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FILED
AUG 05 1999

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
SANDY SUE GAUTHIER,) No. H-6577 SF
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On March 19, 1992, a Decision was rendered herein denying the Respondent's application for real estate 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 April 28, 1992, and Respondent has operated as a restricted licensee since that time.

On July 29, 1996, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license. On March 25, 1997, Respondent's petition was denied.

///

///

1 On March 16, 1999, Respondent petitioned for the
2 removal of restrictions attaching to Respondent's real estate
3 salesperson license.

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

11 NOW, THEREFORE, IT IS ORDERED that Respondent's
12 petition for removal of restrictions is granted and that a real
13 estate salesperson license be issued to Respondent if Respondent
14 satisfies the following conditions within nine months from the
15 date of this Order:

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

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

23 This Order shall become effective immediately.

24 DATED: August 3, 1999.

25 JOHN R. LIBERATOR
26 Acting Real Estate Commissioner

27 *John R. Liberator*

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FILED
MAR 27 1997
DEPARTMENT OF REAL ESTATE

Laurie A. Zain
By

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
SANDY SUE GAUTHIER,) No. H-6577 SF
Respondent.)

ORDER DENYING UNRESTRICTED LICENSE

On March 19, 1992, a Decision was rendered herein denying the Respondent's application for real estate 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 April 28, 1992, and Respondent has operated as a restricted licensee since that time.

On July 29, 1996, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments in support thereof.

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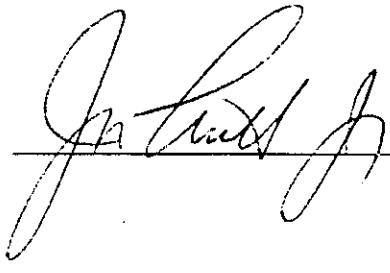
Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the removal of restrictions on Respondent's real estate salesperson license in that Respondent was ordered to pay restitution to the victim of the acts which led to Respondent's criminal conviction. Respondent has entered into an arrangement to pay that debt and has made some progress in doing so. However, Respondent still has an outstanding balance of \$9,800 on that obligation and in view of the amount still owing, I am not satisfied that Respondent has demonstrated sufficient rehabilitation to warrant the removal of restrictions on Respondent's real estate salesperson license.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of restrictions on Respondent's real estate salesperson license is denied.

This Order shall be effective at 12 o'clock noon on April 16, 1997

DATED: 3/25/97

JIM ANTT, JR.
Real Estate Commissioner



COPY

FILED
MAR 30 1992

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By *Lydia Montiel*
Lydia Montiel

* * *

In the Matter of the Application of)
)
SANDY SUE GAUTHIER)
aka SANDY S. YOUNG,)
)
Respondent.)
_____)

No. H-6577 SF
OAH N 39835

DECISION

The Proposed Decision dated February 27, 1992, 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 again be made for an unrestricted license. Petition for 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 information of Respondent.

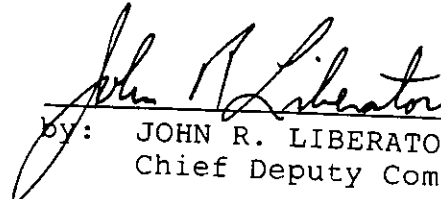
If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the Respondent will be considered by

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 April 22nd, 1992.

IT IS SO ORDERED March 19, 1992.

CLARK WALLACE
Real Estate Commissioner


by: JOHN R. LIBERATOR
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement)
of Issues of:) No. H-6577 SF
)
SANDY SUE GAUTHIER) OAH No. N 39835
aka SANDY S. YOUNG,)
)
Respondent.)
_____)

PROPOSED DECISION

This matter was heard before Robert S. Kendall, Administrative Law Judge, State of California Office of Administrative Hearings, on January 13, 1992, at San Francisco, California.

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

Applicant Sandy Sue Gauthier, aka Sandy Sue Young, was present and represented herself in propria persona.

The record remained open to include a letter from respondent's probation officer. This document not having been received by February 21, 1992, the Administrative Law Judge deemed the matter submitted.

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

FINDINGS OF FACT

I

Respondent, pursuant to the provisions of section 10153.3, Business and Professions (B & P) Code, made application to the Department of Real Estate of the State of California (Department) for a real estate salesperson license on May 23, 1991 with the knowledge and understanding that any license issued as a result of her application would be subject to the conditions of B & P Code section 10153.4.

II

Complainant, Edward V. Chiolo, a Deputy Real Estate Commissioner of the State of California, made the Statement of Issues in his official capacity and not otherwise.

III

On June 1, 1989, in the United States District Court for the District of Arizona, respondent was convicted of a violation of Title 18, United States Code section 657 (Embezzlement). It is found this is a crime involving moral turpitude and which bears a substantial relationship under section 2910, Title 10, California Code of Regulations (CCR), to the qualifications, functions or duties of a real estate licensee.

IV

Respondent, who was then about 25 years old, embezzled approximately \$21,000 from her employer, Pima Savings and Loan in Tucson where she had worked for four and a half years. She took the money over a period of a year to support herself and help pay her new husband and his existing child support requirements. He was also a Pima employee, but he had quit to pursue a career as a race car driver shortly after the marriage. He is now currently working for a mortgage brokerage firm in San Mateo County.

