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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of)	NO. H-8483 SF
JILL ANN ARIAS,)	
Respondent.)	

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ORDER GRANTING REINSTATEMENT OF LICENSE

On April 1, 2004, a Decision was rendered herein
revoking Respondent JILL ANN ARIAS aka Jill Ann Ruyle's
real estate broker license, but granting Respondent the right
to the issuance of a restricted real estate broker license.
A restricted real estate broker license was issued to
Respondent on or about May 10, 2004.

On February 14, 2008, Respondent petitioned for
reinstatement of said real estate broker license and the
Attorney General of the State of California has been given
notice of the filing of said petition.

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///

1 I have considered the petition of Respondent and
2 the evidence and arguments in support thereof. Respondent
3 has demonstrated to my satisfaction that Respondent meets
4 the requirements of law for the issuance to Respondent of
5 a real estate broker license and that it would not be against
6 the public interest to issue said license to Respondent.

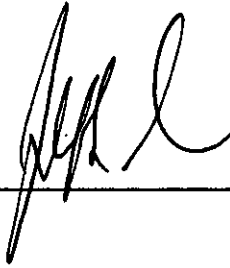
7 NOW, THEREFORE, IT IS ORDERED that Respondent's
8 petition for reinstatement is granted and that a real estate
9 broker license be issued to Respondent if Respondent satisfies
10 the following conditions within nine (9) months from the date
11 of this Order:

12 Submittal of a completed application and payment of
13 the fee for a real estate broker license.

14 This Order shall become effective immediately.

15 DATED: 10-6-08.

16 JEFF DAVI
17 Real Estate Commissioner

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FILED
APR 19 2004

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

* * *

In the Matter of the Accusation of)

JILL ANN RUYLE,)

Respondent.)

NO. H-8483 SF

OAH NO. N-2003090092

DECISION

The Proposed Decision dated March 18, 2004, 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 May 10, 2004.

IT IS SO ORDERED April 1, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JILL ANN RUYLE,

Respondent.

Case No. H-8483 SF

OAH No. N2003090092

PROPOSED DECISION

Administrative Law Judge Mary-Margaret Anderson, State of California, Office of Administrative Hearings, heard this matter in Oakland, California on February 19, 2004.

Larry Alamao, Assistant Chief Counsel, represented Complainant.

Eileen C. Burke, Attorney at Law, represented Respondent Jill A. Ruyle, who was present.

Evidence was received and the matter submitted on February 19, 2004.

FACTUAL FINDINGS

1. Les R. Bettencourt filed the Accusation in his official capacity as a Deputy Real Estate Commissioner for the Department of Real Estate, (Department) State of California.
2. The Department licensed Respondent as a real estate salesperson in 1984. Respondent was first licensed as a real estate broker in 1987. Her current broker's license is valid until March 2, 2007.

Criminal Convictions

3. On February 26, 1998, in the San Francisco City and County Municipal Court, Respondent was convicted by her plea of guilty of a misdemeanor violation of Vehicle Code section 23103 (reckless driving).
4. On August 10, 2000, in the Marin County Superior Court, Respondent was convicted by her plea of guilty of a misdemeanor violation of Vehicle Code section 23152(A) (driving while under the influence of alcohol).

Respondent was observed speeding and weaving on southbound Highway 101 at almost midnight on March 24, 2000. Her blood alcohol level was .17%.

As a result, Respondent was placed on probation for three years. Standard probation conditions were imposed, including an order to pay fines and fees and complete a first-offender drinking driver program within 180 days. In addition, Respondent's license was suspended for 90 days.

5. On March 13, 2002, in the Marin County Superior Court, Respondent was convicted by her plea of guilty of a misdemeanor violation of Vehicle Code section 23152(A) (driving while under the influence of alcohol). Respondent was still on probation for her 2000 conviction for the same offense.

