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FILED
AUG 20 2007

DEPARTMENT OF REAL ESTATE

By Jean Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-8302 SF
ANTOINETTE CATHERINE FOSTER,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On May 15, 2003, a Decision was rendered herein denying Respondent's application for a real estate salesperson 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 July 2, 2003, and Respondent has operated as a restricted licensee since that time.

On March 15, 2006, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's Petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

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

5 NOW, THEREFORE, IT IS ORDERED that Respondent's
6 Petition for removal of restrictions is granted and that a real
7 estate salesperson license be issued to Respondent if, within
8 nine (9) months from the date of this order, Respondent shall:

9 (a) Submit a completed application and pay the
10 appropriate fee for a real estate salesperson license, and

11 (b) Submit evidence of having taken and successfully
12 completed the continuing education requirements of Article 2.5 of
13 Chapter 3 of the Real Estate Law for renewal of a real estate
14 license.

15 This Order shall become effective immediately.

16 IT IS SO ORDERED 8.8., 2007.

17 JEFF DAVI
18 Real Estate Commissioner
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 10 2003

DEPARTMENT OF REAL ESTATE

* * *

In the Matter of the Application of)
ANTOINETTE C. FOSTER,)
Respondent.)

NO. H-8302 SF

OAH No. N2003020344

By Shelly Coy

DECISION

The Proposed Decision dated April 30, 2003, 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 be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the 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 appended hereto.

This Decision shall become effective at 12 o'clock noon
on JUNE 30, 2003.

IT IS SO ORDERED

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

May 15 2003.
Paula Reddish

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

ANTOINETTE C. FOSTER,

Respondent

Case No. H-8302 SF

OAH No. N2003020344

PROPOSED DECISION

This matter was heard before Robert R. Coffman, Administrative Law Judge, Office of Administrative Hearings, State of California, in Oakland, California, on April 16, 2003.

The respondent, Antoinette Foster, was personally present and was represented by her attorney, Edgardo Gonzalez.

David B. Seals, Counsel for the Department of Real Estate, represented the complainant, Les R. Bettencourt.

FACTUAL FINDINGS

1. Les R. Bettencourt made the Statement of Issues in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Respondent made application to the Department of Real Estate for a real estate salesperson license on or about May 10, 2002.
3. On or about October 31, 1988, in the Superior Court of the State of California, County of Sonoma, respondent was convicted of violating Penal Code section 476a(a) (bad checks), a crime involving moral turpitude which bears a substantial relationship to the qualification, functions or duties of a real estate licensee.
4. On or about February 25, 1993, in the Superior Court of the State of California, County of Sonoma, respondent was convicted of violating Welfare and

Institutions Code section 10980(c)(2) (obtaining or retaining public assistance by false statement or representation), a felony and a crime involving moral turpitude which bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

5. On or about August 27, 1996, in the Superior Court of the State of California, County of San Mateo, respondent was convicted of one count of violation of Penal Code section 460(b) (second degree burglary) and two counts of Penal Code section 470 (forgery), felonies and crimes involving moral turpitude which bear a substantial relationship to the qualifications, functions or duties of a real estate licensee.

6. On the 1988 conviction respondent was placed on two years probation on conditions, including making restitution and performing community service work. She has made restitution.

On the 1993 conviction respondent was placed on three years probation on conditions, including 180 days in the county jail with 120 days stayed and the remainder to be served in a work-release program. She did not successfully complete her probation but she did make restitution.

On the 1996 conviction respondent was placed on three years probation on conditions, including county jail time and completion of a drug treatment program. She successfully completed the drug treatment program. She has also made restitution.

7. The circumstances surrounding the above convictions are as follows:

On the 1988 conviction respondent wrote one bad check. She has made complete restitution.

On the 1993 conviction, during a period in 1989 when she was receiving welfare, respondent failed to report that she had begun working while still on welfare. She has made complete restitution in the amount of \$5,000.

On the 1996 conviction she obtained a motor vehicle by the use of fraudulent means. She has made complete restitution in the amount of \$15,000.

The 1988 and 1996 convictions have been expunged, i.e., dismissed under Penal Code section 1203.4.

8. Respondent was addicted to illegal drugs for many years. During the period 1988 to April 1996 she was primarily on methamphetamines. The above convictions were directly related to her drug usage.

Respondent successfully completed a six-month residential treatment program in February 1997. In 1997 she began attending Alcoholic Anonymous (AA) meetings and/or Narcotics Anonymous (NA) meetings and attended such meetings daily for several years. She now attends meetings twice a week.

Respondent has not used any illegal drugs or substances since April 1996.

9. Respondent has an excellent reputation in her community for honesty, integrity and high moral character. She is now a responsible, stable person who exercises sound decisions in her personal life. She has a strong support system, including her husband, her daughter, her parents, and friends, as well as her participation in AA and NA.

