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SEP 8 0 2008

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

DEBORAH MARIE SEIP,
formerly Deborah Marie DeVine,

Respondent.

No. H-4726 SF

ORDER GRANTING UNRESTRICTED LICENSE

On July 5, 1979, 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 October 9, 1979, and Respondent has operated as a restricted licensee since that time.

On July 2, 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 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 if, within
3 nine (9) months from the date of this order, Respondent shall:

4 (a) Submit a completed application and pay the appropriate fee for a real estate
5 salesperson license, and

6 (b) Submit evidence of having taken and successfully completed the continuing
7 education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real
8 estate license.
9

10 This Order shall become effective immediately.

11 IT IS SO ORDERED 9-29-08

12
13 JEFF DAVI
Real Estate Commissioner

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15 

16
17 BY: Barbara J. Bigby
Chief Deputy Commissioner

COPY

FILED
AUG 06 1984

DEPARTMENT OF REAL ESTATE

By *Mary A. Morello*
Mary A. Morello

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

- - -

In the Matter of the Application of)
) NO. H-4726 SF
) DEBORAH MARIE DeVINE,
)
) Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On July 5, 1979, a Decision was rendered herein denying the 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 October 9, 1979, and respondent has operated as a restricted licensee without cause for disciplinary action against her since that time.

On June 7, 1983, respondent petitioned for the removal of restrictions attaching to her real estate salesperson license.

I have considered the petition of respondent and the evidence submitted in support thereof. Respondent has


1 demonstrated to my satisfaction that she meets the requirements
2 of law for the issuance to her of an unrestricted real estate
3 salesperson license and that it would not be against the public
4 interest to issue said license to her.

5 NOW, THEREFORE, IT IS ORDERED that the petition of
6 respondent for the issuance to her of an unrestricted real
7 estate salesperson license be granted upon the receipt of a
8 completed application and the fee for said license within 90 days
9 from the date hereof.

10 This Order shall be effective immediately.

11 DATED: August 1, 1984

13 JAMES A. EDMONDS, JR.
14 Real Estate Commissioner

15 By: 
16 ROBERT P. MARTINEZ
17 Chief Deputy Commissioner

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FILED
NOV 20 1981

DEPARTMENT OF REAL ESTATE

By Linda M. Souza
Linda M. Souza

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) No. H-4726 SF
DEBORAH MARIE DeVINE,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On July 5, 1979, a Decision was rendered herein denying the 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 October 9, 1979, and respondent has operated as a restricted licensee without cause for disciplinary action against her since that time.

On July 7, 1981, respondent petitioned for the removal of restrictions attaching to her real estate salesperson license.

I have considered the petition of respondent and the

1 evidence submitted in support thereof. Respondent has
2 demonstrated to my satisfaction that she meets the requirements
3 of law for the issuance to her of an unrestricted real estate
4 salesperson license and that it would not be against the public
5 interest to issue said license to her.

6 NOW, THEREFORE, IT IS ORDERED that the petition for
7 removal of restrictions is granted and that a real estate
8 salesperson license be issued to her if she satisfies the
9 following conditions within six (6) months from the date of
10 this order:

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


13 2. Submittal of evidence of the completion of 45
14 hours of approved continuing education offerings within the
15 four-year period immediately preceding the date on which the
16 evidence of completion of continuing education is submitted
17 to the Department.

18 This Order shall be effective immediately.

19 DATED: 11-19-81

21 Department of Real Estate

22
23 BY:


24 WILLIAM A. WIGGINS
25 Chief Executive Officer
26
27

COPY

FILED
JUL 6 - 1979

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

By Mary A. Morello
Mary A. Morello

In the Matter of the Application of)
DEBORAH MARIE DeVINE,)
aka Deborah Mendoza,)
Respondent.)

NO. H-4726 SF

N-12897

DECISION

The Proposed Decision dated June 7, 1979, 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 of Section 11522 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 attached hereto.

This Decision shall become effective at 12 o'clock noon on July 26, 1979.

IT IS SO ORDERED July 5, 1979.

David H. Fox
DAVID H. FOX
Real Estate Commissioner

John A. Botten
Asst. Comm'r.

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of)

DEBORAH MARIE DeVINE,)
aka Deborah Mendoza,)

Respondent.)

NO. H-4726 SF

N 12897

PROPOSED DECISION

This matter was heard before Robert S. Kendall, Administrative Law Judge, State of California, Office of Administrative Hearings, on June 4, 1979, at San Francisco, California.

The Department of Real Estate was represented by Ann Grogan, its counsel.

The respondent was present and was represented by William Edward Baugher, her counsel.

Accordingly, the following decision is proposed, certified and forwarded pursuant to the provisions of Government Code Section 11517:

FINDINGS OF FACT

I

The Real Estate Commissioner of the State of California (the Commissioner) in conformity with Section 10152 of the Business and Professions Code of the State of California (the Code) requires further proof of the honesty and truthfulness of Deborah Marie DeVine, aka Deborah Mendoza (respondent) in connection with her application for a real estate salesperson license filed on October 11, 1978. Pursuant thereto the Commissioner instituted a Statement of Issues for the purpose of inquiring into respondent's qualifications for the license applied for.

