

FILED

MAY 19 2011

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

LAURA LYNN BRANDON,

Respondent.

DRE No. H-5495 SAC

OAH No. 2010110316

ORDER DENYING RECONSIDERATION

On March 28, 2011, a Decision was rendered in the above-entitled matter. The Decision was to become effective at 12 o'clock noon on April 25, 2011.

On April 7, 2011, Respondent requested a thirty (30) day stay to petition for reconsideration of the Decision. An Order Staying Effective Date was issued on April 10, 2011, staying the effective date of the Decision until 12 o'clock noon on May 25, 2011.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of March 28, 2011, and reconsideration is hereby denied.

IT IS HEREBY ORDERED 5/19/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



FILED

APR 14 2011

DEPARTMENT OF REAL ESTATE

By Y. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)

LAURA LYNN BRANDON,)

NO. H-5495 SAC

Respondent.)

ORDER STAYING EFFECTIVE DATE

On March 28, 2011, a Decision was rendered in the above-entitled matter as to Respondent LAURA LYNN BRANDON to become effective on April 25, 2011.

On April 7, 2011, Respondent LAURA LYNN BRANDON requested a stay for the purpose of filing a petition for reconsideration of the Decision of March 28, 2011.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed as to Respondent LAURA LYNN BRANDON for a period of thirty (30) days. The Decision of March 28, 2011, shall become effective at 12 o'clock noon on May 25, 2011.

DATED: 4-10-, 2011.

JEFF DAVI
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

APR - 4 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

In the Matter of the Application of)
LAURA LYNN BRANDON,)
Respondent.)

NO. H-5495 SAC

OAH NO. 2010110316

DECISION

The Proposed Decision dated February 25, 2011, 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

April 25, 2011.

IT IS SO ORDERED 3/28, 2011.

JEFF DAVI
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

LAURA LYNN BRANDON,

Respondent.

Case No. H-5495 SAC

OAH No. 2010110316

PROPOSED DECISION

Administrative Law Judge Linda A. Cabatic, State of California, Office of Administrative Hearings, heard this matter in Sacramento, California on January 18, 2011.

Annette E. Ferrante, Real Estate Counsel for the Department of Real Estate, represented complainant Tricia D. Sommers, Deputy Real Estate Commissioner (complainant).

Respondent Laura Lynn Brandon was present and represented herself.

This matter arises as a result of the criminal convictions sustained by respondent. Evidence was received, and the matter was held open until January 25, 2011, to allow the Department of Real Estate (department) to search its records because a page was missing from Exhibit 2, respondent's real estate salesperson license application. On January 25, 2011, the department submitted another copy of respondent's real estate salesperson license application with the missing page attached, which was marked and received into evidence as Exhibit 12. The matter was submitted for decision on January 25, 2011.

FACTUAL FINDINGS

1. On August 6, 2009, respondent submitted her application for a real estate salesperson's license to the department.
2. On October 14, 2010, complainant filed the Statement of Issues against respondent seeking to deny her application. Complainant did so in her official capacity.
3. On November 1, 2010, respondent filed her Notice of Defense and this hearing ensued.

Prior Administrative Action

4. Respondent previously applied for a real estate salesperson's license on August 24, 1988. The license was issued on September 2, 1988, and then on November 22, 1988, the department issued a Statement of Issues against respondent. On November 23, 1988, the department suspended respondent's license because respondent failed to disclose her 1986 misdemeanor petty theft conviction for shoplifting in her application to the department.

5. On December 28, 1988, a proposed decision was issued in which an administrative law judge determined that respondent should be issued a restricted license because the administrative law judge found respondent was sufficiently rehabilitated from her 1986 petty theft misdemeanor conviction.

6. On or about January 3, 1989, the department adopted the proposed decision of the administrative law judge and granted a restricted license to respondent, effective January 27, 1989.

7. On August 22, 1991, respondent petitioned to remove the restrictions attached to her real estate salesperson's license. On February 4, 1992, the department granted the petition to remove the license restrictions.

8. Sometime in 1996, respondent allowed her real estate salesperson's license to expire.

Criminal Convictions

9. On January 5, 2007, respondent pled nolo contendere in Santa Cruz County Superior Court to the charge of violating Vehicle Code section 23152, subdivision (b) [driving with a blood alcohol level of .08 percent or higher]. Respondent's blood alcohol level was measured at .18 percent. Respondent was ordered to serve five days in the county jail with a credit for two days. Respondent was placed on probation for five years, ordered to pay \$2,015 in fines and fees, and ordered to, among other things, submit to complete chemical tests if stopped or arrested for driving under the influence and to enroll in and complete the First Offender Drinking Driver Program for three months and submit proof to the Court by March 1, 2007. Respondent is on probation until January 2012.

