

FILED
JAN 16 2004

DEPARTMENT OF REAL ESTATE

Laurie A. Ziser

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-8347 SF
	)	
ANNE MURDOCK WALKER,	)	OAH No. N-2003040383
	)	
Respondent.	)	

STIPULATION AND AGREEMENT

AND DECISION AFTER RECONSIDERATION

The California Department of Real Estate (Complainant) filed an Accusation against ANNE MURDOCK WALKER (sometimes referred to as "Respondent") on March 8, 2003. On June 18, 2003, a hearing was held and evidence received, the record was closed, and the matter was submitted.

On August 12, 2003, the Proposed Decision of the Administrative Law Judge was issued, and determined, among other things, that Respondent's real estate salesperson license should be revoked.

On September 4, 2003, the Commissioner adopted the Proposed Decision of August 12, 2003.

1 On September 29, 2003, Respondent petitioned for
2 reconsideration of the Decision of September 4, 2003.

3 On October 28, 2003, the Real Estate Commissioner
4 granted reconsideration of the September 4, 2003 Decision for
5 the limited purpose of reconsidering the discipline imposed.

6 The parties wish to settle this matter without further
7 proceedings.

8 IT IS HEREBY STIPULATED by and between Respondent, her
9 attorney of record, Maxine Monaghan, and the Complainant, acting
10 by and through David A. Peters, counsel for the Department of
11 Real Estate, as follows for the purpose of settling and
12 disposing of the Accusation filed by Complainant.

13 1. It is understood by the parties that the Real
14 Estate Commissioner may adopt the Stipulation and Agreement as
15 his Decision in this matter, thereby imposing the penalty and
16 sanctions on Respondent's real estate license and license rights
17 as set forth in the below "Decision and Order". In the event
18 the Commissioner in her discretion does not adopt the
19 Stipulation and Agreement, the Stipulation shall be void and of
20 no effect; the Commissioner will review the transcript and the
21 evidence in the case, and will issue his Decision After
22 Reconsideration as her Decision in this matter.

23 2. By reason of the foregoing and solely for the
24 purpose of settlement of the Accusation without further
25 administrative proceedings, it is stipulated and agreed that the
26 following Findings of Fact and Determination of Issues and Order

27 ///

1 set forth below shall hereby constitute the Decision of the Real
2 Estate Commissioner in this matter.

3 **FACTUAL FINDINGS**

4 1. Respondent is presently licensed as a real estate
5 salesperson under Part 1 of Division 4 of the Business and
6 Professions Code. On or about August 2, 2002, respondent
7 submitted to the Department of Real Estate (Department) an
8 application for renewal of her real estate salesperson license.

9 2. Respondent certified the accuracy of her
10 responses to questions in the Salesperson Renewal Application
11 under penalty of perjury. Question 3 of that application form
12 asks in pertinent part, "Within the past four year period have
13 you been convicted of any violation of law?" In response to this
14 question respondent checked a box indicating "no."

15 3. On August 8, 2001, in the Superior Court of
16 California, County of Santa Clara, respondent was convicted on a
17 plea of nolo contendere of violating Penal Code section 273a(b),
18 Child Endangerment Involving Unjustifiable Pain and Suffering.
19 She was sentenced to 15 days of community service and placed on
20 formal probation for a period of four years.

21 4. The facts and circumstances surrounding
22 respondent's conviction are unclear from the evidence of record.
23 The Department's investigative evidence indicates that, while
24 respondent was shopping at Dress Barn with her son (age 11) and
25 daughter (nearly age 9) on August 29, 2000, she pushed or
26 knocked her daughter to the ground in the vicinity of the cash
27 register because the children were misbehaving. She then kicked

1 her daughter at least once in the face, causing a visible
2 injury, and twice on her left side. This rendition of the
3 incident is based upon the investigating officer's interviews
4 with the two children conducted three days afterward in the home
5 of respondent's ex-husband; it had come to the attention of the
6 authorities when respondent's ex-husband, who shares custody of
7 the children, reported it on August 31.

