

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR 17 2005

DEPARTMENT OF REAL ESTATE

By Gunes Sharma

* * *

In the Matter of the Application of)
BONNIE RAE RUNNION,)
Respondent.)

NO. H-4119 SAC
N-2004110357

DECISION

The Proposed Decision dated February 18, 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 MARCH 25, 2005.

IT IS SO ORDERED 3-15-, 2005.

JEFF DAVI
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

BONNIE RAE RUNNION

Respondent.

Case No. H-4119 SAC

OAH No. N2004110357

PROPOSED DECISION

On January 31, 2005, in Sacramento, California, Leonard L. Scott, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Truly Sughrue, Counsel, represented complainant.

Bonnie Rae Runnion, respondent, appeared in her own behalf, assisted by Gary South.

Evidence was received, the record was closed and the matter was submitted.

FACTUAL FINDINGS

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

2. On or about May 21, 2004, respondent filed an application for a real estate salesperson's license with the Department.

Respondent has not successfully completed the courses required by Business and Professions Code section 10153.4.

3. On or about October 30, 1990, in the Superior Court, County of Butte, State of California, in the matter entitled *People v. Bonnie Rae Green*, case number 107712,

respondent was convicted, on her plea of nolo contendere, of a violation of Welfare and Institutions Code section 10980, subdivision (c), paragraph (2), (fraud to obtain aid), a felony and a crime involving moral turpitude. Respondent was sentenced to serve 150 days in jail (which she served on house arrest) and placed on probation for 5 years with various terms and conditions including payment of restitution. Respondent successfully completed probation and made restitution.

Respondent's crime is substantially related to the qualifications, functions and duties of the licensed activity pursuant to the criteria enumerated in California Code of Regulations, title 10, section 2910, subdivision (a), paragraphs: (1) the fraudulent taking of the property of another; and (8) an unlawful act that conferred an economic benefit on respondent.

The facts and circumstances of the offense are that in 1990, respondent and Chuck Green had been married for 18 years. They had five children, plus two others awarded to them by a court. They separated and Chuck Green was living with another woman. Respondent and the children went on welfare while she was also working three jobs; driving a school bus, working at Barney O'Rourke's and working at a cafe.

4. On or about March 16, 2004, in the Superior Court, County of Butte, State of California, in the matter entitled *People v. Bonnie Runnion*, case number SCR 40254, respondent was convicted, on her plea of nolo contendere, of a violation of Penal Code section 243, subdivision (e), paragraph (1), (battery on a co-habitant), a misdemeanor. She was placed on probation for 36 months with various terms and conditions including completion of 30 hours of community service, abstinence from alcohol and completion of a family violence educational program. Respondent is still on probation, and has satisfactory attendance and participation in the family violence educational program. She hopes to complete the classes in late April of 2005.

Respondent's crime is substantially related to the qualifications, functions and duties of the licensed activity pursuant to the criteria enumerated in California Code of Regulations, title 10, section 2910, subdivision (a), paragraph (8) doing of an unlawful act with the intent of or threat of doing substantial injury to the person of another.

The facts and circumstances of the offense are that, while out drinking, respondent and her boyfriend Gary South argued. As they drove to his house, the argument escalated and she snatched a cigarette from his mouth. When they arrived at his house, he ran inside and locked the door, locking her out of his house. She banged on the door and the window, breaking the window.

5. Gary South (South) has known respondent for about 6 years and they now live together. On August 29, 2003, when the incident occurred, they had separate residences but occasionally stayed with each other. On that day, they were out drinking when South went off to speak to a young woman out of sight of respondent. Although respondent did not know it, the young woman was repaying some money South had loaned her. When South returned, respondent asked about it and he told her it was none of her business. They argued, and on the

way back to his house, the argument escalated. At his house, South ran inside, locked the door and refused to let respondent inside. She banged on the door and window; the window broke. South telephoned the police and respondent left.

Although South complained to the police that day, he did not press charges and was not called to testify at her trial for the incident. He testified that the facts of the incident were taken out of context during the prosecution of respondent for that incident.

