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FILED

JUN 26 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of) No. H-8648 SF  
FE R. CASEM, )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On May 25, 2004, a Decision was rendered herein denying the Respondent's application for 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 23, 2004, and Respondent has operated as a restricted licensee since that time.

On August 23, 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

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

6 NOW, THEREFORE, IT IS ORDERED that Respondent's  
7 petition for removal of restrictions is granted and that a real  
8 estate salesperson license be issued to Respondent subject to  
9 the following understanding and conditions:

10 1. The license issued pursuant to this order shall be  
11 deemed to be the first renewal of respondent's real estate  
12 salesperson license for the purpose of applying the provisions  
13 of Section 10153.4.

14 2. Within nine (9) months from the date of this order  
15 respondent shall:

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

18 (b) Submit evidence of having taken and successfully  
19 completed the courses specified in subdivisions (a) (1), (2),  
20 (3), (4) and (5) of Section 10170.5 of the Real Estate Law for  
21 renewal of a real estate license.

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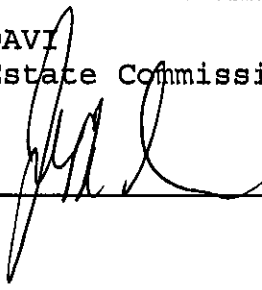
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3. Upon renewal of the license issued pursuant to  
this order, respondent shall submit evidence of having taken and  
successfully completed the continuing education requirements of  
Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a  
real estate license.

This Order shall become effective immediately.

IT IS SO ORDERED 6-27, 2008.

JEFF DAVIS  
Real Estate Commissioner



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FILED  
FEB 26 2004

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

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

*In the Matter of the Application of*

FE R. CASEM,

}

Case No. H-8648 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

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

on **APRIL 28, 2004**, at the hour of **1:30 PM**, 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:* FEBRUARY 25, 2004

DEPARTMENT OF REAL ESTATE

By Larry Alamas  
LARRY A. ALAMAO, Counsel

FILED  
JUN - 2 2004

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Conteras

\* \* \*

In the Matter of the Application of )  
FE R. CASEM, )  
Respondent. )

NO. H-8648 SF  
N-2004020598

**DECISION**

The Proposed Decision dated May 11, 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 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 22, 2004.

IT IS SO ORDERED May 25, 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 Application of:

FE R. CASEM,

Respondent.

Case No. H-8648 SF

OAH No. N2004020598

**PROPOSED DECISION**

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on April 28, 2004.

Larry A. Alamao, Assistant Chief Counsel, and Truly Sughrue, Counsel, represented complainant Les R. Bettencourt, Deputy Real Estate Commissioner of the State of California.

Respondent Fe R. Casem was present and represented herself.

The matter was submitted on April 28, 2004.

**FACTUAL FINDINGS**

1. Complainant Les R. Bettencourt made and filed the statement of issues in his official capacity as a Deputy Real Estate Commissioner of the State of California, Department of Real Estate.
2. On or about August 18, 2003, respondent Fe R. Casem filed with the Department an application for a real estate salesperson license. Respondent understood that any license issued as a result of her application would be subject to the conditions of Business and Professions Code section 10153.4.
3. On or about October 16, 1995, respondent was convicted in the United States District Court for the Northern District of California, on her plea of guilty to a violation of section 201, subdivision (b)(1), of Title 18 of the United States Code, bribery of an Internal Revenue Service auditor. The offense is a crime involving moral

turpitude and is substantially related to the qualifications, functions, or duties of the licensed activity in that it involves the employment of a bribe to achieve an end.

Respondent was placed on formal probation for three years. Respondent was ordered to serve four months of home confinement with electronic monitoring, to perform 50 hours of community service, to pay her outstanding tax liability, to pay a fine of \$1,000.00 and to pay a special assessment of \$50.00.

4. The facts and circumstances of the offense were that respondent offered and gave an agent of the Internal Revenue Service \$2,000 and a football signed by the 1987 San Francisco 49ers team in exchange for preparing a false audit report for her 1992 federal income tax return and for not auditing her 1993 federal income tax return. Respondent fully admits her culpability and fully accepts responsibility for her conduct. Respondent did not present any mitigating evidence regarding the offense.

5. Respondent fully complied with the terms and conditions of her probation. She paid \$14,504.00 in IRS audit penalties and paid all fines imposed by the court. Respondent completed her 50 hours of community service by working at KIDS CAMP, a nonprofit organization that provides camp opportunities for underprivileged children. Respondent requested the federal court issue a certificate of rehabilitation but there is no such thing in the federal system.