8 5. Respondent denies that the incident occurred in
9 the manner reported by her children. She testified that the
10 children were running around while she was shopping at the
11 store, and that her son was teasing her daughter. As she was
12 trying to pay at the register her son provoked a fight with her
13 daughter, who fell to the floor while she was backing away from
14 him. Respondent says she tried to spank her daughter, and that
15 the contents of her purse, including some heavy items, fell out,
16 striking her daughter in the face. She says she did not notice
17 any injury to her daughter's face, and denies kicking the child.
18 She attributes the children's rendition of the incident to her
19 belief that her ex-husband put them up to it. She says that her
20 son later admitted lying about it, and claims that the police
21 investigator also lied in his investigative report. There is no
22 testimony to support these assertions. She claims to have an
23 investigative report that supports her version of the incident,
24 but did not bring it with her to the hearing.

25 6. Respondent was represented by counsel when she
26 entered the plea. She initially testified that her attorney told
27 her that after completing community service it would "be like it

1 never happened," implying (without expressly saying so) that
2 this was the reason she did not report the conviction on her
3 license application. However, she later testified that the
4 reason she entered the plea was to avoid a trial, as she did not
5 want her children to have to testify in court.

6 7. Respondent is a single mother. She is divorced
7 from the children's father and shares custody with him. She says
8 their divorce proceedings in 1994 were unpleasant, and describes
9 her ex-husband as hostile.

10 8. Respondent is a college graduate with a degree in
11 business. She worked in the computer industry for several years
12 after graduating. In 1987 she married David Walker and, after
13 her children were born, left her last computer job in 1990 to
14 stay at home with them. In 1993 her husband left home, and she
15 had to support her family. She remains the principal source of
16 support for herself and her children.

17 9. Respondent obtained her real estate salesperson's
18 license in 1994, and went to work for Prudential Real Estate
19 Company of California. She has had a successful career in real
20 estate sales. Nina Yamaguchi, her broker at her current
21 employment with Coldwell Banker, testified that respondent is a
22 wonderful agent, always in the top 25 percent of salespersons in
23 her office, and doing a great job.

24 10. Barbara McKay, a friend and former colleague of
25 respondent's from the computer business, testified that
26 respondent is basically truthful and honest. Yamaguchi also
27 testified that respondent is truthful and honest.

1 11. Respondent testified that she is sorry about the
2 events that led to her conviction, but devoted much greater
3 emphasis to excusing her actions, and to her personal and
4 professional accomplishments. She completed her community
5 service, but has not yet completed her probation.

6 **LEGAL CONCLUSIONS**

7 1. Business and Professions Code sections 498 and
8 10177 (a) permit the Department to suspend or revoke the license
9 of a real estate licensee who has attempted to procure a real
10 estate license or renewal by making any material misstatement of
11 fact in the application for the license or renewal. Respondent's
12 response on the application that she had no conviction despite
13 the existence of a recent conviction constitutes a material
14 misstatement of fact. Cause therefore exists to suspend or
15 revoke respondent's license.

16 2. Business and Professions Code sections 490 and
17 10177(b) permit the Department to suspend or revoke the license
18 of a real estate licensee who has been convicted of a crime
19 involving moral turpitude which is substantially related under
20 Section 2910, Title 10, California Code of Regulations, to the
21 qualifications, functions or duties of a real estate licensee.
22 Cause does not exist to suspend or revoke respondent's license
23 thereunder. Respondent's conviction under Penal Code section
24 273a(b) is not substantially related to the qualifications,
25 functions, or duties of a real estate licensee, because a
26 violation of that statute does not necessarily involve the
27 intent or threat of doing substantial injury to another person.

1 Moreöver, there is insufficient evidence in the record to
2 demonstrate that respondent had any such intent or made any such
3 threat.

4 3. Respondent's explanation about why she failed to
5 report her conviction on the application is understandable, but
6 does not excuse her actions. Her omission of this information
7 under penalty of perjury constitutes a material misstatement.
8 Although she admits the inaccuracy of her response to question 3
9 and does not claim to have misunderstood the question,
10 respondent's testimony seemingly reflects an attitude that her
11 response was justified because her conviction was unwarranted.
12 Apparently she believes that, because her motive was legitimate
13 in her own mind, her duty to answer the question honestly was
14 excused. This is not correct. Entering a no contest plea
15 resulted in a conviction. She knew this at the time she entered
16 her plea, and she should have disclosed it..