As a result, Respondent was placed on probation for three years. Standard conditions were imposed, including an order to pay fines and fees and complete a post-conviction drinking driver program. In addition, Respondent was sentenced to 15 days in custody, but this was converted to 64 hours of community service and the remaining time to a work furlough program. Her license was suspended for two years and, consecutive to the suspension, was restricted for an additional year.

Respondent's Evidence

6. Respondent testified that the 1998 conviction for reckless driving was the result of speeding across the Golden Gate Bridge. She had fallen asleep at a friend's house and was in a hurry to get home. Respondent had two glasses of wine earlier at dinner that evening. Regarding the 2000 conviction, Respondent testified that she was stopped while speeding to get home after a birthday party. As to the 2002 conviction, Respondent's date for the evening pulled the car over and asked if she could drive due to his impairment. She took the wheel and was stopped.

Respondent freely acknowledged driving while impaired in connection with the 2000 and 2002 cases. She attributes her bad judgment in part to the fact that she was going through a difficult divorce which was finalized in June of 2000. Respondent engaged in social drinking in an effort to meet new people and "fit in."

7. Respondent made significant life changes following the second conviction. She now meets new people through her church, gym and volunteering. Respondent has sole custody of her two daughters and spends time with them engaged in activities such as coaching and traveling. She has moved her family from Marin County to San Francisco in part to take advantage of public transportation. Although she is not an alcoholic, Respondent has chosen to avoid alcohol. She stated that it is fairly easy for her not to drink- that she does not have the craving or desire to do so. Her most recent drink was a glass of champagne on New Year's.

On February 9, 2004, Respondent completed the 18-month drinking driver's program offered through CATS (Community Awareness & Treatment Services, Inc.) The CATS program combines education sessions with group therapy and "face-to-face" sessions to help clients avoid subsequent incidents of drinking and driving. Respondent reported learning that alcohol is a destructive drug and that even a small amount can lead to impairment. Progress report sheets reflect the assessment of counselors that Respondent's risk of re-offense appears minimal.

8. Respondent chose to perform her court-ordered community service for the Audubon Society's Richardson Bay Branch. She completed the required hours in 2002. Respondent continued to volunteer with the center and has been active in fund raising activities, particularly for the San Francisco Bay Restoration Program. She has concentrated on seeking major gifts as well as corporate and employee funding for projects.

She has also made and solicited donations for the America Cancer Society.

9. Phil Ramirez, Adolescent Coordinator for Ohlloff Recovery Programs, wrote a letter on her behalf. Respondent has spoken several times to recovering youth. Mr. Ramirez wrote that Respondent inspired the young people to set goals for their future. He described her story as honest and inspiring. Respondent shared her perspective that use of alcohol can cause problems even when one is not an alcoholic or "hard drug user" and that "the law needs to be followed."

10. Respondent is currently a senior vice president/partner at BT Commercial in San Francisco. She has worked in commercial real estate, primarily leasing, for about twenty years and has been very successful. Respondent takes the trust of her clients very seriously. Her job is very important to her and to her ability to support her children, and she testified that she has never been under the influence while working. Finally, Respondent expressed great remorse and her commitment to the changes she has made.

11. Two witnesses testified on Respondent's behalf.

A. Thomas Gill is an attorney employed by Old Republic Title Company. He advises their "operations people" on lease issues. He has known Respondent for six years and worked closely with her regarding leasing space for his company's corporate offices. Mr. Gill described Respondent as the consummate professional- the best he has ever worked with. Although he saw her drink socially, she was never a heavy drinker. Mr. Gill was aware of the convictions as Respondent told him about them when they occurred. Mr. Gill also wrote a letter of reference. In pertinent part, it states:

[Respondent] has earned and maintains my utmost respect and admiration. I continue to give her my highest recommendation, not merely as a real estate professional, but also as an individual and responsible member of the community.