Respondent excused her conviction on the fact that she was attempting to deal with her husband's suicide, which occurred in 1999. Respondent stated she was drinking to ease the pain of her husband's suicide and could not cope with things without medicating herself. Respondent stated she completed the drinking driver program, paid her fines and fees and completed the work project.

10. Respondent suffered two convictions close in time. One was on October 1, 2002, and the other was on November 27, 2002. Several incidents occurred during this period of time, which will be explained in chronologic order.

On October 1, 2002, respondent pled nolo contendere to a violation of Health and Safety Code section 11350, subdivision (a) [possession of a controlled substance – cocaine], a felony. Judgment and sentencing were suspended and respondent was placed on formal probation for five years. Respondent was ordered to serve 90 days in Sacramento County Jail and was credited for three days time served. She was ordered to, among other conditions, register as a drug offender with the chief of police of the city or the sheriff of the county in which she resided, participate in a Drug Rehabilitation Program, and pay restitution, fines and fees totaling \$560.

On November 1, 2002, the probation report was reviewed for the conviction respondent suffered on October 1, 2002. At that time, the progress report was read and considered by the Court regarding her drug rehabilitation treatment. Respondent failed to appear and her probation was revoked. A bench warrant issued and respondent was ordered back to Court upon her arrest.

On November 27, 2002, respondent appeared on the October 1, 2002 charge of possession of cocaine. She pled nolo contendere in Sacramento County Superior Court to the charge of violating Vehicle Code section 2800.1, subdivision (a) [willful evasion of a police officer while driving a vehicle], a misdemeanor and a probation violation. In dealing with the cocaine conviction, the Court took judicial notice of respondent's conviction for evading a police officer. The Court stayed any county jail time pending successful completion of a residential treatment program at the Fair Oaks Recovery Center. If respondent was successful, her total jail time would be 90 days on a work project. If not, 180 days would be imposed.

On December 12, 2002, the Court ordered respondent's probation revoked and a bench warrant issued.

On March 3, 2003, respondent appeared in court and the 90 days in county jail previously stayed was lifted and straight time was imposed with 19 days of credit. Respondent was ordered to report to the probation department within 24 hours of her release. On July 14, 2003, respondent was ordered to turn herself in on August 1, 2003. On August 1, 2003, respondent's motion to modify was granted and the balance of her county jail time was to be completed through work furlough.

11. Respondent explained she was still dealing with the fact that her husband committed suicide. She was afraid of everyone. Respondent went to the Fair Oaks Recovery Center but she felt she did not belong there because she was not an addict. She switched to an outpatient facility at Kaiser Hospital. She did not complete the program at the Fair Oaks Recovery Center.

12. According to the Sacramento County Sheriff's Department Report¹ dated July 15, 2002, the facts underlying the October 1, 2002 conviction were as follows: two deputy sheriffs were called to respond to a call regarding a potential overdose of cocaine. Apparently, respondent's sister-in-law, Vickie Hanley reported that respondent was sitting in a black Ford pickup truck in the driveway, smoking crack cocaine in an attempt to overdose. The deputies encountered respondent on the back deck and as they approached, respondent was in possession of a small white rock-like substance. When they asked respondent to stand up, they discovered a glass smoking pipe commonly used for smoking rock cocaine on the deck floor next to her left side. They also observed a small cosmetic bag off to the right, which was open and a larger quantity of the same substance was visible. The deputies searched respondent's truck and saw on the floorboard of the driver's side, a goldish colored wire, commonly referred to as "charbroil" and small pieces of a white powdery rock-like substance. Another small piece of the same substance was found in the center console.

13. Respondent stated she was smoking cocaine in an attempt to commit suicide because she fell apart when her husband died.

14. On September 10, 2002 in San Joaquin County Superior Court, respondent pled guilty to the charge of violating Health and Safety Code section 11550 [possession of cocaine], a misdemeanor. Respondent was placed on three years of formal probation and ordered to, among other conditions, participate in treatment program approved by her probation officer, abstain from the use of alcohol and drugs, not have in her possession, custody or control any weapons, and submit to searches for controlled substances, narcotics or other drugs. She was also required to pay fines and fees in the amount of \$161.

