

1 On June 24, 1998, in Case No. H-7589 SF, an Accusation
2 by a Deputy Real Estate Commissioner of the State of California
3 was filed charging Respondent with violation of Sections 10176(a),
4 10176(b), and 10176(i) of the Business and Professions Code of the
5 State of California.

6 NOW, THEREFORE, IT IS ORDERED under authority of
7 Section 10156.7 of the Business and Professions Code of the State
8 of California that the restricted real estate salesperson license
9 heretofore issued to Respondent and the exercise of any privileges
10 thereunder is hereby suspended pending final determination made
11 after the hearing on the aforesaid Accusation.

12 IT IS FURTHER ORDERED that all license certificates and
13 identification cards issued by Department which are in the
14 possession of Respondent be immediately surrendered by personal
15 delivery or by mailing in the enclosed, self-addressed envelope
16 to:

17 DEPARTMENT OF REAL ESTATE
18 ATTN: FLAG SECTION
19 P. O. Box 187000
Sacramento, CA 95818-7000

20 This Order shall be effective immediately.

21 DATED: 7/6, 1998.

22
23 JIM ANTT, JR.
Real Estate Commissioner

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25 
26
27



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FILED
FEB 22 1995

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE By Lynda Montiel
Lynda Montiel

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-7049 SF
)	
NORMA M. LUCAS,)	OAH No. N 9407111
)	
Respondent.)	
)	

DECISION

The Proposed Decision dated January 24, 1995, 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.

This Decision shall become effective at 12 o'clock noon on March 14th, 1995.

IT IS SO ORDERED February 13, 1995.

JOHN R. LIBERATOR
Interim Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:) No. H-7049 SF
)
NORMA M. LUCAS,) OAH No. N 9407111
)
Respondent.)
_____)

PROPOSED DECISION

On December 28, 1994, in San Francisco, California, Ruth S. Astle, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Deidre L. Johnson, Staff Counsel, represented the complainant.

Donald Mah, Attorney at Law, Howard, Petersen & Mah, 2171 Junipero Serra Boulevard, Suite 410, Daly City, California 94014, represented respondent who was present.

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

FINDINGS OF FACT

It was stipulated by the parties that:

I

Les R. Bettencourt made this accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California and not otherwise.

II

Norma M. Lucas (respondent) is presently licensed and has license rights under the Real Estate Law, (Part 1 of Division 4 of the Business and Professions Code (Code)) as a real estate salesperson.

III

At all times herein mentioned, respondent was employed by K.L.T., Inc., a licensed real estate broker corporation, doing business as Century 21-Tower Realty, as a real estate salesperson, and was the chief executive officer of the corporation.

IV

On March 18, 1991, respondent solicited and negotiated a personal loan as a principal from Barbara A. Reyes and Craig S. Reyes (Lenders), in the sum of \$20,000, to be evidenced by a promissory note and secured by Respondent's real property located at 2452 - 39th Avenue, San Francisco, California. The terms provided for interest only payments and the loan was due and payable on September 18, 1991.

V

Respondent expressly or impliedly represented to Lenders at the time that the proceeds from the loan would be used in whole or in part for the benefit of Century 21-Tower Realty; that she was the legal owner of the above real property; that the loan would be adequately secured; and that the deed of trust securing the loan would be duly recorded. Respondent failed to disclose to Lenders that she was not the legal owner of the real property. She failed to disclose to Lenders that she had no intent to, and did not, record the deed of trust. Respondent knew that her parents, Abel and Lydia Masangcay, were the legal record owners of the property, and failed to disclose the true additional ownership to Lenders, and her equity interest in said property.

VI

Lenders relied on the above representations by respondent and loaned respondent \$20,000 on March 18, 1991. If Lenders had known the true facts set forth above, they would not have agreed to the loan purportedly secured by a deed of trust to the above real property.

VII

Respondent thereafter defaulted in payments on the loan, and Lenders discovered that their deed of trust had not been recorded by respondent against the real property; and that respondent was not the legal record owner of the property although she did have an equity interest in the property.

VIII

Respondent stipulated to a court ordered judgment of \$20,691.41 plus 10% interest. She has made partial payments of \$7,500 to date.

IX

Respondent has been licensed since 1984 without any other complaints or incidents. She works full time in real estate. She is a member of several real estate associations. Her employing broker knows about this incident and is willing to supervise her.

X

Respondent has two children. She is responsible for their support. She is involved in the St. Gabriel School Board. She helps with fund raising for her church and is active in the merchants' association in her area.