17 4. The existence of a conviction has consequences
18 that reach beyond the sentence imposed by the court. Excusing an
19 applicant from giving honest responses to questions on a license
20 application because those consequences are profound would open
21 the door to potential abuses and frustrate the intent of the
22 State's licensing laws. Respondent entered her no contest plea
23 of her own free will. She was represented by counsel when she
24 did so. She had previously been licensed by the Department, and
25 was presumably aware of the disclosure requirement on the
26 application. The conviction is now a fact respondent must
27 accept, and attempting to conceal it on her renewal application

1 only serves to raise doubts about how she reacts to
2 circumstances with potential unpleasant consequences. Such
3 circumstances are always present in real estate sales. Moreover,
4 if she is concerned about the welfare of her children, she will
5 demonstrate by example that honesty is always the best policy,
6 and that it is important to accept responsibility for one's own
7 actions. Shielding her children from the consequences of lies,
8 whether theirs or hers, is not an act endorsed by the Department
9 through its licensing process.

10 5. Even accepting respondent's version of the facts
11 underlying her conviction, the existence of the conviction and
12 the evidence of its concealment are undisputed. Although the
13 testimony regarding her performance as a parent, her
14 professional accomplishments, and her personal qualities is
15 impressive, this testimony does not alter the fact that she made
16 a material misstatement in her renewal application.

17 ORDER

18 I

19 The real estate salesperson license and all license
20 rights of Respondent ANNE MURDOCK WALKER under the Real Estate
21 Law are revoked; however, a restricted real estate salesperson
22 license shall be issued to Respondent pursuant to Section
23 10156.5 of the Business and Professions Code if Respondent makes
24 application therefor and pays to the Department of Real Estate
25 the appropriate fee for the restricted license within ninety
26 (90) days from the effective date of this Decision. The
27 restricted license issued to Respondent shall be subject to all

1 of the provisions of Section 10156.7 of the Business and
2 Professions Code and to the following limitations, conditions
3 and restrictions imposed under authority of Section 10156.6 of
4 that Code:

5 A. The restricted license issued to Respondent may
6 be suspended prior to hearing by Order of the Real Estate
7 Commissioner in the event of Respondent's conviction or plea of
8 nolo contendere to a crime which is substantially related to
9 Respondent's fitness or capacity as a real estate licensee.

10 B. The restricted license issued to Respondent may
11 be suspended prior to hearing by Order of the Commissioner on
12 evidence satisfactory to the Commissioner that Respondent has
13 violated provisions of the California Real Estate Law, the
14 Subdivided Lands Law, Regulations of the Real Estate
15 Commissioner or conditions attaching to the restricted license.

16 C. Respondent shall not be eligible to apply for the
17 issuance of an unrestricted real estate license nor for the
18 removal of any of the conditions, limitations or restrictions of
19 the restricted of a restricted license until two (2) years have
20 elapsed from the effective date of this Decision.

21 D. Respondent shall submit with any application for
22 license under an employing broker, or any application for
23 transfer to a new employing broker, a statement signed by the
24 prospective employing broker on a form approved by the
25 Department of Real Estate which shall certify:

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27 ///

1 (1) That the employing broker has read the Decision
2 of the Commissioner which granted the right to a
3 restricted license; and

4 (2) That the employing broker will exercise close
5 supervision over the performance by the
6 restricted licensee relating to activities for
7 which a real estate license is required.

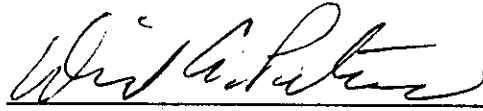
8 E. Respondent shall, within nine (9) months from the
9 effective date of the Decision, present evidence satisfactory to
10 the Real Estate Commissioner that Respondent has, since the most
11 recent issuance of an original or renewal real estate license,
12 taken and successfully completed the continuing education
13 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
14 for renewal of a real estate license. If Respondent fails to
15 satisfy this condition, the Commissioner may order the
16 suspension of the restricted license until the Respondent
17 presents such evidence. The Commissioner shall afford
18 Respondent the opportunity for a hearing pursuant to the
19 Administrative Procedure Act to present such evidence.

20 F. Respondent shall, within six (6) months from the
21 effective date of this Decision, take and pass the Professional
22 Responsibility Examination administered by the Department
23 including the payment of the appropriate examination fee. If
24 Respondent fails to satisfy this condition, the Commissioner may
25 order suspension of Respondent's license until Respondent passes
26 the examination.

27 ///

1 G. Any restricted real estate salesperson license
2 issued to Respondent may be suspended or revoked for a violation
3 by Respondent of any of the conditions attaching to the
4 restricted license.