15. According to the Stockton Police Report No. 02-34354, the facts underlying this conviction were that respondent was observed asleep in her vehicle and under the influence of a controlled substance. The officers were called upon to investigate a suspicious vehicle in the 3300 block of Nicole. The officers located respondent's vehicle with its headlights on and observed respondent asleep in the back seat. They observed a beer bottle resting in the open glove box and a plastic grocery bag on the floorboards with a six pack container of Modelo beer. One of the officers tapped on the window and respondent woke up. She wiped her eyes and appeared groggy and disoriented. Respondent stated she was tired and pulled off the road to rest. She told the officers she had a couple of beers.

Respondent was ordered to unlock the doors and get out of the truck. Respondent complied, but stumbled when she got out and had an odor of an alcoholic beverage about her breath and person. Her eyes were red and watery and she had a hard time standing still.

¹ Government Code section 11513, subdivision (d) provides, in pertinent part, that "[h]earsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. . ." A police officer's report constitutes the sort of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs. (*Lake v. Reed* (1977) 16 Cal.4th 448, 461.)

When asked if she had been drinking, respondent stated she had "Just one." Respondent was then asked if she had anything illegal on her and she stated she did not.

The other officer walked to the driver's door of her vehicle and found Brillo pad residue in the door pockets. Respondent objected to their search of the vehicle and began moving towards the open driver's door and attempted to leave. She was ordered out of the truck, refused and the officer grabbed her right wrist and placed it in a twist lock and the other officer did the same with her left hand. She was removed from the truck.

Respondent was placed under arrest for being under the influence. In her vehicle, the officers found a blackened glass pipe approximately four inches long with a piece of Brillo pad on one end, which based upon the officer's training, was determined to be a pipe used for smoking rock cocaine. Also inside the glove compartment was an unzipped orange cosmetic bag with a small clear plastic baggie that had a small amount of light white residue inside. The small substance appeared to be rock cocaine.

Respondent again explained her conduct resulted from her inability to deal with her husband's suicide.

16. On October 23, 1986, respondent pled guilty to violating Penal Code section 488 (petty theft), a misdemeanor. Respondent was ordered to pay a fine of \$102. Respondent was observed stealing three hair barrettes from a display rack and other personal items, with a total value of \$38.99.

17. Respondent did not remember the details of the petty theft.

18. As previously mentioned, respondent submitted her application on August 6, 2009. Question 23 of the application asks "Have you ever been convicted of a misdemeanor or felony? Convictions expunged under Penal Code section 1203.4 must be disclosed. However, you may omit traffic citations which do not constitute a misdemeanor or felony. If yes, complete item 27."

19. Respondent failed to complete the requisite information for item 27, which asked for a detailed explanation of the Court, arresting agency, date of conviction, type of conviction, code section violated, the name of the code that was violated, the disposition of the action and the case number.

20. Respondent explained she could not remember every incident and was told by a staff member at the department to just write out an explanation. Respondent submitted a handwritten explanation, none of which provided the information necessary and required by Question 27 of the application.

21. Respondent submitted a Confidential Interview Information Statement, but that document provided scant information regarding her convictions and merely explained how life was difficult since her husband's suicide.

22. Respondent stated George Brandon, a broker, is willing to hire her if that is what she chooses to do. She is exploring her options. Respondent's use of cocaine began after her husband committed suicide. Respondent states she has completed all the terms and conditions for her convictions. She is currently employed by Double Diamond Construction Company and has a contractor's license.

23. Respondent states she goes to two Bible study classes. She also allows her church to store food or packaged goods on Thanksgiving; and helps raise money for the church.

24. Respondent went to the Fair Oaks Recovery Center but she felt uncomfortable there. She stated that the people there were addicted and she was scared to be at that facility. She was at the facility because of her husband's death and did not complete the program because she felt she did not belong there. She went to a Sutter-Kaiser facility and remained there for approximately a month. It was not clear whether she completed any treatment because she stated she was not addicted to cocaine. She stated she went to Sutter Kaiser because she kept trying to commit suicide. She stated she saw a therapist at Kaiser once a month for counseling between 2002 and 2005. Respondent stated she has not used cocaine since 2003, but still consumes alcohol.

25. Respondent has four daughters, all adults. Three are living at home, but are all working and one is away at college. Respondent is only financially responsible for herself.

