

FILED
FEB 27 1995
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zian*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
ELIZABETH ANN BARSELL,) No. H-6321 SF
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 15, 1991, a Decision was rendered herein
revoking the real estate salesperson license of Respondent, 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 May 23, 1991, and Respondent
has operated as a restricted licensee without cause for
disciplinary action against Respondent since that time.

On December 22, 1993, Respondent petitioned for
reinstatement of said real estate salesperson license, and the
Attorney General of the State of California has been given notice
of the filing of said petition.

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1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
9 for reinstatement is granted and that a real estate salesperson
10 license be issued to Respondent if Respondent satisfies the
11 following conditions within six (6) months from the date of this
12 Order:

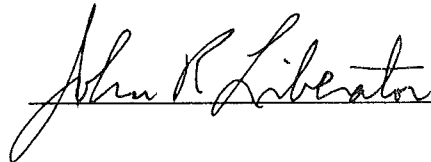
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: Feb. 13, 1995

22 JOHN R. LIBERATOR
23 Interim Commissioner

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26
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COPY

FILED
MAR 20 1991

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Victoria Dillon
Victoria Dillon

In the Matter of the Accusation of)
ELIZABETH ANN BARSELL)
aka ELIZABETH ANN CYR)
aka ELIZABETH CYR)
aka LIZ BARSELL,)
Respondent.)

No. H-6321 SF

OAH N-36667

DECISION

The Proposed Decision dated February 20, 1991, 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 Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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 April 9, 19 91.

IT IS SO ORDERED March 15, 19 91.

JOHN R. LIBERATOR
Chief Deputy Real Estate Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:	)	
	)	
	)	No. H-6321 SF
ELIZABETH ANN BARSELL	)	
aka ELIZABETH ANN CYR	)	N-36667
aka ELIZABETH CYR	)	
aka LIZ BARSELL,	)	
	)	
	)	
Respondent.	)	
	)	

PROPOSED DECISION

This matter was heard by Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, on January 3, 1991, at San Francisco, California. Complainant was represented by David Seals, Staff Counsel. Respondent was present and represented by Randal W. Hooper, Attorney at Law.

The matter was continued to February 11, 1991. However, before the continued hearing date, the parties entered into a written stipulation and agreed that the Administrative Law Judge could issue a Proposed Decision based solely upon the written stipulation; and without an appearance before her by the parties.

On February 8, 1991, stipulated evidence was received and admitted into evidence as Exhibit 2. Based solely upon that stipulated evidence and without the Administrative Law Judge making any independent determinations, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Accusation was made by Edward V. Chiolo solely in his official capacity as Deputy Real Estate Commissioner, State of California.

2. Elizabeth Ann Barsell, aka Elizabeth Ann Cyr, aka Elizabeth Cyr, aka Liz Barsell (hereafter respondent), is licensed, pursuant to Business and Professions Code (BPC) Section 10153.4, as a real estate salesperson.

3. On or about December 12, 1989, in the Superior Court of California, Contra Costa County, California, respondent was convicted of violating Health and Safety Code (HSC) Section 11351 (possession for sale of a narcotic), a felony and crime involving moral turpitude, which is substantially related to the duties, qualifications or functions of a real estate licensee.

* * * * *

Pursuant to the stipulation of the parties, and without the Administrative Law Judge making any independent determinations, the Administrative Law Judge makes the following determination of issues:

CONCLUSIONS OF LAW

Grounds exist to revoke or suspend respondent's license to act as a real estate salesperson pursuant to BPC Sections 490 and 10177(b) in that respondent has been convicted of a felony involving moral turpitude, which is substantially related to the duties, qualifications or functions of a real estate licensee, under Title 10, California Code of Regulations, Section 2910.