6. Respondent agreed with South's description of what occurred on August 29, 2003. She said she had some stuff at South's house and he would not let her in to get it. She said breaking the window was an accident.

Respondent has taken the basic real estate classes and passed the licensing test. She would like to sell real estate, has a broker who will employ her if she receives a license and people who want to deal with her. The broker is aware of her two convictions, as are her character references.

Respondent has recently taken a year of classes at Butte College to broaden her mind. She is active in the Paradise Eagles Lodge, attends two meetings a month and helps with their dinners.

7. Respondent presented hearsay character reference letters from the owners of Barney O'Rourke's, where she has worked for the last 18 years, from a co-worker at the Paradise Unified School District, where she has worked for the last 18 years, and from a friend and neighbor of 18 years. She also presented a hearsay character reference letter from the broker of Coldwell Banker Ponderosa Real Estate.

8. Although respondent is apparently making an effort to change and rehabilitate herself, she has a very recent conviction and is still on probation. There has been insufficient time since her last conviction to determine whether she has rehabilitated herself.

LEGAL CONCLUSIONS

1. Respondent's crimes are substantially related to the licensed activity pursuant to California Code of Regulations, title 10, section 2910, subdivision (a), paragraphs: (1) the fraudulent taking of the property of another; and (8) an unlawful act that conferred an economic benefit on respondent and an unlawful act done with the intent of or threat of doing substantial injury to the person of another, as found in Findings 3 and 4.

2. Respondent failed to establish that she is rehabilitated pursuant to the criteria in California Code of Regulations, title 10, section 2911, subdivisions: (a) it has not been at least two years since the criminal convictions; (c) the convictions have not been expunged; and (e) she has not successfully completed probation, as found in Finding 3 through 8.


3. Cause for denial of respondent's application for a real estate salesperson's license was established for violation of Business and Professions Code section 480, subdivision (a), as found in Finding 3.

4. Cause for denial of respondent's application for a real estate salesperson's/broker's license was established for violation of Business and Professions Code section 10177, subdivision (b), as found in Findings 3 and 4.

ORDER

The application of respondent Bonnie Rae Runnion for a real estate salesperson's license is denied pursuant to Legal Conclusions numbers 3 and 4, separately and for both of them.

Dated: February 18, 2005


LEONARD L. SCOTT
Administrative Law Judge
Office of Administrative Hearings

RECEIVED
FEB 23 2005
OFFICE OF ADMINISTRATIVE HEARINGS

FLAG

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC 13 2004

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

By Amie Shann

BONNIE RAE RUNNION

} Case No. H-4119 SAC

} OAH No. N-2004110357

Respondent

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 MONDAY, JANUARY 31, 2005, 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.

DEPARTMENT OF REAL ESTATE

Dated: DECEMBER 13, 2004

By Truly Sughrue, as
TRULY SUGHRUE, Counsel

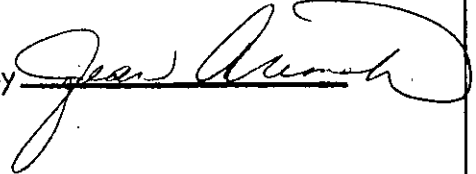
TS/as

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

SEP 30 2004

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 BONNIE RAE RUNNION,)
13 Respondent.)

No. H- 4119 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 BONNIE RAE RUNNION (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 21, 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 and not otherwise.

27 \\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

III

On or about October 30, 1990, in the Superior Court, County of Butte, Respondent was convicted of a violation of Section 10980(c)(2) of the California Welfare and Institutions Code (Fraud to Obtain Aid), 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 March 16, 2004, in the Superior Court, County of Butte, Respondent was convicted of a violation of Section 243(e)(1)) of the California Penal Code (Battery Spouse/Ex-Spouse/Etc.), 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

The crimes of which Respondent was convicted, as alleged above, constitutes 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.

\\
\\
\\
\\
\\
\\
\\

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

7
8 
9 CHARLES W. KOENIG
Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 3rd day of September 2004.