5 12/15/03
6 DATED

7 
8 DAVID A. PETERS, Counsel
9 DEPARTMENT OF REAL ESTATE

10 * * *

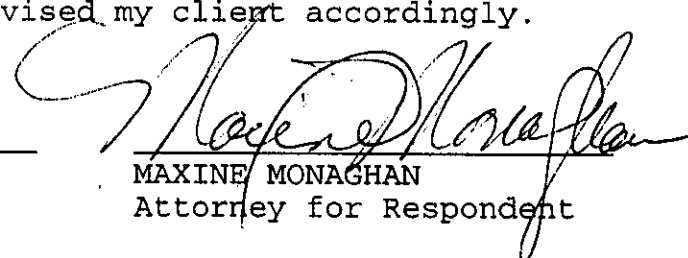
11 I have read the Stipulation and Agreement, have
12 discussed it with my counsel, and its terms are understood by
13 me and are agreeable and acceptable to me. I understand that I
14 am waiving rights given to me by the California Administrative
15 Procedure Act (including but not limited to Sections 11506,
16 11508, 11509, and 11513 of the Government Code), and I
17 willingly, intelligently, and voluntarily waive those rights,
18 including the right of requiring the Commissioner to prove the
19 allegations in the Accusation at a hearing at which I would have
20 the right to cross-examine witnesses against me and to present
21 evidence in defense and mitigation of the charges. I also
22 herewith voluntarily withdraw my real estate broker application.

23 Dec. 8, 2003
24 DATED

25 
26 ANNE MURDOCK WALKER
27 Respondent

28 I have reviewed the Stipulation and Agreement as to
29 form and content and have advised my client accordingly.

30 12/10/03
31 DATED

32 
33 MAXINE MONAGHAN
34 Attorney for Respondent

* * *

The foregoing Stipulation and Agreement for
Settlement is hereby adopted by the Real Estate Commissioner as
her Decision and Order and shall become effective at 12 o'clock
noon on FEBRUARY 5, 2004.

IT IS SO ORDERED December 23, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BY: John R. Liberator
Chief Deputy Commissioner

FILED
OCT 30 2003

DEPARTMENT OF REAL ESTATE

By Laurie C. Zini

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-8347 SF
	)	
ANNE MURDOCK WALKER,	)	OAH No. N-2003040383
	)	
Respondent.	)	
	)	

ORDER GRANTING RECONSIDERATION

On September 4, 2003, a Decision was rendered in the above-entitled matter. The Decision is to become effective October 30, 2003.

On September 29, 2003, Respondent petitioned for reconsideration of the Decision of September 4, 2003.

I find that there is good cause to reconsider said Decision.

Reconsideration is hereby granted and pursuant to Section 11521(b) of the Government Code, for the limited purpose of reconsidering the discipline imposed.

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IT IS HEREBY ORDERED

October 28, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish

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FILED

SEP 29 2003

DEPARTMENT OF REAL ESTATE

By Laurie G. Zinnemann

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-8347 SF
ANNE MURDOCK WALKER,)
Respondent.)

ORDER STAYING EFFECTIVE DATE

On September 4, 2003, a Decision was rendered in the above-entitled matter to become effective September 30, 2003.

IT IS HEREBY ORDERED that the effective date of the Decision of the Real Estate Commissioner of September 4, 2003, is stayed for a period of thirty (30) days.

The Decision of the Real Estate Commissioner of September 4, 2003, shall become effective at 12 o'clock noon on October 30, 2003.

DATED: Sept. 29, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

John H. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
SEP - 9 2003

DEPARTMENT OF REAL ESTATE

* * *

In the Matter of the Accusation of)
ANNE MURDOCK WALKER,)
Respondent.)

NO. H-8347 SF

OAH NO. N-2003040383

DECISION

The Proposed Decision dated August 12, 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 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 SEPTEMBER 30, 2003.

IT IS SO ORDERED September 4, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish

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

In the Matter of the Accusation of:

ANNE MURDOCK WALKER,

Respondent.

No. H-8347 SF

OAH No. N 2003040383

PROPOSED DECISION

Administrative Law Judge Victor D. Ryerson, Office of Administrative Hearings, State of California, heard this matter on June 18, 2003, in Oakland, California.

Department of Real Estate Counsel David A. Peters represented complainant Les R. Bettencourt, Deputy Real Estate Commissioner, State of California.

Stephen W. Thomas, Attorney at Law, represented respondent Anne Murdock Walker, who was present.