* * * * *

Based solely upon the stipulation of the parties, and without the Administrative Law Judge making any independent recommendation, the following is hereby ordered:

ORDER

1. All licenses and licensing rights of respondent Elizabeth Barsell are hereby revoked.

2. Respondent shall be issued a restricted real estate salesperson's license pursuant to Business and Professions Code (BPC) Section 10156.5, if she makes application therefor and pays to the Department the appropriate fee within sixty days of the effective date of this Decision. The restricted license issued to respondent shall be subject to all the provisions of BPC Section 10156.7 and the following restrictions imposed under BPC Section 10156.6:

A. The restricted license issued to respondent shall immediately upon issuance be suspended for a period of six (6) months.

B. 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.

C. 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 the provisions of the California Real Estate Law, the Subdivided Lands Law, regulations of the Commissioner or conditions attaching to the restricted license.

D. Within six months from the issuance of the restricted license respondent shall take and pass the professional responsibility examination administered by the Department, including payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until respondent passes the examination.

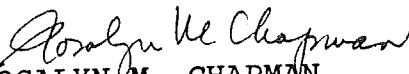
E. Respondent shall not be eligible to apply for the issuance of a non-restricted real estate license nor for the removal of any of the conditions, limitations or restrictions of the restricted license until one (1) year has elapsed from the date of issuance of the restricted license.

F. Respondent shall, by May 27, 1991, submit evidence satisfactory to the Commissioner of successful completion at an accredited institution of two of the courses listed in BPC Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically further suspended effective May 27, 1991. Said further suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to respondent of lifting of the suspension.

G. Respondent shall within nine (9) months from the effective date of this Decision present evidence satisfactory to the 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 BPC Section 10170.5(a) and (b) for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may further order the suspension of the restricted license until respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

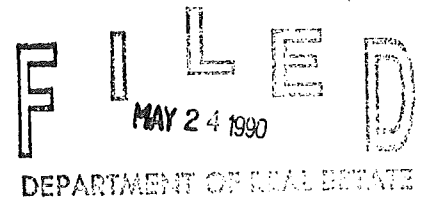
3. If for any reason this Proposed Decision is not adopted by the Commissioner, the stipulation and any admissions contained therein shall be null and void, the Notice of Defense shall be reinstated, and respondent shall be entitled to an administrative hearing pursuant to Government Code Sections 11503 et seq.

DATED: February 20, 1991


ROSALYN M. CHAPMAN
Administrative Law Judge
Office of Administrative Hearings

RMC:btm

1 DAVID B. SEALS, Counsel
2 Department of Real Estate
3 185 Berry Street, Room 5816
4 San Francisco, California 94107-1770
5 (415) 557-3220



By Emily Sakoda

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)
12 ELIZABETH ANN BARSELL)
13 aka ELIZABETH ANN CYR)
14 aka ELIZABETH CYR)
15 aka LIZ BARSELL,)
Respondent.)

NO. H-6321 SF

ACCUSATION

16 The Complainant, EDWARD V. CHIOLO, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against ELIZABETH ANN BARSELL aka ELIZABETH ANN CYR
19 aka ELIZABETH CYR aka LIZ BARSELL (hereinafter "Respondent"), is
20 informed and alleges as follows:

21 I

22 Respondent is presently licensed and/or has license
23 rights under the Real Estate Law, Part 1 of Division 4 of the
24 Business and Professions Code (hereinafter "Code") as a real
25 estate salesperson subject to Section 10153.4 of the Code.

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II

The Complainant, EDWARD V. CHIOLO, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

III

On or about December 12, 1989, in the Superior Court of California, County of Contra Costa, Respondent was convicted of violation of Section 11351 of the California Health and Safety Code (POSSESSION FOR SALE OF NARCOTIC), a felony and a crime involving moral turpitude 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

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

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business

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1 and Professions Code), and for such other and further relief as
2 may be proper under other provisions of law.

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4 *Edward V. Chio*

5 EDWARD V. CHIOLO
6 Deputy Real Estate Commissioner

7 Dated at San Francisco, California

8 this 2nd day of May, 1990.
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