B. Noel M. Nino is an attorney with Cushman Wakefield and has known Respondent since 1996. They were both chosen to serve on the company's diversity committee and enjoyed close professional and personal relationships. Ms. Nino never observed Respondent to mix alcohol and work- even at business lunches. Ms. Nino was a confident of Respondent's during her divorce and the difficult period of transition following it. Ms. Nino also wrote a letter of reference. In pertinent part, she wrote:

[Respondent] clearly acknowledges that she is responsible for her actions. I have personally witnessed her make positive changes in her life to ensure that the events of the past few years never happen again.

12. Respondent submitted three additional letters of reference.

A. David A. Klein is a senior vice president/partner with BT Commercial Real estate. He has known Respondent for over 13 years. In pertinent part, he wrote:

For the majority of this time we have been engaged in a professional real estate partnership in the San Francisco commercial real estate business under the moniker of "The Downtown Team." During this tenure, [Respondent] has comported herself in a thoroughly professional manner and has represented our clients well above the standards required under the real estate law and the customs of our industry. She has also led the industry to further diversify our ranks.

I know that she has learned from the mistakes that she has made and continually taken steps to assure that her past lapses in judgment will never happen again. I welcome being a part of her support group.

B. Helen T. Vu is the Director of Real Estate and Facilities for the California State Automobile Association Inter-Insurance Bureau. On October 21, 2003, she wrote to recommend Respondent for commercial real estate assignments. Respondent has worked with CSAA since 1996 and Ms. Vu described her as professional and knowledgeable.

C. Thomas J. Brandi is an attorney with the Brandi Law Firm in San Francisco. He has known Respondent for eleven years and worked with her on two occasions. He described Respondent as "fantastic." In part he wrote:

[Respondent] displayed outstanding knowledge of all of the complex issues, the market conditions, the costs associated with various options and presented her self in an extremely professional manner. She quite literally went the extra mile for

us when management took an unreasonable position and ultimately brought them around to a fair result.

LEGAL CONCLUSIONS

1. The Department alleged cause for discipline of Respondent's license pursuant to Business and Professions Code sections 490 and 10177(b) due to two criminal convictions. (The reckless driving conviction is alleged as aggravation.) Pursuant to these provisions, a license held by one who has pled guilty or nolo contendere to a "felony, or a crime involving moral turpitude," or a crime "substantially related to the qualifications, functions, or duties" of a real estate licensee may be disciplined.

No court has held that misdemeanor violations of driving while intoxicated constitute moral turpitude per se and the facts and circumstances surrounding these offenses do not establish that they involved moral turpitude as committed. The convictions are substantially related to the profession of real estate sales, however, due in part to the fact that licensees often drive clients in their automobiles.

In addition, the second violation is substantially related pursuant to Regulation section 2910 subsection (a) (9):

Contempt of court or willful failure to comply with a court order.

This is because she incurred it while on probation for the first DUI conviction.

Cause for discipline was established by reason of the matters set forth in Findings 4 and 5.

2. In summary, Respondent suffered a second conviction for driving under the influence of alcohol while on probation for the first, and is currently on probation until March of 2005. In aggravation, she was convicted of reckless driving two years before the first DUI.

On the other hand, significant rehabilitation evidence was presented. Respondent has complied with court orders, and then some. She has new social relationships, a stable family life and significant involvement in community programs. She enjoys an excellent business reputation. The only missing part at this point is passage of time, an issue beyond her control. Unfortunately, this is a significant issue that prevents the conclusion that no demonstrable risk exists. Respondent's two close-in-time convictions demonstrated very poor judgment and more time is needed to gage her commitment to not drink and drive.

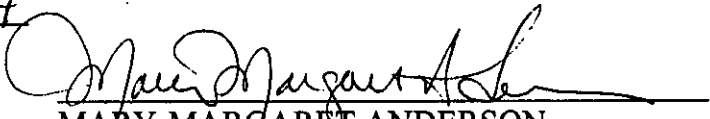
All things considered, it is concluded that the public interest will be sufficiently protected by the issuance of a restricted license for two years.

