

FILED

JUN 18 2009

DEPARTMENT OF REAL ESTATE



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

ROBERTA LYNN NUESE,

Respondent.

No. H-3937 SD

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on June 4, 2009, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license 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.

FINDINGS OF FACT

1

On April 17, 2009, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondent last known mailing address on file with the Department on April 21, 2009.

On June 4, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

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

3

On or about January 24, 2007, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 484 of the California Penal Code (Theft), a misdemeanor 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.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490 and 10177(b) of the Code.

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

JUL - 9 2009

DATED: _____

6/17/09

JEFF DAVI
Real Estate Commissioner

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

JUN - 4 2009

DEPARTMENT OF REAL ESTATE

By R. Zinn

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)

13 ROBERTA LYNN NUESE,)

14 Respondent.)

No. H-3937 SD

DEFAULT ORDER

15
16 Respondent, ROBERTA LYNN NUESE, having failed to file a Notice of Defense
17 within the time required by Section 11506 of the Government Code, is now in default. It is,
18 therefore, ordered that a default be entered on the record in this matter.

19
20 IT IS SO ORDERED

June 2, 2009

21 JEFF DAVI
22 Real Estate Commissioner

23 By:

Dolores Weeks

24 DOLORES WEEKS
25 Regional Manager
26
27

1 TRULY SUGHRUE, Counsel
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FILED

APR 21 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11
12 In the Matter of the Accusation of
13 ROBERTA LYNN NUESE,
14 Respondent.

)
) No. H-3937 SD
) ACCUSATION
)

15
16 The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the
17 State of California, for cause of Accusation against ROBERTA LYNN NUESE (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the
21 State of California, makes this Accusation in his official capacity.

22 2

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

26 ///

27 ///

On or about January 24, 2007, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 484 of the California Penal Code (Theft), a misdemeanor involving moral turpitude and crime 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.

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for 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 the provisions of law.


JOSEPH AIU
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 17 day of April, 2009