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FILED

AUG 27 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Application of)
KATRINA MARIE MAJOR,) No. H-4099 SAC
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On February 2, 2005, a Decision was rendered herein denying the Respondent's application for real estate 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 April 21, 2005, and Respondent has operated as a restricted licensee since that time.

On July 5, 2007, 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

1 record as a restricted licensee. Respondent has demonstrated to
2 my satisfaction that Respondent meets the requirements of law for
3 the issuance of an unrestricted real estate salesperson license
4 and that it would not be against the public interest to issue
5 said license to Respondent.

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

10 1. The license issued pursuant to this order shall be
11 deemed to be the first renewal of respondent's real estate
12 salesperson license for the purpose of applying the provisions of
13 Section 10153.4.

14 2. Within nine (9) months from the date of this order
15 respondent shall:

16 (a) Submit a completed application and pay the
17 appropriate fee for a real estate salesperson license,
18 and

19 (b) Submit evidence of having taken and successfully
20 completed the courses specified in subdivisions (a)
21 (1), (2), (3), (4) and (5) of Section 10170.5 of the
22 Real Estate Law for renewal of a real estate license.

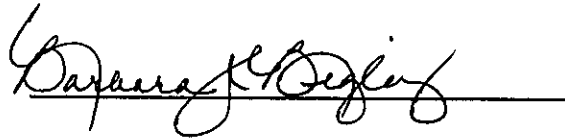
23 3. Upon renewal of the license issued pursuant to this
24 order, respondent shall submit evidence of having taken and
25 successfully completed the continuing education requirements of
26 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
27 real estate license.

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This Order shall become effective immediately.

DATED: 8/20/08

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

FILED
FEB 14 2005

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * *

[Handwritten signature]

In the Matter of the Application of)	
)	NO. H-4099 SAC
KATRINA MARIE MAJOR,)	
)	OAH NO. N-2004100165
Respondent.)	
)	

DECISION

The Proposed Decision dated January 13, 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, but the right to a restricted real estate salesperson license is granted to Respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the information of Respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto.

This Decision shall become effective at 12 o'clock noon
on MARCH 7, 2005

IT IS SO ORDERED 2-2-05

JEFF DAVI
Real Estate Commissioner

[Handwritten signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

KATRINA MARIE MAJOR,

Respondent.

Case No. H-4099 SAC

OAH No. N2004100165

PROPOSED DECISION

Karl S. Engeman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Sacramento, California, on December 22, 2004.

David B. Seals, Counsel, Department of Real Estate, represented the complainant.

Grayling M. Williams, Attorney at Law, represented Katrina Marie Major (respondent).

Evidence was received and the matter was submitted on December 22, 2004.

FACTUAL FINDINGS

1. Complainant Charles W. Koenig (Complainant), a Deputy Real Estate Commissioner, Department of Real Estate (Department), State of California, filed the Statement of Issues against respondent in his official capacity.

2. On March 15, 2004, respondent filed an application for a real estate salesperson license with the Department.

3. On or about January 14, 1985, in the Superior Court, County of San Mateo, respondent was convicted, upon her plea, of violating Penal Code section 476, subdivision (a), issuing non-sufficient funds checks, a misdemeanor. As a result of respondent's conviction, respondent was placed on probation for 12 months. The terms and conditions included payment of a fine and restitution. The probationary period was terminated after respondent paid the fine and made restitution. The offense for which respondent was convicted occurred in mid-1984, when respondent wrote a check for approximately \$200 to a

department store. Respondent had sufficient funds when she wrote the check but she knew that she would not have enough in her checking account when the check cleared. An arrest warrant was issued and respondent was arrested in San Francisco when her car was impounded and she went to the police facility to retrieve it.

4. On or about May 24, 1991, in the Superior Court, County of Santa Clara, respondent was convicted, upon her plea, of violating Welfare and Institutions Code section 10980, subdivision (c) (2), welfare fraud, a felony. As a result of the conviction, imposition of sentence was suspended and respondent was placed on formal probation for five years. The terms and conditions included payment of a fine, making restitution in the amount of approximately \$19,000, 25 days in jail, and completion of a controlled substance abuse rehabilitation program. The jail sentence was suspended and respondent was placed on electronic surveillance for five months. The conviction was based on respondent's failure to report earnings from part time employment between 1989 and 1991, during which time she collected welfare benefits including food stamps. Respondent's probation was extended twice for five years each, on the sole condition that respondent complete paying restitution. She did so, and on March 11, 2004, the Court reduced the offense to a misdemeanor and expunged it pursuant to Penal Code sections 17 and 1203.4.

