

COPY

FILED
MAY 26 1989

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	CASE NO. H-6017 SF
	)	
JULIA Y. TAYLOR,	)	OAH NO. N 31919
aka JULIA YOUNG LI,	)	
	)	
Respondent.	)	

DECISION AFTER REJECTION

The matter came on for hearing before George R. Coan, Administrative Law Judge of the Office of Administrative Hearings, in San Francisco, California, on October 17, 1988.

Deidre L. Johnson, Counsel, represented the complainant.

Michael Weisberg, Attorney at Law, represented Respondent JULIA Y. TAYLOR aka JULIA YOUNG LI, who was also present.

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

On January 19, 1989, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my

1 Decision herein. Pursuant to Section 11517(c) of the Government
2 Code of the State of California, Respondent was served with
3 notice of my determination not to adopt the Proposed Decision of
4 the Administrative Law Judge along with a copy of said Proposed
5 Decision. Respondent was notified that the case would be decided
6 by me upon the record, the transcript of proceedings held on
7 October 17, 1988, and upon any written argument offered by
8 Respondent and Complainant.

9 I have given careful consideration to the record in
10 this case including the transcript of proceedings of October 17,
11 1988, and the arguments of Respondent and Complainant.

12 The following shall constitute the Decision of the Real
13 Estate Commissioner in this proceeding:

14 FINDINGS OF FACT

15 I

16 Edward V. Chiolo made the accusation in his official
17 capacity as a Deputy Real Estate Commissioner and not otherwise.

18 II

19 At all times herein mentioned, Respondent was licensed
20 as a real estate broker, license No. 399878. This license will
21 expire on May 5, 1991.

22 At all times herein mentioned, Respondent was licensed
23 as an officer of Allnational Investments, Inc. This license will
24 expire on May 8, 1989.

25 III

26 On October 31, 1986, in the Monterey County Municipal
27 Court, State of California, Respondent was convicted of violation

1 of Penal Code Section 484 (Petty Theft), a crime involving moral
2 turpitude and which is substantially related under Section 2910,
3 Title 10, California Code of Regulations to the qualifications,
4 functions or duties of a real estate licensee.

5 IV

6 Respondent pled "no contest" and was sentenced to three
7 years probation on condition she serve one day in jail and fined
8 \$200. She was represented by an attorney during the criminal
9 proceedings. Her probation will expire in November 1989.

10 V

11 While shopping in Long's Drug Store, Respondent
12 purchased a number of items which she paid for. She concealed
13 two lipsticks of the value of \$9.18 and left the store without
14 paying for them. After being apprehended she wrote out and
15 signed a statement admitting the theft "because it was a
16 challenge to see whether I could get by."

17 VI

18 Respondent introduced evidence establishing the
19 following:

- 20 1. She is 47 years of age and has a college degree.
- 21 2. She works full time in real estate, first as a
22 salesperson beginning in 1971 and as a broker since 1979.
- 23 3. Despite her written confession and her plea of no
24 contest, she testified at the hearing that she had forgotten
25 about putting the lipsticks in her pocket. She had sufficient
26 money with her to pay for them.

27 / / /

DETERMINATION OF ISSUES

Cause for disciplinary action has been established pursuant to Business and Professions Code Sections 490 and 10177(b).

ORDER

1. All license and licensing rights of Respondent Julia Y. Taylor aka Julia Young Li under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

2. A restricted real estate broker license shall be issued to said Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within ninety (90) days from the effective date of the Decision herein.

3. The restricted license issued to 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.

- a. Respondent shall within six (6) months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that she has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy the condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

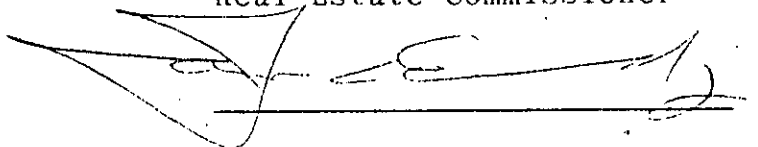
- 1 b. Respondent shall within six (6) months from the
2 effective date of the restricted license, take and
3 pass the Professional Responsibility Examination
4 administered by the Department including the
5 payment of the appropriate examination fee. If
6 respondent fails to satisfy this condition, the
7 Commissioner may order suspension of the restricted
8 license until respondent passes the examination.
- 9 c. Said restricted license may be suspended prior to
10 hearing by order of the Real Estate Commissioner in
11 the event of respondent's conviction or plea of
12 nolo contendere to a crime which bears a
13 significant relation to respondent's fitness or
14 capacity as a real estate licensee.
- 15 d. Said restricted license may be suspended prior to
16 hearing by order of the Real Estate Commissioner on
17 evidence satisfactory to the Commissioner that
18 respondent has violated provisions of the
19 California Real Estate Law, the Subdivided Lands
20 Law, Regulations of the Real Estate Commissioner or
21 conditions attaching to this restricted license.
- 22 e. Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license nor
24 the removal of any conditions, limitations or
25 restrictions of a restricted license until three
26 (3) years have elapsed from the date of issuance of
27 the restricted license to respondent.

