

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
MAY 26 1994

DEPARTMENT OF REAL ESTATE

By *Victoria Dillon*
Victoria Dillon

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

| | | |
|------------------------------------|---|---------------|
| In the Matter of the Accusation of |) | |
| |) | No. H-6662 SF |
| TINA DENISE LEDGER, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 11, 1992, 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 December 4, 1992, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On November 9, 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 the petition .

I have considered Respondent's petition and the evidence

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

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

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

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

16 This Order shall become effective immediately.

17 DATED: May 20, 1994

18 CLARK WALLACE
19 Real Estate Commissioner

20 John R. Liberator
21

22 **BY: John R. Liberator**
23 **Chief Deputy Commissioner**

24
25
26
27

COPY

mag
soc
k2
FILED
NOV 16 1992

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Victoria Dillon
Victoria Dillon

* * *

In the Matter of the Accusation of)
)
TINA DENISE LEDGER,)
)
)
)
)
Respondent.)

No. H- 6662 SF
OAH N 40715

DECISION

The Proposed Decision dated October 22, 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 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 December 4, 19 92.

IT IS SO ORDERED November 11, 1992.

CLARK WALLACE
Real Estate Commissioner

John R. Liberator
by: JOHN R. LIBERATOR
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:) No. H-6662 SF
TINA DENISE LEDGER,) OAH No. N-40715
Respondent.)

PROPOSED DECISION

This matter was heard before Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, in San Francisco, California on October 5, 1992.

John Van Driel, Counsel, represented complainant.

Respondent Tina Denise Ledger was present and was represented by Adam G. Slote, Attorney at Law, One Maritime Plaza, Suite 2500, San Francisco, California 94111.

FINDINGS OF FACT

I

Complainant Edward V. Chiolo made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

Tina Denise Ledger ("respondent") is presently licensed and has license rights as a real estate salesperson. Respondent's license is scheduled to expire on February 25, 1995.

III

On May 3, 1991, in the Municipal Court of California, Santa Clara County Judicial District, Los Gatos Facility, respondent was convicted, on her plea of guilty, of a violation of Health and Safety Code section 11359 (possession of marijuana for

sale), a crime involving moral turpitude and which is substantially related to the qualifications, functions and duties of a real estate licensee pursuant to California Code of Regulations, title 10, section 2910(a)(8).

IV

Respondent is 28 years old. She began using drugs at age 13, while in the eighth grade. Respondent continued to use drugs through school, dropping out at age 16 when she had a daughter. Respondent, who admits her use of drugs was "an every day occurrence," left her daughter's father, himself an alcoholic and marijuana user, when her child was six months old. In 1985 she married her son's father, who was also a heavy drug and alcohol user, but left him when the child was six months old. In 1987 or 1988 respondent and her two children moved into a home with respondent's uncle, "a free-spirited 50-year old gentlemen" who was also a drug user. Respondent continued to use marijuana about twice a day. Respondent admits she "was pretty much stoned about three-quarters of the day." Respondent had a friend who provided her with marijuana and respondent began to sell it to other friends and coworkers, primarily to support her own habit. It was these sales which led to respondent's arrest and conviction.

V

Following entry of her plea, the case was transferred to Superior Court for sentencing in June 1991. Imposition of sentence was suspended and respondent was placed on probation for three years on terms and conditions including six months in jail, suspended pending completion of 100 hours of volunteer work, and fines and assessments totaling \$1080. Respondent was not required to complete a drug or alcohol program as part of probation.

Respondent has paid all the fees assessed as part of her probation and is currently paying \$100 per month toward the fines. She completed 100 hours of volunteer work at Goodwill in lieu of her jail sentence.

VI

In December 1991 respondent enrolled in an outpatient drug counseling program at Combined Addicts and Professionals Services, Inc. in San Jose. Respondent attended six one-to-one counseling sessions and 36 Narcotics Anonymous meetings during the three month program. Respondent successfully completed the outpatient program in March 1992.

Respondent testified she has now been drug-free for more than a year and believes she has finally overcome her drug problem. The people she associated with during her many years of drug use, including her uncle, ex-husband and former employer, are now out of her life. Respondent still attends NA meetings on occasion, primarily "to remind me what life used to be like." She vows she will not return to drug use because she does not want to jeopardize her children or her career. Respondent is the sole support of her children, who are now 12 and 6 years old.

VII

Even during her years of drug use, respondent maintained employment. Much of that employment has been in the mortgage banking/brokerage field. Respondent began as a receptionist at age 17 and subsequently held loan processor and underwriter positions.

Since her licensure as a real estate salesperson respondent has been employed at First National Mortgage in San Jose as a wholesale sales representative and sales manager. In that position, respondent calls on loan brokers to discuss programs and rates with them and supervises the work of four other sales reps.

Respondent has developed a reputation among her coworkers and associates as a hard working, ethical, trusted and respected professional. Those who have known respondent since before her arrest and conviction have seen a tremendous change in her. She has matured greatly and has overcome what was previously perceived as an attitude problem. These longstanding associates believe respondent has overcome her drug problem as evidenced by her change in attitude and her willingness to work hard to sustain her financial position. Respondent's concern for the well-being of her children is also seen as a powerful motivation for respondent to remain free of drugs.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against respondent exists pursuant to Business and Professions Code sections 490 and 10177(b) by reason of the conviction set forth in Finding III.

IV

Respondent has presented impressive and compelling evidence of her rehabilitation from drug use. However, considering that respondent has a history of nearly fifteen years of drug

use, has been drug-free for only one year, and remains on criminal probation, it is determined that protection of the public interest demands that restrictions be placed upon respondent's license.

ORDER


All licenses and licensing rights of respondent Tina Denise Ledger under the Real Estate Law are revoked; 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 for 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 her criminal probation has been terminated, whichever is later.
- 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. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has taken and successfully completed the courses specified in subdivisions (a) and (b) of Section 10170.5 of the Real Estate Law for renewal of a real estate license. The restricted license issued pursuant to this Decision shall be deemed to be the first renewal of respondent's real estate salesperson license for the purposes of applying the provisions of Section 10153.4. Upon renewal of the license issued pursuant to this Decision, or upon reinstatement of respondent's real estate salesperson license, respondent shall submit evidence of having 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 respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

Dated: October 22, 1992



MICHAEL C. COHN
Administrative Law Judge
Office of Administrative Hearings

MCC:wc

1 JOHN VAN DRIEL, Counsel
2 Department of Real Estate
3 185 Berry Street, Room 3400
4 San Francisco, CA 94107-1770

FILED
APR - 1 1992

DEPARTMENT OF REAL ESTATE

4 Telephone: (415) 904-5917

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-6662 SF
12 TINA DENISE LEDGER,) ACCUSATION
13 Respondent.)
14 _____)

15 The Complainant, EDWARD V. CHIOLO, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against TINA DENISE LEDGER (Respondent) is informed and alleges as
18 follows:

19 I

20 At all times herein mentioned, Respondent is presently
21 licensed and/or has license rights as a real estate salesperson
22 subject to Section 10153.4 of the California Business and
23 Professions Code (Code).

24 II

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

III

On or about May 3, 1991, in the Superior Court of California, County of Santa Clara, Respondent was convicted of a violation of Section 11359 of the California Health & Safety Code (POSSESSION OF MARIJUANA FOR SALE), 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

The facts alleged above constitute cause under Section 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 and Professions Code), and for such other and further relief as may be proper under other provisions of law.

Edward V. Chio

EDWARD V. CHIOLO
Deputy Real Estate Commissioner

Dated at San Francisco, California,
this 25th day of FEBRUARY, 1992.