6. Respondent has committed no other criminal offenses.

7. From 1991 to November of 2002, respondent worked full time as an engineer for a number of entities in the San Jose area. Respondent's most recent employment was as a Senior Reliability Engineer for Teradyne Corporation (from 1999 to 2002) and as a Senior Component Engineer with LTX Corporation (February to November of 2002). Respondent was laid off from each of these positions. Respondent has not been able to secure employment as an engineer since 2002. From 1989 to 1990, respondent was employed as a Quality Engineering Technician with Digital Corporation in Cupertino. From 1976 to 1989, respondent was employed as an Inspector/Auditor Technician with Advanced Micro Devices in Sunnyvale.

8. Following her conviction, respondent returned to college at the University of Phoenix. She obtained a Bachelor of Science degree in Business Management in August of 1998. On May 26, 2000, respondent completed the IC Mask Design Program offered through the International Technological University in Santa Clara.

9. Because of the downturn in the semiconductor market and lack of employment opportunities, respondent decided to look for new opportunities in the real estate field. Respondent had taken a course in real estate principles in 1989. Respondent took and passed the real estate salesperson examination. Respondent's sponsoring broker is Ronald G. Faye, dba At Home Consulting Group. The business

does both mortgage lending and residential real estate. According to respondent, she disclosed her conviction to Faye. The broker did not appear at the hearing or write a letter in support of respondent.

10. Respondent is married and has three children. Two children are grown; one child is in high school. Respondent is not currently working.

11. Respondent did not provide any character evidence other than her own testimony.

### LEGAL CONCLUSIONS

1. Under Business and Professions Code section 480, subdivision (a), the Commissioner may deny an application for a real estate license if the applicant has been convicted of an offense that is substantially related to the qualifications, functions or duties of a real estate licensee. Under Business and Professions Code section 10177, subdivision (b), the Commissioner may deny an application for a real estate license if the applicant has been convicted of a felony or a crime involving moral turpitude that is substantially related to the qualifications, functions or duties of a real estate licensee. An offense is deemed to be substantially related to the qualifications, functions or duties of a real estate licensee if it involves the employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end. (Cal. Code Regs., tit. 10, § 2910, subd. (a)(4).)

By reason of the matters set forth in Factual Finding 3, respondent was convicted of bribery of an Internal Revenue Service auditor. The offense involves moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee under subdivision (a)(4) of section 2910 of title 10 of the California Code of Regulations. Cause exists to deny respondent's application for licensure under subdivision (a) of Business and Professions Code section 480 and subdivision (b) of Business and Professions Code section 10177.

2. All factual matters and all relevant criteria set forth in section 2911 of title 10 of the California Code of Regulations have been considered. Respondent was convicted of an extremely serious offense which has a strong nexus to the licensed activity. But nine years have elapsed since the conviction. Respondent has been gainfully employed for most of that time. Respondent completed formal education and vocational education for her economic self improvement. Respondent has a stable family life. Most importantly, respondent appears to have learned a very hard lesson and does not appear to be one who will reoffend. Respondent fully disclosed the conviction on her application. Thus while respondent committed a very serious offense, it is concluded that she has shown sufficient rehabilitation so the public will be adequately protected by the following order.



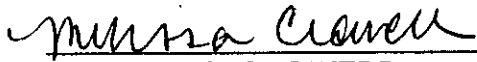
## ORDER

Respondent's application for a real estate salesperson license is denied by reason of Legal Conclusion 1; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.6 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 Business and Professions Code:

1. Respondent's restricted real estate salesperson license is issued subject to the requirements of section 10153.4 of the Business and Professions Code, to wit: 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. The 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.
2. 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.
3. 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.

4. 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 two years have elapsed from the date of issuance of the restricted license to respondent.
5. 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.

DATED: May 11, 2004

  
\_\_\_\_\_  
MELISSA G. CROWELL  
Administrative Law Judge  
Office of Administrative Hearings

1 LARRY A. ALAMAO, Counsel  
State Bar No. 47379  
2 Department of Real Estate  
P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
JAN 24 2004

DEPARTMENT OF REAL ESTATE

*Katherine G. ...*

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

11 \* \* \*

12 In the Matter of the Application of )  
13 FE R. CASEM, ) NO. H-8648 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 Statement of  
18 Issues against FE R. CASEM (hereinafter "Respondent"), is  
19 informed and alleges as follows:

20 I

21 Respondent made application to the Department of Real  
22 Estate of the State of California for a real estate salesperson  
23 license on or about August 18, 2003, with the knowledge and  
24 understanding that any license issued as a result of said  
25 application would be subject to the conditions of Section 10153.4  
26 of the Business and Professions Code.

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II

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

III

On or about October 16, 1995, in the U. S. District Court for the Northern District of California, Respondent was convicted of violation of Title 18, United States Code, Section 201(b) (1) (Bribery of an IRS Auditor), 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.

IV

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 under other provisions of law.

  
LES R. BETTENCOURT  
Deputy Real Estate Commissioner

Dated at Oakland, California,  
this 15th day of January, 2004.