26. Respondent has paid all her fines and fees, but she has filed for bankruptcy.

27. Every so often, respondent attends the Temple Baptist Church, Horizon Church and the Gathering Place. She attends Bible studies on Fridays and watches the Charles Stanley television program on Sunday mornings.

LEGAL CONCLUSIONS

1. Pursuant to Business and Professions Code sections 480, subdivisions (a) [conviction of a crime] and (c) [making a false statement of fact on the application], and 10177, subdivisions (a) [procuring a license by fraud, misrepresentation or deceit] and (b) [conviction of a crime substantially related to the qualifications, functions or duties of a real estate licensee], the Real Estate Commissioner may deny an application for a real estate license if the applicant has been convicted of a crime that bears a substantial relationship to the qualifications, functions, or duties of a real estate licensee.

2. The department has developed criteria of substantial relationship which is set forth in California Code of Regulations, title 10, section 2910. Subdivision (a) of section 2910 provides, in pertinent part:

(a) When considering whether a license should be denied, suspended, or revoked on the basis of a 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:

[¶ . . . ¶]

(4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.

[¶ . . . ¶]

(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.

3. While respondent claimed she did not do anything wrong and filled out her application to the best of her ability but could not remember what happened, her testimony was not credible. By her omissions, respondent sought to misrepresent her criminal history in order to obtain her license. (Findings 19, 20, 21, and 22; Legal Conclusions 1 and 2.) Respondent did not list any of her convictions and her written explanation failed to provide any details regarding her convictions. Cause therefore exists to deny respondent's application.

4. Cause exists to deny respondent's application as a result of her willful failure to comply with a court order. Respondent was ordered to complete a residential treatment program at the Fair Oaks Recovery Center and did not complete her treatment there. Respondent violated her probation and a bench warrant issued. Her probation was subsequently revoked. (Findings 10 and 11; Legal Conclusions 1 and 2.)

5. Cause exists to deny respondent's application because her conduct demonstrates a pattern of repeated and willful disregard of the law. (Findings 9, 10, 11, 12, 13, 14, 15, 16, 17; Legal Conclusions 1 and 2.) Respondent suffered four convictions three of which involved alcohol and drugs. Respondent's crimes are substantially related to the qualifications, functions or duties of a licensee of the department.

Rehabilitation

6. The determination whether a person is presently fit for licensure should be made only after consideration of the conduct of the licensee and consideration of any factors

introduced in justification, aggravation or mitigation. "The Licensee, of course, should be permitted to introduce evidence of extenuative circumstances by way of mitigation or explanation, as well as any evidence of rehabilitation." (*Arneson v. Fox* (1980) 28 Cal.3d 440, 449; *Brandt v. Fox* (1979) 90 Cal.App.3d 737, 747.) When an applicant for a real estate license has committed crimes or acts that serve as a cause for denial of an application, the burden is on the applicant to show that she has been sufficiently rehabilitated to justify the issuance of a license.

7. Pursuant to Business and Professions Code section 482, subdivision (a), the department has developed criteria to evaluate the rehabilitation of a license application after criminal convictions. California Code of Regulations, Title 10, section 2911 establishes the Criteria for Rehabilitation, which includes, in pertinent part:

- (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.
- [¶]
- (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 department 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.

[¶]

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

8. Evaluating respondent's conduct in light of the criteria for rehabilitation, respondent has not sustained her burden to show that she has been sufficiently rehabilitated to justify the issuance of a license. It has been four years since respondent's last conviction, but she remains on parole until January 5, 2012, a fact which she did not realize. (Finding 9.) When a person is on criminal probation or parole, rehabilitation efforts are accorded less weight since persons under the direct supervision of correctional authorities are required to behave in exemplary fashion. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.)

9. Respondent has not had any of her convictions expunged and she has not yet successfully completed her most recent probation. (Finding 9.) Respondent has not used cocaine since 2003, but still consumes alcohol. (Finding 25.) Respondent stated she has paid all her fines and fees, but she has declared bankruptcy. (Finding 27.) While respondent's family life appears to be stable, during the course of the entire hearing, respondent continually cried and sought to excuse her conduct because of her husband's suicide in 1999. Her inability to recall specific details of her convictions, details of her treatment, her inattention to the details of her application, and her inability, even after eleven years, to come to grips with her husband's suicide leads to the conclusion that it would not be in the public's interest to grant her application.