ORDER

All licenses and licensing rights of Respondent Jill Ann Ruyle under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.
4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: March 18, 2004


MARY-MARGARET ANDERSON
Administrative Law Judge
Office of Administrative Hearings

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

FILED
JAN - 6 2004

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JILL ANN RUYLE,

Case No. H-8483 SF

OAH No. N-2003090092

Respondent

**SECOND CONTINUED
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
THE ELIHU HARRIS STATE BUILDING
1515 CLAY STREET, SUITE 206
OAKLAND, CA 94612**

on **FEBRUARY 19, 2004**, at the hour of **9:00 AM**, 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.

DEPARTMENT OF REAL ESTATE

Dated: JANUARY 6, 2004

By

Larry Alanas
LARRY A. ALANAS, Counsel

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

FILED
NOV 20 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JILL ANN RUYLE,

Respondent

Case No. H-8483 SF

OAH No. N-2003090092

**FIRST CONTINUED
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
THE ELIHU HARRIS STATE BUILDING
1515 CLAY STREET, SUITE 206
OAKLAND, CA 94612**

on **JANUARY 6, 2004**, at the hour of **9:00 AM**, 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.

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DEPARTMENT OF REAL ESTATE

Dated: NOVEMBER 20, 2003

By Larry Alamao
LARRY A. ALAMAO, Counsel

RE 501 (Rev. 8/97)

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

FILED
SEP - 4 2003
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JILL ANN RUYLE,

Case No. H-8483 SF

OAH No.

Respondents

NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at

**OFFICE OF ADMINISTRATIVE HEARING, THE ELIHU HARRIS STATE BUILDING,
1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612**

on **NOVEMBER 5, 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.

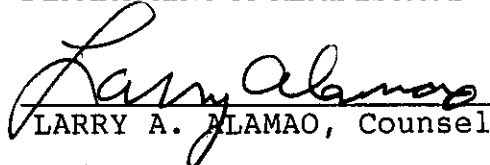
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The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: AUGUST 26, 2003

By


LARRY A. ALAMAO, Counsel

1 LARRY A. ALAMAO, Counsel (SBN 47379)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789

FILED

AUG 01 2003

DEPARTMENT OF REAL ESTATE

By *Jean Alamo*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-8483 SF
JILL ANN RUYLE,)	<u>ACCUSATION</u>
Respondent.)	

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JILL ANN RUYLE (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

II

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

1 III

2 On or about March 13, 2002, in the Superior Court of
3 California, County of Marin, State of California, Respondent was
4 convicted of a violation of Section 23152(A) of the California
5 Vehicle Code (Driving While Under the Influence), a crime
6 involving moral turpitude and/or a crime substantially related
7 under Section 2910, Title 10, California Code of Regulations to
8 the qualifications, functions or duties of a real estate
9 licensee.

10 IV

11 On or about August 10, 2000, in the Superior Court of
12 California, County of Marin, State of California, Respondent was
13 convicted of a violation of Section 23152(A) of the California
14 Vehicle Code (Driving While Under the Influence), a crime
15 involving moral turpitude and/or a crime substantially related
16 under Section 2910, Title 10, California Code of Regulations to
17 the qualifications, functions or duties of a real estate
18 licensee.

19 MATTERS IN AGGRAVATION

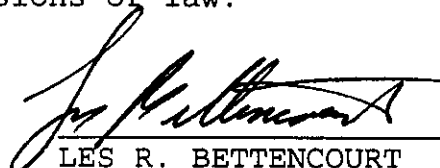
20 V

21 On or about February 26, 1998, in the Municipal Court,
22 City and County of San Francisco, State of California,
23 Respondent was convicted of a violation of Section 23103 of the
24 California Vehicle Code (Reckless Driving), a crime involving
25 moral turpitude and/or a crime substantially related under
26 Section 2910, Title 10, California Code of Regulations to the
27 qualifications, functions or duties of a real estate licensee.

VI

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for 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 21 day of July, 2003.