 The right to reinstatement of a revoked or suspended
real estate license or to the reduction of a penalty is
controlled by Section 11522 of the Government Code. A copy of
Section 11522 and a copy of the Commissioner's Criteria of
Rehabilitation are attached hereto for the information of
respondent.

This Decision shall become effective at 12 o'clock noon
on June 15th, 1989.

IT IS SO ORDERED , 1989.

JAMES A. EDMONDS, JR.
Real Estate Commissioner



FILED
FEB 1 1989

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JULIA Y. TAYLOR,)
aka Julia Young Li,)
Respondent.)

NO. H-6017 SF

NOTICE

TO: JULIA Y. TAYLOR, Respondent
and
MICHAEL WEISBERG, her Counsel

YOU ARE HEREBY NOTIFIED that the Proposed Decision
herein dated January 19, 1989, of the Administrative Law Judge is
not adopted as the Decision of the Real Estate Commissioner. A
copy of the Proposed Decision dated January 19, 1989, is attached
for your information.

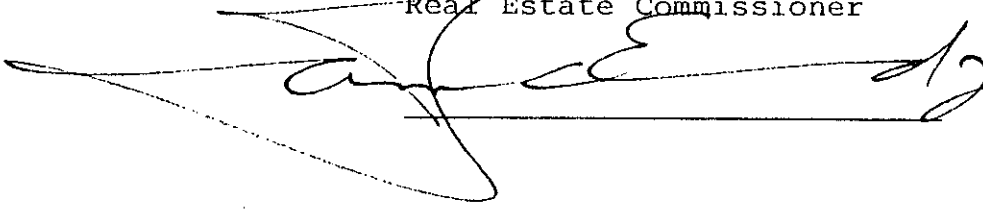
In accordance with Section 11517(c) of the Government
Code of the State of California, the disposition of this case
will be determined by me after consideration of the record herein
including the transcript of the proceedings held on October 17,
1988, and any written argument hereafter submitted on behalf of

1 respondent and complainant.

2 Written argument of respondent to be considered by me
3 must be submitted within 15 days after receipt of the transcript
4 of the proceedings of October 17, 1988, at the San Francisco
5 office of the Department unless an extension of the time is
6 granted for good cause shown.

7 Written argument of complainant to be considered by me
8 must be submitted within 15 days after receipt of the argument of
9 respondent at the San Francisco office of the Department of Real
10 Estate unless an extension of the time is granted for good cause
11 shown.

12 DATED: 1-27-89

13 JAMES A. EDMONDS, JR.
14 Real Estate Commissioner
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
of)

JULIA Y. TAYLOR,)
aka JULIA YOUNG LI,)

Respondent.)
_____)

CASE NO. H-6017 SF

OAH NO. N-31919

PROPOSED DECISION

This matter was heard before George R. Coan, Administrative Law Judge, State of California, Office of Administrative Hearings, in San Francisco, California, on October 17, 1988.

The Department of Real Estate was represented by Deidre L. Johnson, Counsel.

Respondent appeared and was represented by her attorney, Michael Weisberg.

FINDINGS OF FACT

I

Edward V. Chiolo made the accusation in his official capacity as a Deputy Real Estate Commissioner.

II

At all times herein mentioned, respondent was licensed as a real estate broker, license No. 399878. This license will expire on May 5, 1991.

At all times herein mentioned, respondent was licensed as an officer of Allnational Investments, Inc. This license will expire on May 8, 1989.

III

On October 31, 1986, in the Monterey County Municipal Court, State of California, respondent was convicted of violation of Penal Code section 484 (Petty Theft), a crime involving moral turpitude and which is substantially related under section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

Respondent pled "no contest" and was sentenced to three years probation on condition she serve one day in jail and fined \$200. She was represented by an attorney during the criminal proceedings. Her probation will expire in November 1989.

