estate salesperson license
3 based upon this Stipulation and Waiver. I also understand that
4 by filing the Statement of Issues in this matter the Real Estate
5 Commissioner is shifting the burden to me to make a satisfactory
6 showing that Respondent meets all the requirements for issuance
7 of a real estate salesperson license. I further understand that
8 by entering into this stipulation and waiver I will be
9 stipulating that the Real Estate Commissioner has found that I
10 have failed to make such a showing, thereby justifying the denial
11 of the issuance to me of an unrestricted real estate salesperson
12 license.

13 I hereby admit that the allegations of the Statement of
14 Issues filed against me are true and correct and requests that
15 the Real Estate Commissioner in his discretion issue a restricted
16 real estate salesperson license to me under the authority of
17 Section 10156.5 of the Business and Professions Code. I
18 understand that any such restricted license will be issued
19 subject to and be limited by Section 10153.4 of the Business and
20 Professions Code.

21 I am aware that by signing this Stipulation and Waiver,
22 I am waiving my right to a hearing and the opportunity to present
23 evidence at the hearing to establish my rehabilitation in order
24 to obtain an unrestricted real estate salesperson license if this
25 Stipulation and Waiver is accepted by the Real Estate
26 Commissioner. However, I am not waiving my right to a hearing
27 and to further proceedings to obtain a restricted or unrestricted

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1 license if this Stipulation and Waiver is not accepted by the
2 Commissioner.

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

6 1. The license shall not confer any property right in the
7 privileges to be exercised including the right of renewal,
8 and the Real Estate Commissioner may by appropriate order
9 suspend the right to exercise any privileges under this
10 restricted license in the event of:

11 a. The conviction of Respondent (including a plea of nolo
12 contendere) to a crime which bears a substantial
13 relationship to Respondent's fitness or capacity as a
14 real estate licensee; or

15 b. The receipt of evidence that Respondent has violated
16 provisions of the California Real Estate Law, the
17 Subdivided Lands Law, Regulations of the Real Estate
18 Commissioner or conditions attaching to this restricted
19 license.

20 2. I shall not be eligible to apply for the issuance of an
21 unrestricted real estate license nor the removal of any of
22 the conditions, limitations or restrictions attaching to
23 the restricted license, until two (2) years have elapsed
24 from the date of issuance of the restricted license to
25 Respondent.

26 3. With the application for license, or with the application
27 for transfer to a new employing broker, I shall submit a

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1 statement signed by the prospective employing broker on a
2 form approved by the Department of Real Estate wherein the
3 employing broker shall certify as follows:

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

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

12 4. I shall regularly attend an alcohol abuse treatment or
13 recovery program, such as Alcoholics Anonymous or other
14 formal program, at least once a week during the term(s) of
15 the restricted license. In addition, I shall provide the
16 Department with quarterly reports verifying attendance and
17 participation in Alcoholics Anonymous or other formal
18 program.

19 5. My restricted real estate salesperson license is issued
20 subject to the requirements of Section 10153.4 of the
21 Business and Professions Code, to wit: I am required,
22 within eighteen (18) months of issuance of the restricted
23 license, to submit evidence satisfactory to the
24 Commissioner of successful completion, at an accredited
25 institution, of two of the courses listed in Section
26 10153.2, other than real estate principles, advanced legal
27 aspects of real estate, advanced real estate finance, or

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1 advanced real estate appraisal. If I fail to timely
2 present to the Department satisfactory evidence of
3 successful completion of the two required courses, the
4 restricted license shall be automatically suspended
5 effective eighteen (18) months after the date of its
6 issuance. Said suspension shall not be lifted unless,
7 prior to the expiration of the restricted license, I have
8 submitted the required evidence of course completion and
9 the Commissioner had given written notice to Respondent of
10 the lifting of the suspension.

11 6. Pursuant to Section 10154, if I have not satisfied the
12 requirements for an unqualified license under Section
13 10153.4, Respondent shall not be entitled to renew the
14 restricted license, and shall not be entitled to the
15 issuance of another license which is subject to Section
16 10153.4 until four years after the date of the issuance of
17 the preceding restricted license.

18
19
20 1/9/06

21 DATED

22 Georgia Ann Montague
23 GEORGIA ANN MONTAGUE
24 Respondent
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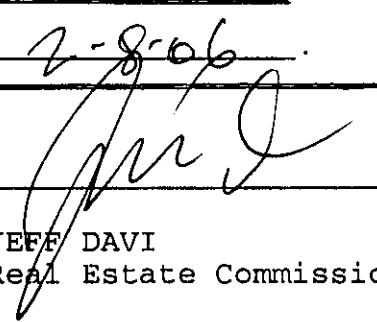
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1 I have read the Statement of Issues filed herein and
2 the foregoing Stipulation and Waiver signed by the Respondent. I
3 am satisfied that the hearing for the purpose of requiring
4 further proof as to the honesty and truthfulness of Respondent
5 need not be called and that it will not be inimical to the public
6 interest to issue a restricted real estate salesperson license to
7 Respondent.

8
9 Therefor, IT IS HEREBY ORDERED that a restricted real
10 estate salesperson license be issued to Respondent, if Respondent
11 has otherwise fulfilled all of the statutory requirement for
12 licensure. The restricted license shall be limited, conditioned,
13 and restricted as specified in the foregoing Stipulation and
14 Waiver.

15 This Order is effective immediately.

16 IT IS SO ORDERED 2-8-06
17 
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19 JEFF DAVI
20 Real Estate Commissioner
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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

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DEPARTMENT OF REAL ESTATE

By



8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12)
13 GEORGIA ANN MONTAGUE,)
14)
15 Respondent.)

No. H- 3332 SD

STATEMENT OF ISSUES

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

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about June 28, 2004, with the knowledge and
24 understanding that any license issued as a result of said
25 application would be subject to the conditions of Section 10153.4
26 of the Business and Professions Code.

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1 II

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

5 III

6 On or about December 15, 1998, in the Superior Court,
7 County of San Diego, Respondent was convicted of a violation of
8 Section 23152(B) of the California Vehicle Code (Driving with a
9 0.08 or Higher Blood Alcohol Level), a crime involving moral
10 turpitude which bears a substantial relationship under Section
11 2910, Title 10, California Code of Regulations, to the
12 qualifications, functions, or duties of a real estate licensee.

13 IV

14 On or about April 9, 2003, in the Superior Court,
15 County of San Diego, Respondent was convicted of a violation of
16 Section 23152(B) of the California Vehicle Code (Driving with a
17 0.08 or Higher Blood Alcohol Level with a Prior), a crime
18 involving moral turpitude which bears a substantial relationship
19 under Section 2910, Title 10, California Code of Regulations, to
20 the qualifications, functions, or duties of a real estate
21 licensee.

22 V

23 The crimes of which Respondent was convicted, as
24 alleged above, constitute cause for denial of Respondent's
25 application for a real estate license under Sections 480(a) and
26 10177(b) of the California Business and Professions Code.
27

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

J. Chris Graves
J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 28th day of October, 2005.