5. Respondent is now 40 years old. The first offense occurred after she was laid off from her job as a bank teller and was pregnant. She bought children's clothing and furniture in anticipation of her son's birth. She was receiving no financial support from her family or the child's father. The second offense occurred when respondent was trying to raise her three young children after leaving her husband. Respondent decided not to report the income from her sporadic employment from part time work. Respondent was also using Cocaine at the time. Her admitted use of cocaine, and a report to authorities by her father out of concern for the welfare of respondent's children, led to imposition of the probationary requirement that she complete a drug rehabilitation program. Respondent successfully completed the program and has since been clean and sober.

6. Since her last conviction, respondent has dramatically turned her life around. She attended a business school and became trained as a paralegal. She took courses in criminal justice at a community college and transferred to California State University, Stanislaus, from which she received a Bachelor of Arts degree in the same area on June 1, 2002. Respondent also participated in the San Joaquin Delta College Small Business Development Center's Women Entrepreneur's program which she completed August 17, 2004. For the last approximately 12 years, she has been employed by California State Automobile Association. She began as a tow truck dispatcher and progressed to become a claims adjuster. In the latter capacity, she has authority to issue checks up to \$15,000. Respondent owns her own home. She has been married for approximately 7 years to a man whom she has known for 16 years. His eldest son, now 19, is serving in the United States Navy. The other two children, ages 17 and 16, are also doing well. Respondent has been actively involved in her children's educational and extracurricular activities. She has handled approximately \$5,000 of cash and checks raised by a cheerleader's parent support group. Friends and family members, including respondent's mother, father, and husband,

testified and confirmed that respondent has not abused drugs since her last conviction. They also confirmed that respondent is now regarded as an honest, trustworthy person and a loving mother.

7. Respondent's sponsoring broker is affiliated with Coldwell-Banker and operates a mortgage brokerage on his own. Respondent has worked for the latter business outside the hours that she is employed by California State Automobile Association.

LEGAL CONCLUSIONS

1. Business and Professions Code section 480, subdivision (a) (1), reads:

(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. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

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.

2. California Business and Professions Code section 10177, subdivision (b), reads:

The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock 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, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of

guilty and to enter a plea of not guilty, or dismissing the accusation or information.

3. California Code of Regulations, title 10, section 2910, recites the Department's criteria for determining whether a criminal offense is substantially related to the qualifications, functions, and duties of a real estate applicant. It reads:

(a) When considering whether a license should be denied, suspended or revoked on the basis of the conviction of a crime, or on the basis of an act described in Section 480(a)(2) or 480(a)(3) of the Code, the crime or act shall be deemed to be substantially related to the qualifications, functions or duties of a licensee of the Department within the meaning of Sections 480 and 490 of the Code if it involves:

- (1) The fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person.
- (2) Counterfeiting, forging or altering of an instrument or the uttering of a false statement.
- (3) Willfully attempting to derive a personal financial benefit through the nonpayment or underpayment of taxes, assessments or levies duly imposed upon the licensee or applicant by federal, state, or local government.
- (4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.
- (5) Sexually; related conduct affecting a person who is an observer or non-consenting participant in the conduct or convictions which require registration pursuant to the provisions of Section 290 of the Penal Code.
- (6) Willfully violating or failing to comply with a provision of Division 4 of the Business and Professions Code of the State of California.
- (7) Willfully violating or failing to comply with a statutory requirement that a license, permit or other entitlement be obtained from a duly constituted public authority before engaging in a business or course of conduct.
- (8) 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.
- (9) Contempt of court or willful failure to comply with a court order.
- (10) Conduct which demonstrates a pattern of repeated and willful disregard of law.

(11) Two or more convictions involving the consumption or use of alcohol or drugs when at least one of the convictions involve driving and the use or consumption of alcohol or drugs.

(b) The conviction of a crime constituting an attempt, solicitation or conspiracy to commit any of the above enumerated acts or omissions is also deemed to be substantially related to the qualifications, functions or duties of a licensee of the department.

(c) If the crime or act is substantially related to the qualifications, functions or duties of a licensee of the department, the context in which the crime or acts were committed shall go only to the question of the weight to be accorded to the crime or acts in considering the action to be taken with respect to the applicant or licensee. (Emphasis added).

