

FILED

FEB 22 2003

DEPARTMENT OF REAL ESTATE

Laurie A. Jones

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

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	DRE No. H-8053 SF
JULIE ANN TAYLOR,)
Respondent.)
)
)

DECISION AFTER REJECTION

This matter came on for hearing before Spencer A. Joe, Administrative Law Judge, Office of Administrative Hearings, State of California, in Oakland, California, on September 11, 2002.

James L. Beaver, Counsel, represented the Complainant.

The Respondent, Julie Ann Taylor, was represented by Christopher Charles Cayce, Esq. and was present at the hearing.

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

///
///
///

1 On October 2, 2002, the Administrative Law Judge
2 rendered a Proposed Decision (hereinafter "the Proposed
3 Decision") which I declined to adopt as my Decision herein.
4 Pursuant to Section 11517 of the Government Code of the State of
5 California, Respondent was served with notice of my
6 determination not to adopt the Proposed Decision along with a
7 copy of the Proposed Decision. Respondent was notified that the
8 case would be decided by me upon the record, the transcript of
9 proceedings held on September 11, 2002, and upon written
10 argument offered by Respondent and Complainant.

11 Written argument was submitted by Respondent and filed
12 herein on December 30, 2002. Written argument has been submitted
13 on behalf of Complainant.

14 I have given careful consideration to the record in
15 this case, including the transcript of proceedings of
16 September 11, 2002 and written argument offered by Respondent
17 and Complainant.

18 The following shall constitute the Decision of the
19 Real Estate Commissioner in these proceedings.

20 FINDINGS OF FACT

21 1. The Statement of Issues was made and filed by
22 Les R. Bettencourt in his official capacity as a Deputy Real
23 Estate Commissioner of the State of California.

24 ///

25 ///

26 ///

27 ///

1 2. At all times relevant to the determination of the
2 issues in this case Respondent was unlicensed by the Department
3 in any capacity. As of the date of hearing, Respondent had not
4 yet satisfied the course completion requirements of Section
5 10153.4 of the Code.

6 3. On July 2, 2001, Respondent submitted an
7 application for a real estate salesperson's license
8 ("application"). Question number 25 of the application asked:
9 "Have you ever been convicted of any violation of law? (You may
10 omit convictions for drunk driving, reckless driving, and minor
11 traffic citations which do not constitute a misdemeanor or
12 felony offense.)" In response to question 25 of the application,
13 Respondent answered "no".

14 4. Respondent was convicted on July 6, 1995, in the
15 Superior Court, County of Monterey, of a violation of Vehicle
16 Code Section 23152(a), driving under the influence, and Vehicle
17 Code Section 31, giving false information to a police officer, a
18 misdemeanor and a crime involving moral turpitude which bears a
19 substantial relationship to the qualifications, functions or
20 duties of a real estate licensee. In failing to disclose her
21 conviction for violating Vehicle Code Section 31, Respondent
22 made a material misstatement of fact in her application.

23 5. The facts and circumstances surrounding
24 Respondent's false information to a police officer conviction
25 are as follows: Respondent was stopped by a police officer for a
26 traffic citation. The police officer determined that Respondent
27 was driving under the influence of alcohol. Respondent believed

1 she had an outstanding warrant from another jurisdiction and
2 feared that she might be extradited. Respondent gave the police
3 officer her sister's name (Jodie Lynn Horner) and address.
4 Respondent was arrested and booked for driving under the
5 influence. Two days later, after consulting with her mother and
6 an attorney, Respondent returned to the police, admitted her
7 deceit and provided her true and then-correct name, Julie Ann
8 Hayes.

9 6. The imposition of sentence was suspended and
10 Respondent was placed on five years probation, ordered to pay a
11 fine of \$1,250, enroll in a first offender alcohol program and
12 to serve 20 days in jail. Respondent's jail sentence was served
13 in a work alternative program. She has paid her fines and fees.

14 7. Respondent attempted to procure a real estate
15 license by misrepresentation or deceit. Her failure to report
16 this criminal conviction in her application was not inadvertent
17 or negligent. Respondent disclosed in her application that she
18 had used another name, Julie Junion-her maiden name, but she did
19 not disclose her one-time married name of Hayes. Hayes was the
20 name in which she was criminally charged and convicted in 1995.
21 Respondent was fully aware that she was convicted for giving
22 false information to a police officer and the heavy sentence she
23 received was a consequence of her deceit. Although Respondent
24 testified that she recounts the entire incident as her "driving
25 under the influence" arrest, the initial crime, it was not
26 credible that the more egregious conviction would be forgotten.