10. Respondent did not call any witnesses or produce other evidence attesting to her good character. She did not provide any evidence from any family members or other persons familiar with her previous conduct and her subsequent attitudes and behavioral patterns to demonstrate a change in attitude. She provided no information regarding any sustained enrollment in any educational or vocational program. She has no significant involvement in the community or with any program designed to provide social benefits or ameliorate social problems. Respondent did not demonstrate she has been sufficiently rehabilitated to justify the issuance of a license.

ORDER

The application of Laura Lynn Brandon for a real estate salesperson license is
DENIED.

Dated: February 25, 2011



LINDA A. CABATIC
Administrative Law Judge
Office of Administrative Hearings

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789
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FILED

OCT 14 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 LAURA LYNN BRANDON,)
13 Respondent.)

NO. H-5495 SAC

STATEMENT OF ISSUES

14 The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy
15 Real Estate Commissioner of the State of California, for this Statement of Issues against LAURA
16 LYNN BRANDON, also known as "Laura Lynn Hanley" (hereinafter "Respondent"), is
17 informed and alleges as follows:

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19 On or about August 6, 2009, Respondent made application to the Department
20 of Real Estate (hereinafter "Department") of the State of California for a real estate salesperson
21 license.

22 2

23 In response to Question 23 of said application, to wit: "Have you ever been
24 convicted of a misdemeanor or felony? Convictions expunged under Penal Code Section 1203.4
25 must be disclosed. However, you may omit traffic citations which do not constitute a
26 misdemeanor or felony," Respondent concealed and failed to disclose the convictions described
27 in Paragraphs 3 through 7, below.

On or about January 5, 2007, in the Superior Court of the State of California, County of Santa Cruz, in Case No. M35482, Respondent was convicted of violating Section 23152(b) of the California Vehicle Code (DUI with B.A.C. of 0.08% or Higher), a misdemeanor, and a crime which bears a substantial relationship under Section 2910, Title 10, of the California Code of Regulations (hereinafter "the Regulations"), to the qualifications, functions, or duties of a real estate licensee.

On or about November 27, 2002, in the Superior Court of the State of California, County of Sacramento, in Case No. 02F09540, Respondent was convicted of violating Section 2800.1(a) of the California Vehicle Code (Evade Police Officer), a misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

On or about October 1, 2002, in the Superior Court of the State of California, County of Sacramento, in Case No. 02F05956, Respondent was convicted of violating Section 11350(a) of the California Health and Safety Code (Possession of Controlled Substance – Cocaine Base), a felony, and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

On or about September 10, 2002, in the Superior Court of the State of California, County of San Joaquin, in Case No. SM225264A, Respondent was convicted of violating Section 11550(a) of the California Health and Safety Code (Under the Influence of a Controlled Substance-Cocaine), a misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

On or about October 23, 1986, in the Superior Court of the State of California, County of Sacramento, in Case No. 86M14534, Respondent was convicted of violating Section 488 of the California Penal Code (Petty Theft), a misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions, or duties of a real estate licensee.

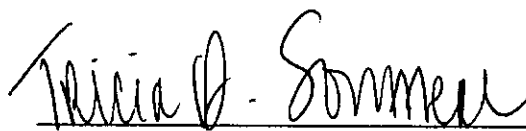
PREVIOUS ADMINISTRATIVE PROCEEDINGS

Effective January 10, 1989, in Case No. H-2378 SAC, before the Department, the Real Estate Commissioner denied Respondent's application for a plenary real estate salesperson license pursuant to Sections 480(a), 480(c), 10177(a) and 10177(b) of the California Business and Professions Code (hereinafter "the Code"), but granted Respondent a restricted real estate salesperson license subject to terms, conditions, and restrictions set forth in Sections 10153.4 and 10156.7 of the Code.

Respondent's failure to reveal in her application for a real estate salesperson license the convictions set forth in Paragraphs 3 through 7, above, constitutes the procurement of or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Sections 480(c) (False Statement of Fact on Application) and 10177(a) (Attempted Procurement of License by Fraud/Misrepresentation/Deceit/Material Misstatement) of the Code.

The facts alleged in Paragraphs 3 through 7, above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) (Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to Qualifications, Functions or Duties of Real Estate Licensee) of the Code.

1 WHEREFORE, the Complainant prays that the above-entitled matter be set for
2 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
3 authorize the issuance of, and deny the issuance of, a real estate salesperson license to
4 Respondent, and for such other and further relief as may be proper under the provisions of law.
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8 
9 TRICIA D. SOMMERS
10 Deputy Real Estate Commissioner
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12 Dated at Sacramento, California,
13 this 5th day of October, 2010.
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