4. Cause for denial of respondent's application for a real estate salesperson license was established for violation of Business and Professions Code sections 480, subdivision (a)(1), and 10177, subdivision (b), based on Factual Findings 3 and 4. Both of the offenses involved moral turpitude. Whether an offense involves moral turpitude is a question of law. (*Yakov v. Board of Medical Examiners* (1968) 68 Cal.2d 67, 74.). Convictions of crimes involving fraudulent intent and intentional dishonesty for personal gain establish moral turpitude as a matter of law. (*In re Hallinan* (1957) 48 Cal.2d 52, *Golde v. Fox* (1979) 98 Cal.App.3d 167, 185.). A conviction for issuing non-sufficient checks includes the necessary element of the intent to defraud. Therefore, as a matter of law, the offense is one involving moral turpitude. (*Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 401.). Similarly, respondent's conviction for welfare fraud includes the necessary element that one has acted with the intent to deceive; thus, that offense is one which involves moral turpitude.

Both offenses involve the doing of an unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator. Therefore, both offenses bear a substantial relationship to the qualifications, functions and duties of a licensed real estate salesperson in accordance with the criteria established by the Department. (Cal. Code Regs., tit. 10, § 2910, subd. (a) (8).). Respondent contends that under the cases of *Pieri v. Fox* (1979) 96 Cal.App.3d 802 and *Brandt v. Fox* (1979) 90 Cal.App.3d 737, the required nexus does not exist. Business and Professions Code section 480 does prevail over Business and Professions Code section 10177, subdivision (b), which does not include a requirement that the conviction bear a substantial relationship to the real estate profession. (Bus. & Prof. Code § 475; *Pieri v. Fox, supra*, at pages 804 and 807.). *Pieri* involved the denial of a real estate broker's license based on a single conviction of making a false statement to obtain unemployment insurance benefits. The offense had been expunged pursuant to Penal Code section 1203.4. *Pieri* had been licensed since 1975 as a real estate salesperson and the conviction occurred in 1975. He applied for his broker's license in 1978. At hearing, the Department offered only the record of conviction. *Pieri* established that during the three years that he had been licensed as a real estate salesperson, there had been no complaints or evidence of misconduct and he was highly regarded by other real estate professionals

including brokers. The court concluded that the Department did not establish that the isolated offense in 1975 established Pieri's unfitness in 1978 on that record. *Brandt* involved the denial in 1977 of a real estate salesperson license on the ground that the applicant had been convicted in 1974 of distribution of a controlled substance. The evidence established that the applicant, while working as a bartender, had introduced a customer to a person willing to sell the customer narcotics. Brandt was to have received \$500 for the introduction. The court found that there was no evidence to support the required nexus between the offense and fitness to be a real estate salesperson based on the isolated nature of the offense, Brandt's peripheral involvement in the sale, and his otherwise unblemished record before and after the offense. (*Brandt v. Fox, supra*, at page 747.)

In contrast to the facts in the cases cited by respondent, respondent was not convicted of a single offense. She was initially convicted in 1985 for an offense necessarily involving dishonesty. She was convicted of a second offense in 1991, which involved two years of false statements to obtain welfare benefits. Respondent has never worked as a licensed real estate salesperson as had Pieri, and so she obviously has not yet earned a reputation as a trustworthy real estate professional as he had. It is true that her most recent offense is over 13 years old, but her probation was twice extended so she could complete paying the considerable restitution amount, which she did in December of 2003. In summary, respondent's factual situation is quite different than those presented in *Pieri* and *Brandt* and complainant has established, under the applicable criteria defining a substantial relationship between criminal offenses and the qualifications, functions, and duties of a real estate professional, that the requisite nexus exists in this matter.

5. The criteria for rehabilitation are found in California Code of Regulations, title 10, section 2911:

The following criteria have been developed by the department pursuant to Section 482, subdivision (b) of the Business and Professions Code for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for revocation or suspension of the license has been initiated on account of a crime committed by the licensee.

(a) The passage of not less than two years since the most recent criminal conviction or act of the applicant that is a basis to deny the departmental action sought. (A longer period will be required if there is a history of acts or conduct substantially related to the qualifications, functions or duties of a licensee of the department.)

(b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the applicant.

(c) Expungement of criminal convictions resulting from immoral or antisocial acts.

(d) Expungement or discontinuance of a requirement of registration pursuant to the provisions of Section 290 of the Penal Code.