27 ///

1 her plea of guilty and to enter a plea of not guilty,
2 or dismissing the accusation or information."

3 2. Under Business and Professions Code Section 480:

4 "(a) A board may deny a license regulated by this code
5 on the grounds that the applicant has one of the
6 following:

7 "(1) Been convicted of a crime. A conviction within
8 the meaning of this Section means a plea or verdict of
9 guilty or a conviction following a plea of nolo
10 contendere. Any action which a board is permitted to
11 take following the establishment of a conviction may
12 be taken when the time for appeal has elapsed, or the
13 judgment of conviction has been affirmed on appeal, or
14 when an order granting probation is made suspending
15 the imposition of sentence, irrespective of a
16 subsequent order under the provisions of Section
17 1203.4 of the Penal Code.

18 "(2) Done any act involving dishonesty, fraud or
19 deceit with the intent to substantially benefit
20 himself or another, or substantially injure another;
21 or

22 "(3) Done any act which if done by a licentiate of the
23 business or profession in question, would be grounds
24 for suspension or revocation of license. The board may
25 deny a license pursuant to this subdivision only if
26 the crime or act is substantially related to the
27 qualifications, functions or duties of the business or
profession for which application is made.

"The board may deny a license pursuant to this
subdivision only if the crime or act is substantially
related to the qualifications, functions or duties of
the business or profession for which application is
made.

21 "(b) Notwithstanding any other provision of this code,
22 no person shall be denied a license solely on the
23 basis that he has been convicted of a felony if he has
24 obtained a certificate of rehabilitation under Section
25 4852.01 and following of the Penal Code or that he has
26 been convicted of a misdemeanor if he has met all
27 applicable requirements of the criteria of
rehabilitation developed by the board to evaluate the
rehabilitation of a person when considering the denial
of a license under subdivision (a) of Section 482.

27 ///

1 "(c) A board may deny a license regulated by this code
2 on the ground that the applicant knowingly made a
3 false statement of fact required to be revealed in the
4 application for such license."

5 3. Respondent's criminal conviction for violating
6 Vehicle Code Section 31 (false information to a police officer),
7 as set forth in Findings of Fact 4 through 6, constitutes cause
8 to deny Respondent's application for a real estate license
9 pursuant to Business and Professions Code Sections 480(a) and
10 10177(b).

11 4. Respondent's failure to reveal the conviction, as
12 set forth in Findings of Fact 3 and 7, constitutes cause to deny
13 Respondent's application for a real estate license pursuant to
14 Business and Professions Code Sections 480(c) and 10177(a).

15 5. The criteria for rehabilitation is found in Title
16 10, California Code of Regulations Section 2911:

17 "The following criteria have been developed by the
18 department pursuant to Section 482(a) of the Business
19 and Professions Code for the purpose of evaluating the
20 rehabilitation of an applicant for issuance or for
21 reinstatement of a license in considering whether or
22 not to deny the issuance or reinstatement on account of
23 a crime or act committed by the applicant:

24 "(a) The passage of not less than two years since the
25 most recent criminal conviction or act of the applicant
26 that is a basis to deny the departmental action sought.
27 (A longer period will be required if there is a history
 of acts or conduct substantially related to the
 qualifications, functions or duties of a licensee of
 the department.)

 "(b) Restitution to any person who has suffered
 monetary losses through "substantially related" acts or
 omissions of the applicant.

 "(c) Expungement of criminal convictions resulting from
 immoral or antisocial acts.

1 "(2) Evidence from family members, friends or other
2 persons familiar with applicant's previous conduct and
with his subsequent attitudes and behavioral patterns.

3 "(3) Evidence from probation or parole officers or law
4 enforcement officials competent to testify as to
applicant's social adjustments.

5 "(4) Evidence from psychiatrists or other persons
6 competent to testify with regard to neuropsychiatric or
emotional disturbances."