The matter was submitted on June 18, 2003.

FACTUAL FINDINGS

1. Respondent is presently licensed as a real estate salesperson under Part 1 of Division 4 of the Business and Professions Code. On or about August 2, 2002, respondent submitted to the Department of Real Estate (Department) an application for renewal of her real estate salesperson license.

2. Respondent certified the accuracy of her responses to questions in the Salesperson Renewal Application under penalty of perjury. Question 3 of that application form asks in pertinent part, "Within the past four year period have you been convicted of any violation of law?" In response to this question respondent checked a box indicating "no."

3. On August 8, 2001, in the Superior Court of California, County of Santa Clara, respondent was convicted on a plea of nolo contendere of violating Penal Code section 273a(b), Child Endangerment Involving Unjustifiable Pain and Suffering. She was sentenced to 15 days of community service and placed on formal probation for a period of four years.

4. The facts and circumstances surrounding respondent's conviction are unclear from the evidence of record. The Department's investigative evidence indicates that, while respondent was shopping at Dress Barn with her son (age 11) and daughter (nearly age 9) on August 29, 2000, she pushed or knocked her daughter to the ground in the vicinity of the cash register because the children were misbehaving. She then kicked her daughter at least once in the face, causing a visible injury, and twice on her left side. This rendition of the incident is based upon the investigating officer's interviews with the two children conducted three days afterward in the home of respondent's ex-husband; it had come to the attention of the authorities when respondent's ex-husband, who shares custody of the children, reported it on August 31.

5. Respondent denies that the incident occurred in the manner reported by her children. She testified that the children were running around while she was shopping at the store, and that her son was teasing her daughter. As she was trying to pay at the register her son provoked a fight with her daughter, who fell to the floor while she was backing away from him. Respondent says she tried to spank her daughter, and that the contents of her purse, including some heavy items, fell out, striking her daughter in the face. She says she did not notice any injury to her daughter's face, and denies kicking the child. She attributes the children's rendition of the incident to her belief that her ex-husband put them up to it. She says that her son later admitted lying about it, and claims that the police investigator also lied in his investigative report. There is no testimony to support these assertions. She claims to have an investigative report that supports her version of the incident, but did not bring it with her to the hearing.

6. Respondent was represented by counsel when she entered the plea. She initially testified that her attorney told her that after completing community service it would "be like it never happened," implying (without expressly saying so) that this was the reason she did not report the conviction on her license application. However, she later testified that the reason she entered the plea was to avoid a trial, as she did not want her children to have to testify in court.

7. Respondent is a single mother. She is divorced from the children's father and shares custody with him. She says their divorce proceedings in 1994 were unpleasant, and describes her ex-husband as hostile.

8. Respondent is a college graduate with a degree in business. She worked in the computer industry for several years after graduating. In 1987 she married David Walker and, after her children were born, left her last computer job in 1990 to stay at home with them. In 1993 her husband left home, and she had to support her family. She remains the principal source of support for herself and her children.

9. Respondent obtained her real estate salesperson's license in 1994, and went to work for Prudential Real Estate Company of California. She has had a successful career in real estate sales. Nina Yamaguchi, her broker at her current employment with Coldwell

Banker, testified that respondent is a wonderful agent, always in the top 25 percent of salespersons in her office, and doing a great job.

10. Barbara McKay, a friend and former colleague of respondent's from the computer business, testified that respondent is basically truthful and honest. Yamaguchi also testified that respondent is truthful and honest.

11. Respondent testified that she is sorry about the events that led to her conviction, but devoted much greater emphasis to excusing her actions, and to her personal and professional accomplishments. She completed her community service, but has not yet completed her probation.

LEGAL CONCLUSIONS

1. Business and Professions Code sections 498 and 10177 (a) permit the Department to suspend or revoke the license of a real estate licensee who has attempted to procure a real estate license or renewal by making any material misstatement of fact in the application for the license or renewal. Respondent's response on the application that she had no conviction despite the existence of a recent conviction constitutes a material misstatement of fact. Cause therefore exists to suspend or revoke respondent's license.

2. Business and Professions Code sections 490 and 10177(b) permit the Department to suspend or revoke the license of a real estate licensee who has been convicted of a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee. Cause does not exist to suspend or revoke respondent's license thereunder. Respondent's conviction under Penal Code section 273a(b) is not substantially related to the qualifications, functions, or duties of a real estate licensee, because a violation of that statute does not necessarily involve the intent or threat of doing substantial injury to another person. Moreover, there is insufficient evidence in the record to demonstrate that respondent had any such intent or made any such threat.