(e) Successful completion or early discharge from probation or parole.

(f) Abstinence from the use of controlled substances or alcohol for not less than two years if the conduct which is the basis to deny the departmental action sought is attributable in part to the use of controlled substances or alcohol.

(g) Payment of the fine or other monetary penalty imposed in connection with a criminal conviction or quasi-criminal judgment.

(h) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the conviction or conduct that is the basis for denial of the agency action sought.

(i) Completion of, or sustained enrollment in, formal education or vocational training courses for economic self-improvement.

(j) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary obligations to others.

(k) Correction of business practices resulting in injury to others or with the potential to cause such injury.

(l) Significant or conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems.

(m) New and different social and business relationships from those which existed at the time of the conduct that is the basis for denial of the departmental action sought.

(n) Change in attitude from that which existed at the time of the conduct in question as evidenced by any or all of the following:

(1) Testimony of applicant.

(2) Evidence from family members, friends or other persons familiar with applicant's previous conduct and with his subsequent attitudes and behavioral patterns.

(3) Evidence from probation or parole officers or law enforcement officials competent to testify as to applicant's social adjustments.

(4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.

(5) Absence of subsequent felony or misdemeanor convictions that are reflective of an inability to conform to societal rules when considered in light of the conduct in question.

6. Applying the relevant criteria for rehabilitation, it has been over 13 years since respondent's most recent conviction. Respondent has completed her restitution obligations. The most recent conviction has been expunged. Respondent successfully completed probation for both of her convictions. Respondent has abstained from illicit controlled substance use since her most recent conviction and the successful completion of a court mandated rehabilitation program. Respondent is married and enjoys a stable family life. She is an involved mother to her three children. Respondent has completed a business school paralegal course and received a college degree. She recently completed a program for women entrepreneurs. Respondent has been active in community affairs, including fund raising activities for youth sports in which her children were involved. Respondent long ago moved from the community in which she abused drugs. She demonstrates a very dramatic change in attitude from that which led to her convictions. She was very candid about the circumstances relating to those offenses. She made no attempt to minimize or justify her conduct. In summary, respondent is a suitable candidate for a restricted real estate salesperson license.

ORDER

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to the respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of said Code:

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

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

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

Dated:

January 13, 2005



KARL S. ENGEMAN
Administrative Law Judge
Office of Administrative Hearings

FILED
OCT 26 2004

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

Laurie G. Ziri

In the Matter of the Application of

KATRINA MARIE MAJOR,

} Case No. H-4099 SAC

} OAH No. N-2004100165

Respondent

**FIRST AMENDED
NOTICE OF HEARING ON APPLICATION**

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, CA 95814** on **WEDNESDAY, DECEMBER 22, 2004**, at the hour of **10:30 A.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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: OCTOBER 26, 2004

DEPARTMENT OF REAL ESTATE

By *David B. Seals*
DAVID B. SEALS, Counsel

(12)

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE OCT 21 2004
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

Laurie G. Z...

In the Matter of the Application of

KATRINA MARIE MAJOR,

}
}

Case No. H-4099 SAC

OAH No. N-2004100165

Respondent

NOTICE OF HEARING ON APPLICATION

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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.

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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: OCTOBER 21, 2004

DEPARTMENT OF REAL ESTATE

By David B. Seals
DAVID B. SEALS, Counsel

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

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

FILED
SEP 14 2004

DEPARTMENT OF REAL ESTATE

By Laurie G. Z...

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 KATRINA MARIE MAJOR,)
13 Respondent.)

No. H-4099 SAC

STATEMENT OF ISSUES

14
15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against KATRINA MARIE MAJOR (hereinafter "Respondent")
18 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 March 15, 2004.

23 II

24 Complainant, Charles W. Koenig, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity.

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III

On or about January 14, 1985, in the Superior Court of the City and County of San Francisco, State of California, Respondent was convicted of violation of California Penal Code Section 476(a) (Bad Check), a crime involving moral turpitude and/or which is substantially related under Section 2910, Title 10, California Code of Regulations (hereinafter the "Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

On or about May 24, 1991, in the Superior Court of California, County of Santa Clara, Respondent was convicted of violation of California Welfare and Institutions Code Section 10980(c)(2) (Fraud in Obtaining AFDC), a felony and a crime involving moral turpitude and/or which bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

V

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

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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.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 9th day of September, 2004.