7 6. Although seven years has passed since Respondent's
8 last criminal conviction of an offense substantially related to
9 the qualifications, functions and duties of a licensee, she has
10 finished probation only two years ago. Her failure to disclose
11 her criminal conviction in her application raises concerns about
12 her honesty and trustworthiness. However, she has worked in
13 positions of trust and responsibility. Considered in mitigation,
14 Respondent returned to the police two days after her arrest to
15 report that she gave an alias, her sister's name, to the
16 arresting officer. Although she willfully gave an alias to
17 mislead the police, she acted in a panic. Following her
18 conviction, Respondent continued to work towards her economic
19 self-improvement. She has re-married. She has paid her court
20 fines and fees. Based on the criteria under Title 10, California
21 Code of Regulations Section 2911, and considering the evidence of
22 mitigation, rehabilitation and aggravation, it would not be
23 contrary to the public's interest if Respondent were issued a
24 restricted license.

25 ///

26 ///

27 ///

1 3. With the application for license, or with the
2 application for transfer to a new employing broker, Respondent
3 shall submit a statement signed by the prospective employing real
4 estate broker on a form RE 552 (Rev. 4/88) approved by the
5 Department of Real Estate which shall certify as follows:

6 (a) That the employing broker has read the Decision
7 which is the basis for the issuance of the
8 restricted license; and

9 (b) That the employing broker will carefully review
10 all transaction documents prepared by the
11 restricted licensee and otherwise exercise close
12 supervision over the licensee's performance of
13 acts for which a license is required.

14 4. Respondent shall, within eighteen (18) months of the
15 issuance of the restricted license, submit evidence satisfactory
16 to the Commissioner of successful completion, at an accredited
17 institution, of two of the courses listed in Section 10153.2,
18 other than real estate principles, advanced legal aspects of real
19 estate, advanced real estate finance or advanced real estate
20 appraisal. If Respondent fails to timely present to the
21 Department satisfactory evidence of successful completion of the
22 two required courses, the restricted license shall be
23 automatically suspended effective eighteen (18) months after the
24 date of its issuance. Said suspension shall not be lifted unless,
25 prior to the expiration of the restricted license, Respondent has
26 submitted the required evidence of course completion and the

27 ///

1 Commissioner has given written notice to Respondent of lifting of
2 the suspension.

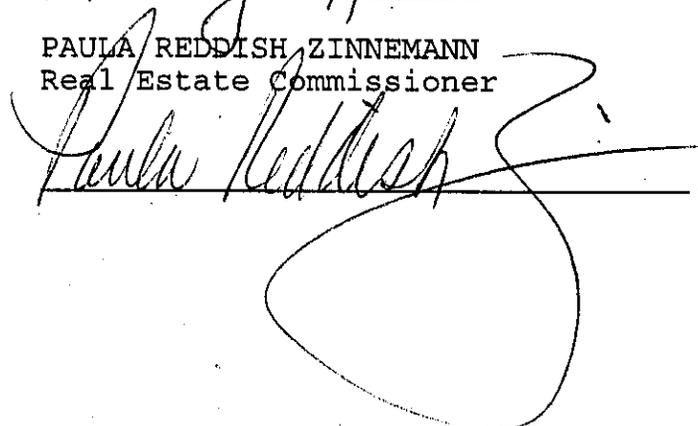
3 5. Pursuant to Section 10154, if Respondent has not
4 satisfied the requirements for an unqualified license under
5 Section 10153.4, Respondent shall not be entitled to renew the
6 restricted license, and shall not be entitled to the issuance of
7 another license which is subject to Section 10153.4 until four
8 years after the date of the issuance of the preceding restricted
9 license.

10 There is no statutory restriction on when application
11 may again be made for this license. If and when application is
12 again made for this license, all competent evidence of
13 rehabilitation presented by Respondent will be considered by the
14 Real Estate Commissioner. A copy of the Commissioner's Criteria
15 of Rehabilitation is appended hereto for the information of
16 Respondent.

17 This Decision shall become effective at 12 o'clock noon
18 on MARCH 14, 2003.

19 IT IS SO ORDERED February 21, 2003.

20 PAULA REDDISH ZINNEMANN
21 Real Estate Commissioner

22 
23
24
25
26
27

FILED

OCT 29 2002

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
JULIE ANN TAYLOR,	No. H-8053 SF
	N-2002030348
Respondent.	

NOTICE

TO: JULIE ANN TAYLOR, Respondent, and CHRISTOPHER CHARLES CAYCE, her Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated October 2, 2002, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated October 2, 2002, 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 September 11,

///

1 2002, and any written argument hereafter submitted on behalf of
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of September 11, 2002, at the Sacramento
6 office of the Department of Real Estate unless an extension of
7 the time is granted for good cause shown.