II

William O. Kewley, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as such and not otherwise, made the allegations set out in the Statement of Issues filed in the matter.

III

It was established that on October 20, 1977, in the Municipal Court for the San Jose-Milpitas Judicial District, County of Santa Clara, State of California, respondent entered a plea of guilty to violation of Section 484 of the California Penal Code (Petty Theft--misdemeanor).

IV

(a) On October 4, 1977, respondent while in a department store where she had just purchased approximately \$40.00 worth of merchandise by charging it to her account, took a bracelet and a blouse with a value of approximately \$14.00. She was apprehended as she left the store in connection with the bracelet theft, and it was then discovered she had also taken the blouse by concealing it in her purse.

(b) Respondent was arrested and released on a citation to appear. On October 20, 1977, she appeared without counsel, pled guilty to petty theft and was fined \$30.00, which she paid in three monthly installments. The Court did not impose jail or probation.

(c) Respondent has had one other brush with the law in early 1977 under Health and Safety Code Section 11357(b) (Simple Possession).

She was, and is, unable to explain her action in taking the items, particularly in view of the fact she could have charged them had she wanted to.

(d) Respondent has openly and fully admitted to her present employer her conviction. She has also fully discussed and disclosed the incident to her potential employing broker, who has agreed, despite this conduct, to offer her a position should she receive a license.

V

(a) Respondent has married since the incident and is now the mother of a two-month old son. Her husband is a premedical school student whom her earnings will assist in support of their family. It is respondent's belief that she has been taught a

positive and lasting lesson by the humiliation of her apprehension, arrest, and court appearance; as well as by the requirement of her appearance and testifying at the hearing on her license application.

(b) Respondent was candid, open and straightforward in her testimony in regard to her culpability and her remorse for what she acknowledged was dishonest conduct. She demonstrated in her testimony she is fully aware of the basis for the Commissioner's concerns about her future conduct should he grant her a salesperson license.

DETERMINATION OF ISSUES

I

The matters set forth in Findings of Fact III and IV establish that respondent was convicted of a crime involving moral turpitude and that the offense is one substantially related to the qualifications, functions, and duties of the license applied for.

Therefore, grounds exist for denial of a license pursuant to the provisions of Business and Professions Code Section 10177(b).

II

The crime of which respondent was convicted is a crime substantially related to the qualifications, functions or duties of a real estate salesperson. Therefore, pursuant to the provisions of Section 480(a) of the Code, grounds exist for denial of respondent's application for a real estate salesperson license.

III

The matters set forth in Findings of Fact V establish it would not be inimical to the public safety or interest if respondent were granted a restricted real estate salesperson license subject to certain terms and conditions.

ORDER

The application for a real estate salesperson license of respondent Deborah Marie DeVine is hereby denied; provided, however, that a restricted real estate salesperson license shall be issued to respondent if she applies for one, on the following terms and conditions of probation:

(a) The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction, or plea of nolo contendere, to a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.

(b) The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or the conditions hereby attaching to her restricted license.

(c) Respondent shall submit with her application for the restricted license under an employing broker, if one has been named herein, or in any subsequent application for transferring to a new employing broker, a statement signed by the prospective employing broker or any subsequent employing broker which shall certify:

1. That he has read the Decision of the Commissioner which granted the right to a restricted license; and
2. That he will exercise close supervision over the licensed activities of respondent.

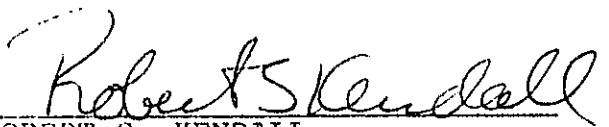
(d) Respondent shall apply for the restricted license in the manner aforesaid within ninety (90) days from and after the effective date of the Decision.

(e) Respondent shall not be issued any unrestricted license to act as a real estate salesperson or otherwise for a period of at least one (1) year from and after the effective date hereof.

(f) The restrictions and conditions of the restricted license above set forth are to attach to any license hereafter issued by the Department to respondent until such time as the Commissioner in conformity with (e) above, issues an unrestricted license to respondent.

DATED:

June 7, 1979


ROBERT S. KENDALL
Administrative Law Judge

RSK:LHJ

CONTINUED HEARING NOTICE

OAH-42 (2/78)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

FILED MAR 28 1979

IN THE MATTER OF THE Application of:

DEBORAH MARIE DeVINE aka Deborah Mendoza,

Respondent

AGENCY NUMBER	H-4726 SF
OAH	N 12897

DEPARTMENT OF REAL ESTATE
 NOTICE OF CONTINUED HEARING
 CHANGE OF TIME AND PLACE OF HEARING
 By *Victoria M. Dillon*
 Victoria M. Dillon

TO THE PARTIES OF THE ABOVE ENTITLED PROCEEDINGS

You and each of you are hereby notified that the hearing in the above-entitled matter has been continued and will be heard before an Administrative Law Judge of the Office of Administrative Hearings at the below address, date, and time.

