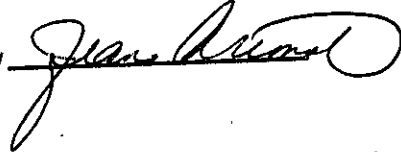


FILED

OCT 26 2007

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-8449 SF
HAHN KELLY SHOLS,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On June 27, 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 21, 2003, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On April 26, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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1 I have considered Respondent's Petition and the
2 evidence submitted in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

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

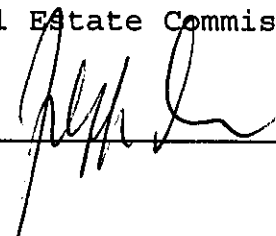
12 (a) Submit a completed application and pay the
13 appropriate fee for a real estate salesperson license, and

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

18 This Order shall become effective immediately.

19 IT IS SO ORDERED 10/17, 2007.

20 JEFF DAVI
21 Real Estate Commissioner

22 
23
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FILED
JUL - 9 2003

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

HAHN KELLY SHOLS,

Respondent

No. H- 8449 SF

**STIPULATION AND
WAIVER**

I, HAHN KELLY SHOLS, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on June 7, 2003, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

1 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
2 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license
3 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
4 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
5 Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
10 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

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

- 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
20 conditions attaching to this restricted license.

21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.

24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
- 3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts
5 for which a license is required.
- 6 4. My restricted real estate salesperson license is issued subject to the requirements of Section
7 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
8 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
9 successful completion, at an accredited institution, of two of the courses listed in Section
10 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real
11 estate finance, or advanced real estate appraisal. If I fail to timely present to the Department
12 satisfactory evidence of successful completion of the two required courses, the restricted license
13 shall be automatically suspended effective eighteen (18) months after the date of its issuance.
14 Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have
15 submitted the required evidence of course completion and the Commissioner has given written
16 notice to me of the lifting of the suspension.
- 17 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
18 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be
19 entitled to the issuance of another license which is subject to Section 10153.4 until four years
20 after the date of the issuance of the preceding restricted license.

21 DATED this 14 day of June, 2003

22 
23 HAHN KELLY SHOLS, Respondent

24 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
25 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
26 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
27 restricted real estate salesperson license to respondent.

1 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
2 respondent HAHN KELLY SHOLS, if respondent has otherwise fulfilled all of the statutory requirements
3 for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing
4 Stipulation and Waiver.

5 This Order is effective immediately.

6 DATED this 27th day of June, 2003.

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9 Paula Reddish Zinnemann
10 Paula Reddish Zinnemann
11 Real Estate Commissioner
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6
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FILED
JUN - 7 2003

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of)
13 HAHN KELLY SHOLS,) NO. H-8449 SF
14 Respondent.) STATEMENT OF ISSUES
15)

16 The Complainant, LES R. BETTENCOURT, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Statement of Issues against HAHN KELLY SHOLS, alleges as follows:

19 I

20 HAHN KELLY SHOLS (hereafter Respondent), pursuant to
21 the provisions of Section 10153.3 of the Business and Professions
22 Code, made application to the Department of Real Estate of the
23 State of California for a real estate salesperson license on or
24 about May 3, 2002, with the knowledge and understanding that any
25 license issued as a result of said application would be subject
26 to the conditions of Section 10153.4 of the Business and
27 Professions Code.

1 II

2 The Complainant, LES R. BETTENCOURT, a Deputy Real
3 Estate Commissioner of the State of California, makes this
4 Statement of Issues in his official capacity and not otherwise.

5 III

6 In response to Question 25 of said application, to
7 wit: "Have you ever been convicted of any violation of law?",
8 Respondent answered "No." Respondent failed to disclose the
9 conviction alleged in Paragraph IV below.

10 IV

11 On or about October 13, 1987, in the Municipal Court
12 of California, County of Santa Clara, Respondent was convicted
13 of violation of Penal Code Section 484/488 (PETTY THEFT), a
14 crime involving moral turpitude, and/or a crime which bears a
15 substantial relationship under Section 2910, Title 10, California
16 Code of Regulations, to the qualifications, functions, or duties
17 of a real estate licensee.

18 V

19 Respondent's failure in the application for licensure
20 to disclose the conviction alleged above constitutes the attempt
21 to procure a real estate license by fraud, misrepresentation or
22 deceit; and/or by a making material misstatement of fact in said
23 application; and/or by knowingly making a false statement in said
24 application, which is cause for denial of Respondent's
25 application for a real estate license under Sections 480(c) and
26 10177(a) of the Business and Professions Code.

27 ///

VI

The crime of which Respondent was convicted as alleged above constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

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


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Oakland, California
this 3rd day of June, 2003