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

13 DATED: October 15, 2002

14
15 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

16
17 
18
19
20
21
22
23
24
25
26
27

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

JULIE ANN TAYLOR,

Respondent.

Case No. H- 8053 SF

OAH No. N2002030348

PROPOSED DECISION

Spencer A. Joe, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on September 11, 2002, in Oakland, California.

James L. Beaver, Staff Counsel, represented the complainant.

Christopher Charles Cayce, Attorney at Law, represented respondent Julie Ann Taylor, who was also present.

Evidence was received, the record was closed and the matter was submitted on September 11, 2002.

FACTUAL FINDINGS

1. Official notice was taken that the complainant Les R. Bettencourt made and filed the Statement of Issues in his official capacity as Deputy Real Estate Commissioner of the State of California.

2. On July 2, 2001, respondent submitted an application for a real estate salesperson's license ("application"). Question number 25 of the application asked: "Have you ever been convicted of any violation of law? (You may omit convictions for drunk driving, reckless driving, and minor traffic citations which do not constitute a misdemeanor

or felony offense.)” In response to question 25 of the application, respondent answered “No.”

3. Respondent was convicted on July 6, 1995, in the Superior Court, County of Monterey, of a violation of Vehicle Code section 23152(a), driving under the influence, and Vehicle Code section 31, giving false information to a police officer, a misdemeanor and a crime involving moral turpitude which bears a substantial relationship to the qualifications, functions or duties of a real estate licensee. In failing to disclose her conviction for violating Vehicle Code section 31, respondent made a material misstatement of fact in her application.

4. The facts and circumstances surrounding respondent’s false information to a police officer conviction are as follows: respondent was stopped by a police officer for a traffic citation. The police officer determined that respondent was driving under the influence of alcohol. Respondent believed she had an outstanding warrant from another jurisdiction and feared that she might be extradited. Respondent gave the police officer her sister’s name (Jodie Lynn Horner) and address. Respondent was arrested and booked for driving under the influence. Two days later, after consulting with her mother and an attorney, respondent returned to the police, admitted her deceit and provided her true and then-correct name, Julie Ann Hayes.

5. The imposition of sentence was suspended and respondent was placed on five years probation, ordered to pay a fine of \$1,250, enroll in a first offender alcohol program and to serve 20 days in jail. Respondent’s jail sentence was served in a work alternative program. She has paid her fines and fees.

6. Respondent attempted to procure a real estate license by misrepresentation or deceit. Her failure to report this criminal conviction in her application was not inadvertent or negligent. Respondent disclosed in her application that she had used another name, Julie Junion-her maiden name, but she did not disclose her one-time married name of Hayes. Hayes was the name in which she was criminally charged and convicted in 1995. Respondent was fully aware that she was convicted for giving false information to a police officer and the heavy sentence she received was a consequence of her deceit. Although respondent testified that she recounts the entire incident as her “driving under the influence” arrest, the initial crime, it was not credible that the more egregious conviction would be forgotten.

7. Respondent re-married in 2000. She has worked in a real estate office as an office administrator for almost two years. She has gained the trust and confidence of her employer, Christopher Cayce, counsel for respondent and the lawyer-broker for the office. She is entrusted with bank deposits, issuance of checks, filing and photocopying documents. Prior to her work in the real estate office, respondent worked in management positions in the restaurant business. She was responsible for the hiring of employees, training, payroll, cash and bank deposits. She was also in charge of opening new restaurants in the chain.

LEGAL CONCLUSIONS

1. Business and Professions Code section 10177 provides:

“The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation’s stock has done any of the following:

“(a) Procured, or attempted to procure, a real estate license or license renewal, for himself or herself or any salesperson, by fraud, misrepresentation, or deceit, or by making any material misstatement of fact in an application for a real estate license, license renewal, or reinstatement.

“(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.”

2. Under Business and Professions Code section 480:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

“(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

“(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license. The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

“The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

“(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

“(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license.”

3. Respondent’s criminal conviction for violating Vehicle Code section 31 (false information to a police officer), as set forth in Factual Findings 3 through 5, constitutes cause to deny respondent’s application for a real estate license pursuant to Business and Professions Code sections 480(a) and 10177(b).

4. Respondent’s failure to reveal the conviction, as set forth in Factual Findings 4 and 6, constitutes cause to deny respondent’s application for a real estate license pursuant to Business and Professions Code sections 480(c) and 10177(a).