V

a) Respondent, a teller supervisor, voluntarily revealed her own defalcation because she became panic stricken over her inability to cease embezzling her employer's funds which, of course, she always meant to pay back each month but instead took more.

b) She was aware her confession would probably result in imprisonment, but her conscience bothered her so greatly she realized the only feasible means to stop her illegal activity was to admit it and pay the consequences. At that time she had a six week old daughter and dreaded the probability she might be imprisoned and be separated from her infant.

VI

a) Respondent received no jail time. She was placed on 36 months probation, the first six months of which were served in "house-arrest."

b) As a term of probation, she is required to make full restitution of \$21,195 in monthly installments. Because her husband has only recently found regular employment, and she has been working as a waitress to support her family, she has repaid only about \$2,000 to date at the rate of \$50.00 per month due to financial hardship; and she is aware her probation, due to end in June 1992, will be extended until full restitution is made.

Her probation is unsupervised. She makes monthly written activity reports to her probation officer each month, and has had no arrests or other problems with the authorities while on probation.

VII

Respondent completed two years of college at University of Arizona and has attended community college for 18 months. She comes from a family of ten children and one reason for relocating to California was because of the shame she feels brought on herself and her family through her theft.

VIII

While testifying, respondent demonstrated obvious contrition and emotional distress. She expressed her belief she will never again place herself in a position by wrongful dishonest activities which could result in her being separated from her baby daughter by a prison term.

Both she and her husband have undergone family/marriage counseling to better resolve tensions and strengthen the marriage.

She has no plans to sell or list real estate, rather she plans to work in loan brokerage if licensed.

DETERMINATION OF ISSUES

Respondent's demeanor in testifying and obvious regret for her criminal actions indicate she is now fully aware of the requirement of absolute honesty and integrity in transacting real estate. Therefore, it is deemed significant protection of the interests of the segment of the public with which she would deal, if licensed, by issuance to her of a restricted, conditioned license.

PROPOSED ORDER

The application of respondent Susan Sue Gauthier is hereby denied, provided, however, a restricted real estate salesperson license shall be issued to 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 the restricted license within 90 days from the effective date of this Decision. 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 that Code:

- A. The restricted license issued to respondent 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 is substantially related to respondent's fitness or capacity as a real estate licensee.
- B. The restricted license issued to respondent 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 the restricted license.
- C. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until one year has elapsed from the effective date of this Decision, or until she has successfully completed her term of probation and has made full and complete restitution thereunder.
- D. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

- (1) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (2) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

E. The restricted real estate salesperson license issued to respondent shall also be subject to the requirements of section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of the restricted license under the provisions of section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in section 10153.2, other than real estate principals, 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 suspended effective eighteen (18) months after issuance of the restricted license. Said suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the respondent of lifting of the suspension.

DATED: February 27, 1992

Robert S. Kendall
ROBERT S. KENDALL
Administrative Law Judge

RSK:lhj

Flag

COPY

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC 19 1991
DEPARTMENT OF REAL ESTATE

[Signature]

In the Matter of the Application of

SANDY SUE GAUTHIER
aka SANDY S. YOUNG,

}

Case No. H-6577 SF

OAH No. N-39835

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 _____
OFFICE OF ADMINISTRATIVE HEARINGS, STATE BUILDING,
455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102

on the 13th day of January, 19 92, at the hour of 9:00 a.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 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 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. 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: December 19, 1991

By *[Signature]*
DEIDRE L. JOHNSON, Counsel

1 DEIDRE L. JOHNSON, Counsel
2 Department of Real Estate
3 185 Berry Street, Room 3400
4 San Francisco, California 94107-1770

5 (415) 904-5917

FILED
OCT 24 1991

DEPARTMENT OF REAL ESTATE

By *Laurie A. Gian*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 SANDY SUE GAUTHIER)
13 aka SANDY S. YOUNG,)
14 Respondent.)

NO. H-6577 SF

STATEMENT OF ISSUES

15 The Complainant, EDWARD V. CHILOLO, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against SANDY SUE GAUTHIER aka SANDY S. YOUNG (hereafter
18 Respondent) alleges as follows:

19 I

20 Respondent, pursuant to the provisions of Section
21 10153.3 of the Business and Professions Code, made application
22 to the Department of Real Estate of the State of California for
23 a real estate salesperson license on or about May 23, 1991 with
24 the knowledge and understanding that any license issued as a
25 result of said application would be subject to the conditions of
26 Section 10153.4 of the Business and Professions Code.

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II

Complainant, EDWARD V. CHIOLO, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

III

On or about June 1, 1989, in the United States District Court for the District of Arizona, Respondent was convicted of a violation of Title 18, United States Code Section 657 (Embezzlement), a crime involving moral turpitude and 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

The crime of which Respondent was convicted, as alleged in Paragraph III 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.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper in the premises.

Edward V. Chio

EDWARD V. CHIOLO
Deputy Real Estate Commissioner

Dated at San Francisco, California,
this 18th day of OCTOBER, 19 91.