V

While shopping in Long's Drug Store, respondent purchased a number of items which she paid for. She concealed two lipsticks of the value of \$9.18 and left the store without paying for them. After being apprehended she wrote out and signed a statement admitting the theft "because it was a challenge to see whether I could get by."

VI

Respondent introduced evidence establishing the following:

1. She is 47 years of age and has a college degree.
2. She works full time in real estate, first as a salesperson beginning in 1971 and as a broker since 1979.
3. Despite her written confession and her plea of no contest, she testified at the hearing that she had forgotten about putting the lipsticks in her pocket. She had sufficient money with her to pay for them.

DETERMINATION OF ISSUES

Cause for disciplinary action has been established pursuant to Business and Professions Code sections 490 and 10177(b).

ORDER

1. All license and licensing rights of respondent Julia Y. Taylor and Julia Young Li under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

NOT
ADOPTED

2. A restricted real estate broker license shall be issued to said respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of the Decision herein.

3. The restricted license issued to 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.

- NOT
ADOPTED*
- a. Respondent shall within 12 months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that she has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.
 - b. Respondent shall within six months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination.
 - c. Said 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.
 - d. Said 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 conditions attaching to this restricted license.

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

DATED:

January 19, 1989

George R. Coan
GEORGE R. COAN

Administrative Law Judge

GRC:lhj

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

FILED
OCT 11 1988
DEPARTMENT OF REAL ESTATE

By *Linda Montiel*
Linda Montiel

In the Matter of the Accusation of

JULIA Y. TAYLOR
aka JULIA YOUNG LI

Case No. H-6017 SF

OAH No. N 31919

Respondent(s)

AMENDED

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
OFFICE OF ADMINISTRATIVE HEARINGS, STATE BUILDING
455 Golden Gate Avenue, Room 2248, San Francisco, California 94102

on the 17th day of October, 19 88, at the hour of 1:30 p.m., or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation 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 to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

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. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: October 11, 1988

By *Deidre L. Johnson*
DEIDRE L. JOHNSON
Counsel

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
SEP 27 1988

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JULIA Y. TAYLOR
aka JULIA YOUNG LI

Case No. H-6017 SF

OAH No. N 31919

By Lynda Montiel
Lynda Montiel

Respondent(s)

AMENDED NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
OFFICE OF ADMINISTRATIVE HEARINGS, STATE BUILDING
455 Golden Gate Avenue, Room 2248, San Francisco, California 94102

on the 20th day of October, 19 88, at the hour of 1:30 pm, or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation 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 to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

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. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: September 27, 1988

By Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

Flag! SAC

FILED
JUN 9 1988

DEIDRE L. JOHNSON, Counsel
DEPARTMENT OF REAL ESTATE
185 Berry Street, Room 5816
San Francisco, California 94107

Telephone: (415) 557-3220

DEPARTMENT OF REAL ESTATE

By Synda A. Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) NO. H-6017 SF
JULIA Y. TAYLOR,)
aka JULIA YOUNG LI,) ACCUSATION
Respondent.)

The Complainant, EDWARD V. CHIOLO, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against JULIA Y. TAYLOR, aka JULIA YOUNG LI (hereinafter Respondent), is informed and alleges as follows:

I

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code (hereinafter the Code) as a real estate broker. Said license expires on May 23, 1991.

II

The complainant, EDWARD V. CHIOLO, a Deputy Real Estate Commissioner of the State of California, makes this accusation

1 against respondent in his official capacity and not otherwise.

2 III

3 On or about October 31, 1986, In the Monterey County
4 Municipal Court, State of California, Respondent was convicted
5 of violation of Section 484 of the California Penal Code (Petty
6 Theft), a crime involving moral turpitude and which is
7 substantially related under Section 2910, Title 10, California
8 Code of Regulations to the qualifications, functions or duties of
9 a real estate licensee.

10 IV

11 The facts alleged above constitute cause under Sections
12 490 and 10177(b) of the Code for suspension or revocation of all
13 licenses and license rights of Respondent under the Real Estate
14 Law.

15 WHEREFORE, complainant prays that a hearing be
16 conducted on the allegations of this Accusation and that upon
17 proof thereof, a decision be rendered imposing disciplinary
18 action against all licenses and license rights of Respondent
19 under the Real Estate Law (Part 1 of Division 4 of the Business
20 and Professions Code) and for such other and further relief as
21 may be proper under other applicable provisions of law.

22 *Edward V. Chio*

23 EDWARD V. CHIOLO
24 Deputy Real Estate Commissioner

25 Dated at San Francisco, California

26 this 20th day of May, 1988.
27