5. The criteria for rehabilitation is found in Title 10, California Code of Regulations section 2911:

“The following criteria have been developed by the department pursuant to Section 482(a) of the Business and Professions Code for the purpose of evaluating the rehabilitation of an applicant for issuance or for reinstatement of a license in considering whether or not to deny the issuance or reinstatement on account of a crime or act committed by the applicant:

“(a) The passage of not less than two years since the most recent criminal conviction or act of the applicant that is a basis to deny the departmental action sought. (A longer period will be required if there is a history of acts or conduct substantially related to the qualifications, functions or duties of a licensee of the department.)

“(b) Restitution to any person who has suffered monetary losses through “substantially related” acts or omissions of the applicant.

“(c) Expungement of criminal convictions resulting from immoral or antisocial acts.

“(d) Expungement or discontinuance of a requirement of registration pursuant to the provisions of Section 290 of the Penal Code.

“(e) Successful completion or early discharge from probation or parole.

“(f) Abstinence from the use of controlled substances or alcohol for not less than two years if the conduct which is the basis to deny the departmental action sought is attributable in part to the use of controlled substances or alcohol.

“(g) Payment of the fine or other monetary penalty imposed in connection with a criminal conviction or quasi-criminal judgment.

“(h) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the conviction or conduct that is the basis for denial of the agency action sought.

“(i) Completion of, or sustained enrollment in, formal education or vocational training courses for economic self-improvement.

“(j) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary obligations to others.

“(k) Correction of business practices resulting in injury to others or with the potential to cause such injury.

“(l) Significant or conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems.

“(m) New and different social and business relationships from those which existed at the time of the conduct that is the basis for denial of the departmental action sought.

“(n) Change in attitude from that which existed at the time of the conduct in question as evidenced by any or all of the following:

“(1) Testimony of applicant.

“(2) Evidence from family members, friends or other persons familiar with applicant’s previous conduct and with his subsequent attitudes and behavioral patterns.

“(3) Evidence from probation or parole officers or law enforcement officials competent to testify as to applicant’s social adjustments.

“(4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.”

6. Although seven years has passed since respondent's last criminal conviction of an offense substantially related to the qualifications, functions and duties of a licensee, she has finished probation only two years ago. Her failure to disclose her criminal conviction in her application raises concerns about her honesty and trustworthiness. However, she has worked in positions of trust and responsibility. Considered in mitigation, respondent returned to the police two days after her arrest to report that she gave an alias, her sister's name, to the arresting officer. Although she willfully gave an alias to mislead the police, she acted in a panic. Following her conviction, respondent continued to work towards her economic self-improvement. She has re-married. She has paid her court fines and fees. Based on the criteria under Title 10, California Code of Regulations section 2911, and considering the evidence of mitigation, rehabilitation and aggravation, it would not be contrary to the public's interest if respondent were issued a restricted license.

ORDER

Respondent Julie Ann Taylor's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10153.4 and 10156.5 of the Business and Professions Code. 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:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence 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.

2. 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 attaching to the restricted license until three years have elapsed from the date of issuance of the restricted license to respondent.

NOT ADAPTED

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

4. Respondent shall, within eighteen (18) months of the issuance of the restricted license, 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 principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, respondent has submitted the required evidence of course completion and the Commissioner has given written notice to respondent of lifting of the suspension.

5. Pursuant to section 10154, if respondent has not satisfied the requirements for an unqualified license under section 10153.4, respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to section 10153.4 until four years after the date of the issuance of the preceding restricted license.

Dated: October 2, 2002



SPENCER A. JOE
Administrative Law Judge
Office of Administrative Hearings

NOT ADOPTED

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

MAY - 9 2002

In the Matter of the Application of

JULIE ANN TAYLOR,

By Laurie G. Zeri

Case No. H-8053 SF

OAH No. N-2002030348

Respondent

FIRST AMENDED
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 THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612 on WEDNESDAY, SEPTEMBER 11, 2002, 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. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: MAY 9, 2002

DEPARTMENT OF REAL ESTATE

By James L. Beaver
JAMES L. BEAVER, Counsel (L2)

FILED

MAR 26 2002

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

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

JULIE ANN TAYLOR,

Case No. H-8053 SF

OAH No.

