



1 not be against the public interest to issue said license to  
2 Respondent.

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

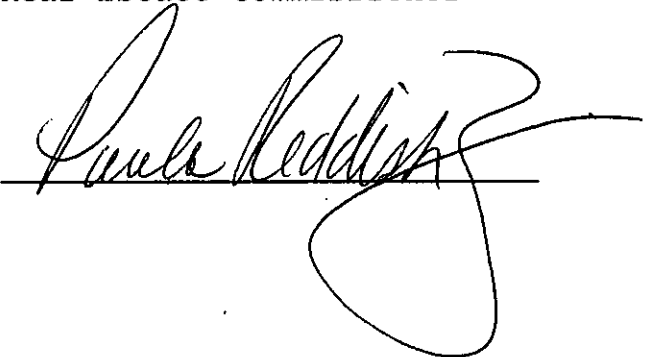
8 1. Submittal of a completed application and payment of  
9 the fee for a real estate salesperson license.

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

15 This Order shall be effective immediately.

16 DATED: May 28, 2002.

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18  
19 PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

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FILED  
AUG 26 1999

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By *Jan Arnold*

\* \* \*

In the Matter of the Accusation of )  
PAMELA MAE NIED, )  
Respondent. )

NO. H-3440 SAC  
OAH NO. N-1999050241

DECISION

The Proposed Decision dated July 30, 1999, 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 Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on September 15, 1999.

IT IS SO ORDERED August 13, 1999.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

*John R. Liberator*

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

PAMELA MAE NIED,

Respondent.

Case No. H-3440 SAC

OAH No. N-1999050241

**PROPOSED DECISION**

Administrative Law Judge Catherine B. Frink, State of California, Office of Administrative Hearings, heard this matter in Sacramento, California on July 8, 1999.

David B. Seals, Counsel, represented complainant.

There was no appearance by or on behalf of respondent.

Evidence was received, the hearing was closed, and the matter was submitted on July 8, 1999.

**FACTUAL FINDINGS**

1. The complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, filed the Accusation in his official capacity.

The Accusation was served on Pamela Mae Nied ("respondent") by certified mail on April 20, 1999. The green postal return receipt indicates that respondent accepted delivery on April 29, 1999. On May 12, 1999, the Department of Real Estate ("the Department")

received a signed notice of defense filed on behalf of respondent. The Notice of Defense lists respondent's mailing address as follows:

23448 Amber Court  
Auburn, California 95602

The Notice of Hearing on Accusation was served on respondent by First Class mail at the address listed on the Notice of Defense on May 27, 1999.

Despite proper service of the Accusation and Notice of Hearing in accordance with Government Code sections 11505 and 11509, respondent failed to appear at hearing and was not otherwise represented. Therefore, the matter proceeded as a default pursuant to Government Code section 11520.

2. Respondent is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate salesperson.

3. On November 21, 1997, in the Superior and Municipal Courts of the State of California, County of Placer, respondent was convicted of violation of Penal Code section 487(a), Grand Theft of Personal Property, a misdemeanor.

The circumstances underlying the conviction are that, between April 15, 1996, and August 30, 1996, respondent willfully and unlawfully took money and personal property in the amount of \$8,125 from Pacific Capital Investments.

4. The crime of which respondent was convicted involved moral turpitude and was substantially related to the qualifications, functions and duties of a real estate licensee under 10 CCR section 2910(a)(1), the fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person; and 10 CCR section 2910(a)(8), the doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.

5. As a consequence of her conviction, respondent was placed on informal probation for three years, subject to various terms and conditions. Respondent was ordered to serve 60 days in jail, alternative sentencing authorized. Restitution was not ordered, in that respondent had paid at least \$10,500 in restitution to the victim prior to sentencing.

The evidence did not establish the extent to which respondent has complied with the terms and conditions of probation. Respondent's probation is due to expire on November 21, 2000.

6. There was no evidence of mitigation, extenuation or rehabilitation offered by or on behalf of respondent.

## LEGAL CONCLUSIONS

1. Clear and convincing evidence to a reasonable certainty established cause for discipline of respondent's license and/or license rights pursuant to Business and Professions Code sections 490 and 10177(b) by reason of Findings 3 and 4, in that respondent was convicted of a crime which is substantially related to the qualifications, functions and duties of a real estate licensee.
2. The matters set forth in Findings 5 and 6 are considered in making the Order below.

## ORDER

All licenses and license rights of respondent Pamela Mae Nied under the Real Estate Law are revoked pursuant to Legal Conclusion 1.

Dated: July 30, 1999

Catherine B. Frink  
CATHERINE B. FRINK  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
MAY 27 1999

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

PAMELA MAE NIED

Respondent

Case No. H-3440 SAC

OAH No. N 1999050241

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, 560 J Street, Suite 340/360,  
Sacramento, California 94814

on THURSDAY--July 8, 1999, at the hour of 9:00 AM, 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.

Dated: MAY 27, 1999

DEPARTMENT OF REAL ESTATE

By

DAVID B. SEALS

Counsel

1 DAVID B. SEALS, Counsel (SBN 69378)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0792 (Direct)

FILED

APR 20 1999

DEPARTMENT OF REAL ESTATE

By *Jan R. ...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 PAMELA MAE NIED, )  
13 Respondent. )

NO. H- 3440 SAC

ACCUSATION

14  
15 The Complainant, Charles W. Koenig, a Deputy Real Estate  
16 Commissioner of the State of California for cause of Accusation  
17 against PAMELA MAE NIED (hereinafter "Respondent") is informed and  
18 alleges as follows:

19 I

20 The Complainant, Charles W. Koenig, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Accusation in  
22 his official capacity.

23 II

24 Respondent is licensed and/or has license rights under  
25 the Real Estate Law, Part 1 of Division 4 of the California  
26 Business and Professions Code (hereinafter "Code") as a real  
27 estate salesperson.



1 III

2 On or about November 21, 1997, in the Superior and  
3 Municipal Courts of the State of California in and for the County  
4 of Placer, Respondent was convicted of violation of Section 487(a)  
5 of the California Penal Code (Grand Theft of Personal Property), a  
6 crime involving moral turpitude which is substantially related  
7 under Section 2910, Title 10, California Code of Regulations to  
8 the qualifications, functions or duties of a real estate licensee

9 IV

10 The facts alleged above constitute cause under Sections  
11 490 and 10177(b) of the Code for suspension or revocation of all  
12 licenses and license rights of Respondent under the Real Estate  
13 Law.

14 WHEREFORE, Complainant prays that a hearing be conducted  
15 on the allegations of this Accusation and that upon proof thereof,  
16 a decision be rendered imposing disciplinary action against all  
17 licenses and license rights of Respondent under the Real Estate  
18 Law (Part 1 of Division 4 of the Business and Professions Code);  
19 and for such other and further relief as may be proper under other  
20 provisions of law.

21   
22 CHARLES W. KOENIG  
23 Deputy Real Estate Commissioner

24 Dated at Sacramento, California,  
25 this 31<sup>st</sup> day of March, 1999.  
26  
27