Respondent performs community service work at SAY Teen Shelter in Santa Rosa. The coordinator at the Shelter is highly supportive of her application for a real estate license.

Respondent has been a sponsor (mentor) in the AA program since 1998.

Respondent's sobriety since 1996 is attested to by a Santa Rosa police officer who participated in her arrest that led to the 1996 conviction. The officer is of the opinion that respondent is a trustworthy individual.

The head of Turning Point, a drug abuse treatment program, is one of respondent's strong supporters. He is of the opinion respondent is a person of honesty and integrity.

10. Respondent is 36 years old. She has a 12-year-old son and an 18-year-old daughter from her first marriage. She provides financial support for her son, who lives with his father. Respondent's parents cared for her daughter for several years, but her daughter has lived with the respondent the past four and one-half years.

Respondent remarried in 1997. She and her husband own and operate a kitchen cabinet remodeling business. Respondent handles customer services, estimating, bookkeeping and office work, and assists her husband in the physical labor aspects of the business.

11. Respondent disclosed her three convictions on her application for a real estate license. She has also disclosed her convictions to prospective employing brokers.

LEGAL CONCLUSIONS

1. Cause was established to deny respondent's application under Business and Professions Code sections 480(a) and 10177(b), under the facts set forth in Findings 3, 4, and 5.

2. Respondent presented substantial evidence of rehabilitation and present fitness to hold a real estate license. She has been drug free for 7 years. The likelihood of her resuming the use of illegal substances is remote. Her licensure would pose little or no risk of harm to the public.

ORDER

Respondent'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 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 the 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 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; or
 - (b) 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.
2. 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 attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.
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:

- (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 performance by the restricted licensee relating to activities for which a real estate license is required.

DATED: April 30, 2003.



ROBERT R. COFFMAN
Administrative Law Judge
Office of Administrative Hearings

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

FILED
FEB 07 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

ANTOINETTE C. FOSTER,

Case No. H-8302 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, ELIHU M. HARRIS BUILDING, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612 on WEDNESDAY--APRIL 16, 2003, at the hour of 1:30 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 Hearing 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 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 and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: FEBRUARY 7, 2003

DEPARTMENT OF REAL ESTATE
By 
DAVID B. SEALS, Counsel

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

FILED

JAN 24 2003

DEPARTMENT OF REAL ESTATE

By Jean Arnette

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

) No. H-8302 SF

12 ANTOINETTE C. FOSTER,)

) 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 ANTOINETTE C. FOSTER (hereinafter "Respondent")
18 alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about May 10, 2002.

23 II

24 Complainant, Les R. Bettencourt, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity.

27 ///

1 III

2 On or about October 31, 1988, in the Superior Court of
3 the State of California, County of Sonoma, Respondent was
4 convicted of violation of California Penal Code Section 476a(a)
5 (Making, Drawing or Passing Worthless Check, Draft or Order), a
6 crime involving moral turpitude which bears a substantial
7 relationship under Section 2910, Title 10, California Code of
8 Regulations (herein "the Regulations"), to the qualifications,
9 functions or duties of a real estate licensee.

10 IV

11 On or about February 25, 1993, in the Superior Court of
12 the State of California, County of Sonoma, Respondent was
13 convicted of violation of California Welfare and Institutions
14 Code Section 10980(c)(2) (Obtaining or Retaining Aid, in an Amount
15 Over \$400, by Means of False Statement or Representation or By
16 Impersonation or Other Fraudulent Device), a felony and a crime
17 involving moral turpitude which bears a substantial relationship
18 under Section 2910 of the Regulations, to the qualifications,
19 functions or duties of a real estate licensee.

20 V


21 On or about August 27, 1996, in the Superior Court of
22 the State of California, County of San Mateo, Respondent was
23 convicted of one count of violation of California Penal Code
24 Section 460(b) (Second Degree Burglary) and two counts of
25 Violation of California Penal Code Section 470 (Acts Constituting
26 Forgery), felonies and crimes involving moral turpitude which
27 bear a substantial relationship under Section 2910 of the

1 Regulations, to the qualifications, functions or duties of a real
2 estate licensee.

3 VI

4 The crimes of which Respondent was convicted, as
5 alleged in Paragraphs III through V, above, constitute cause for
6 denial of Respondent's application for a real estate license
7 under Sections 480(a) and 10177(b) of the California Business and
8 Professions Code.

9 WHEREFORE, the Complainant prays that the above-
10 entitled matter be set for hearing and, upon proof of the charges
11 contained herein, that the Commissioner refuse to authorize the
12 issuance of, and deny the issuance of, a real estate salesperson
13 license to Respondent, and for such other and further relief as
14 may be proper under other provisions of law.

15
16 
17 LES R. BETTENCOURT
Deputy Real Estate Commissioner

18 Dated at Oakland, California,
19 this 21st day of January, 2003.