XI

Respondent understands the serious nature of her actions and is not likely to repeat them. She is taking responsibility for restitution. It would not be against the public interest to issue a restricted license at this time.

DETERMINATION OF ISSUES

I

By reason of the matters set forth in Findings IV through VIII, cause for disciplinary action exists pursuant to section 10177(j) of the Code.

II

The matters set forth in mitigation, extenuation and rehabilitation in Findings VIII through XI have been considered in making the following order.

ORDER

All licenses and licensing rights of respondent Norma M. Lucas 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:

1. 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.
2. 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.
3. 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 she has fully paid the restitution and presented proof of such to the Commissioner's satisfaction, but not before one year has elapsed from the effective date of this Decision.
4. 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:
 - a. That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
 - b. 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.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent 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.
6. Respondent shall, within six months from the effective date of this Decision, 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 respondent's license until respondent passes the examination.

DATED: January 24, 1995

Ruth S. Astle
RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

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FILED
AUG 2 1994

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

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

NORMA M. LUCAS,

Respondent

By *Linda Montiel*
Linda Montiel

Case No. H-7049 SF

OAH No. N 9407111

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, CA 94107

on Wednesday, December 28, 1994 (one day), at the hour of 9:00 am,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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.

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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: August 2, 1994

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

FILED
MAR 17 1994

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

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

3 Telephone: (415) 904-5917
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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-7049 SF
12 NORMA M. LUCAS,) ACCUSATION
13 Respondent.)
14

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against NORMA M. LUCAS, is informed and alleges as
18 follows:

19 I

20 Respondent NORMA M. LUCAS (hereafter Respondent) is
21 presently licensed and/or has license rights under the Real Estate
22 Law, (Part 1 of Division 4 of the Business and Professions Code,
23 hereafter the Code) as a real estate salesperson.

24 II

25 The Complainant, Les R. Bettencourt, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27

1 Accusation against Respondent in his official capacity and not
2 otherwise.

3 III

4 At all times herein mentioned, Respondent was employed
5 by K.L.T., Inc., a licensed real estate broker corporation, doing
6 business as Century 21-Tower Realty, as a real estate salesperson,
7 and was the chief executive officer of the corporation.

8 IV

9 On or about March 18, 1991, Respondent solicited and
10 negotiated a personal loan as a principal from Barbara A. Reyes
11 and Craig S. Reyes (hereafter Lenders), in the sum of \$20,000, to
12 be evidenced by a promissory note and secured by Respondent's real
13 property located at 2452 - 39th Avenue, San Francisco, California.
14 The terms provided for interest only payments and the loan was due
15 and payable on September 18, 1991.

16 V

17 Respondent expressly or impliedly represented to Lenders
18 at the time that the proceeds from the loan would be used in whole
19 or in part for the benefit of Century 21-Tower Realty; that she
20 was the legal owner of the above real property; that the loan
21 would be adequately secured; and that the deed of trust securing
22 the loan would be duly recorded. Respondent failed to disclose to
23 Lenders that she was not the legal owner of the real property.
24 She failed to disclose to Lenders that she had no intent to, and
25 did not, record the deed of trust. Respondent knew or should have
26 known that her parents, Abel and Lydia Masangcay, were the legal
27

1 record owners of the property, and failed to disclose the true
2 ownership to Lenders.

3 VI

4 Lenders relied on the above representations by
5 Respondent and loaned Respondent \$20,000 on or about March 18,
6 1991. If Lenders had known the true facts set forth above, they
7 would not have agreed to the loan purportedly secured by a deed of
8 trust to the above real property.

9 VII

10 Respondent thereafter defaulted in payments on the loan,
11 and Lenders discovered that their deed of trust had not been
12 recorded by Respondent against the real property; and that
13 Respondent was not the legal record owner of the property.

14 VIII

15 By reason of the facts alleged above, Respondent has
16 committed acts and/or omissions that constitute fraud and/or
17 dishonest dealing, and constitute grounds for disciplinary action
18 under the provisions of Section 10177(j) of the Code.

19 WHEREFORE, Complainant prays that a hearing be conducted
20 on the allegations of this Accusation and that upon proof thereof
21 a decision be rendered imposing disciplinary action against all
22 licenses and license rights of Respondent, under the Real Estate

23 ///


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25 ///

26 ///

27 ///

1 Law (Part 1 of Division 4 of the Business and Professions Code)
2 and for such other and further relief as may be proper under other
3 provisions of law.

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5 
6 LES R. BETTENCOURT
Deputy Real Estate Commissioner

7 Dated at San Francisco, California,
8 this 17th day of March, 1994.

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