3. Respondent's explanation about why she failed to report her conviction on the application is understandable, but does not excuse her actions. Her omission of this information under penalty of perjury constitutes a material misstatement. Although she admits the inaccuracy of her response to question 3 and does not claim to have misunderstood the question, respondent's testimony seemingly reflects an attitude that her response was justified because her conviction was unwarranted. Apparently she believes that, because her motive was legitimate in her own mind, her duty to answer the question honestly was excused. This is not correct. Entering a no contest plea resulted in a conviction. She knew this at the time she entered her plea, and she should have disclosed it..

4. The existence of a conviction has consequences that reach beyond the sentence imposed by the court. Excusing an applicant from giving honest responses to questions on a license application because those consequences are profound would open the door to

potential abuses and frustrate the intent of the State's licensing laws. Respondent entered her no contest plea of her own free will. She was represented by counsel when she did so. She had previously been licensed by the Department, and was presumably aware of the disclosure requirement on the application. The conviction is now a fact respondent must accept, and attempting to conceal it on her renewal application only serves to raise doubts about how she reacts to circumstances with potential unpleasant consequences. Such circumstances are always present in real estate sales. Moreover, if she is concerned about the welfare of her children, she will demonstrate by example that honesty is always the best policy, and that it is important to accept responsibility for one's own actions. Shielding her children from the consequences of lies, whether theirs or hers, is not an act endorsed by the Department through its licensing process.

5. Even accepting respondent's version of the facts underlying her conviction, the existence of the conviction and the evidence of its concealment are undisputed. Although the testimony regarding her performance as a parent, her professional accomplishments, and her personal qualities is impressive, this testimony does not alter the fact that she made a material misstatement in her renewal application. She has expressed no real contrition about doing so, and it would be contrary to the public interest to permit respondent to retain her license, even on a restricted basis.

ORDER

All licenses and licensing rights of respondent Anne Murdock Walker under the Real Estate Law are revoked.

DATED: August 12, 2003



VICTOR D. RYERSON
Administrative Law Judge

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

FILED

APR 10 2003

DEPARTMENT OF REAL ESTATE

Laurie A. Zin
By _____

In the Matter of the Accusation of

ANNE MURDOCK WALKER,

} Case No. H-8347 SF

} OAH No.

Respondent

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 **THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **WEDNESDAY, JUNE 18, 2003**, at the hour of **1:30 PM**, or as soon thereafter as the matter can be heard, upon the Accusation 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.

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: APRIL 9, 2003

DEPARTMENT OF REAL ESTATE

By *David A. Peters*
DAVID A. PETERS, Counsel (2)

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED

MAR - 8 2003

DEPARTMENT OF REAL ESTATE

By *David Peters*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-8347 SF

12 ANNE MURDOCK WALKER,)

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 ANNE MURDOCK WALKER (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 I

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

24 II

25 Respondent made application to the Department of Real
26 Estate of the State of California for renewal of a real estate
27 salesperson license on or about August 2, 2002.

1 III

2 In response to Question 3 of said application, to wit:
3 "Within the past four year period, have you been convicted of
4 any violation of law?", Respondent answered "No".

5 IV

6 On or about August 8, 2001, in the Superior Court of
7 California, County of Santa Clara, Respondent was convicted of
8 violation of Section 273a(b) of the California Penal Code (Child
9 Endangerment Involving Unjustifiable Pain and Suffering), a
10 crime involving moral turpitude which is substantially related
11 under Section 2910, Title 10, California Code of Regulations to
12 the qualifications, functions or duties of a real estate
13 licensee.

14 V

15 Respondent's failure to reveal the criminal conviction
16 set forth in Paragraph IV above in said application constitutes
17 the procurement of a real estate license by fraud,
18 misrepresentation, or deceit, or by making a material
19 misstatement of fact in said application and is cause for
20 suspension or revocation of all licenses and license rights of
21 Respondent under the Real Estate Law pursuant to Sections 498
22 and 10177(a) of the California Business and Professions Code.

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VII

The facts alleged in Paragraph IV above, constitute cause under Sections 490 and 10177(b) of the Business and Professions Code for the 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 a may be proper under the provisions of law.


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 25th day of February, 2003.