[Signature]
By _____

Respondent

**CORRECTED
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 **THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **WEDNESDAY, MAY 8, 2002**, at the hour of **3:00 P.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: MARCH 26, 2002

DEPARTMENT OF REAL ESTATE

By

[Signature]
JAMES L. BEAVER, Counsel

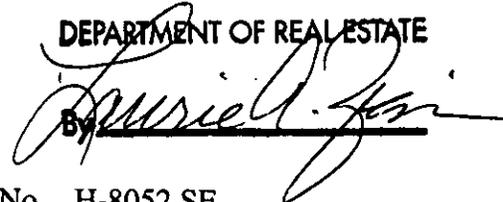
FILED

BEFORE THE DEPARTMENT OF REAL ESTATE MAR 12 2002
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

JULIE ANN TAYLOR,

By 

Case No. H-8052 SF

OAH No.

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 THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612 on WEDNESDAY, MAY 8, 2002, at the hour of 3:00 P.M., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

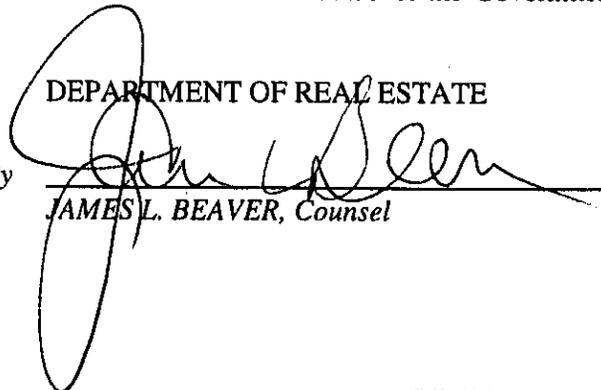
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: MARCH 12, 2002

DEPARTMENT OF REAL ESTATE
By 
JAMES L. BEAVER, Counsel

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED

FEB 21 2002

DEPARTMENT OF REAL ESTATE

Laurie L. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

No. H-8053 SF

12 JULIE ANN TAYLOR,)

STATEMENT OF ISSUES

13 Respondent.)

14
15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against JULIE ANN TAYLOR, formerly Julie Ann Hayes
18 (hereinafter "Respondent"), alleges as follows:

19 I

20 Complainant, Les R. Bettencourt, a Deputy Real Estate
21 Commissioner of the State of California, makes this Statement of
22 Issues in his official capacity.

23 II

24 On or about January 2, 2001, Respondent made
25 application to the Department of Real Estate of the State of
26 California (hereinafter "the Department") for a real estate
27 salesperson license with the knowledge and understanding that,

1 pursuant to the provisions of Section 10153.3 of the Business
2 and Professions Code, any license issued as a result of said
3 application would be subject to the conditions of Section
4 10153.4 of the California Business and Professions Code
5 (hereinafter "the Code").

6 III

7 In response to Question 25 of said application, to
8 wit: "Have you ever been convicted of any violation of law? (You
9 may omit convictions for drunk driving, reckless driving, and
10 minor traffic citations which do not constitute a misdemeanor or
11 felony offense.)", Respondent concealed and failed to disclose
12 the conviction described in Paragraph IV, below.

13 IV

14 On or about July 6, 1995, in the Municipal Court of
15 the State of California, County of Monterey, Monterey Judicial
16 District, Respondent was convicted of the crime of False
17 Information To A Police Officer in violation of Vehicle Code
18 Section 31, a misdemeanor and a crime involving moral turpitude
19 which bears a substantial relationship under Section 2910, Title
20 10, California Code of Regulations (herein "the Regulations"),
21 to the qualifications, functions or duties of a real estate
22 licensee.

23 V

24 In failing to failure to reveal the conviction
25 described in Paragraph IV, above, in said application,
26 Respondent attempted to procure a real estate license by fraud,

27 ///

1 misrepresentation, or deceit, or by making a material
2 misstatement of fact in said application.

3 VI

4 Respondent's failure to reveal the conviction set
5 forth in Paragraph IV, above, in said application constitutes
6 cause for denial of Respondent's application for a real estate
7 license under Sections 480(c) and 10177(a) of the California
8 Business and Professions Code.

9 VII

10 Respondent's criminal conviction, as described in
11 Paragraph IV, above, constitutes cause for denial of
12 Respondent's application for a real estate license under
13 Sections 480(a) and 10177(b) of the California Business and
14 Professions Code.

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

21
22 
23 LES R. BETTENCOURT
24 Deputy Real Estate Commissioner

25 Dated at Oakland, California,
26 this 8th day of February, 2002.
27