PLACE OF HEARING

State Building, 455 Golden Gate Avenue, Room 1159, San Francisco, CA 94102

DATE OF HEARING

June 4, 1979

TIME OF HEARING

9:00 a.m.

ADMINISTRATIVE LAW JUDGE

Shirley A. Jones

DATED

March 27, 1979

CERTIFICATION OF SERVICE BY MAIL

Ruth E. Schervem hereby declares:

I am a citizen of the United States, over 18 years of age and have no interest in the matter herein; that I served a copy of the foregoing Hearing Time/Place Change Notice on each of the following by depositing a copy thereof in the United States Mail from the below location on the date shown. The copy was enclosed in a sealed envelope (or envelopes) with postage thereon, fully prepaid addressed (respectively) as follows: Phone: (415) 557-1636

NOTICE MAILED FROM	100 Van Ness Ave., SF	NOTICE MAILED ON - DATE	March 27, 1979
<input type="checkbox"/> LOS ANGELES	<input checked="" type="checkbox"/> SAN FRANCISCO	<input type="checkbox"/> SACRAMENTO	

Deborah Marie DeVine, 130 Roundtable Drive, No. Q-1, San Jose, CA 95111
 William Edward Baugher, Esq., 111 W. St. John St., Suite 666, San Jose, CA 95113

✓ Dept. of Real Estate, Attn.: Ann Grogan; One Hallidie Plaza, Suite 200, San Francisco, CA 94102 (3)

Jean Underwood - OAH Sacramento

cc: *Carlson / sac*
Deputy - Cannon
Braker - Cardarelli

I hereby certify under penalty of perjury that the foregoing is true and correct.

BY *Ruth E. Schervem*

DATED March 27, 1979

COPY

FILED
MAR 6 1979

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Victoria M. Dillon

Victoria M. Dillon

In the Matter of the Application of)
DEBORAH MARIE DEVINE)
aka Deborah Mendoza)
Respondent)

No. H-4726 SF

NOTICE OF HEARING ON APPLICATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at 455 Golden Gate Ave., Room 1200, San Francisco, California on the 29th day of March, 19 79, at the hour of 1:00 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that no notice of defense has been filed by you, upon affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the agency action sought and if you are not present nor represented at the hearing, the agency 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.

Dated: March 6, 1979

DAVID H. FOX
REAL ESTATE COMMISSIONER

By Ann Grogan
Attorney
ANN GROGAN

had

COPY

1 ANN GROGAN, Counsel
2 One Hallidie Plaza
3 Suite 200
4 San Francisco, CA 94102
5 Telephone: (415) 557-3220

FILED
FEB 6 - 1979

DEPARTMENT OF REAL ESTATE

By Mary A. Morello
Mary A. Morello

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 - - -

11 In the Matter of the Application of) NO. H-4726 SF
12 DEBORAH MARIE DeVINE,)
13 aka Deborah Mendoza,)
14 Respondent.)

15 I

16 The Real Estate Commissioner of the State of California
17 (hereinafter referred to as Commissioner) in conformity with
18 Section 10152 of the Business and Professions Code of the State
19 of California (hereinafter referred to as the Code) requires
20 further proof of the honesty and truthfulness of DEBORAH MARIE
21 DeVINE, aka Deborah Mendoza (hereinafter referred to as respondent)
22 in connection with her application for a real estate salesperson
23 license filed on or about October 11, 1978, and pursuant thereto
24 has instituted the within proceedings for the purpose of inquiring
25 into respondent's qualifications for said license.

26 II

27 WILLIAM O. KEWLEY, a Deputy Real Estate Commissioner

1 of the State of California, acting in his official capacity as
2 such and not otherwise, makes this Statement of Issues.


3 III

4 In acting upon the application of respondent, the
5 Commissioner shall consider, but shall not be limited to the
6 following facts:

7 That on or about October 20, 1977, in the Municipal
8 Court for the San Jose - Milpitas Judicial District, County of
9 Santa Clara, State of California, respondent entered a plea of
10 guilty to violation of Section 484 of the California Penal Code
11 (PETTY THEFT - misdemeanor).

12 IV

13 That the facts, as alleged in Paragraph III above,
14 pertain to the conviction of respondent for an offense that is
15 a crime involving moral turpitude and a crime which is substan-
16 tially related to the qualifications, functions, or duties of a
17 real estate licensee, and as such is within the provisions of
18 Section 10177(b) of the Code, and constitutes grounds for the
19 denial of respondent's application for a real estate salesperson
20 license.

21
22 
23 WILLIAM O. KEWLEY
24 Deputy Real Estate Commissioner

25 Dated at San Francisco, California
26 this 6th day of February, 1979.

27