

FILED

JAN - 4 2011

DEPARTMENT OF REAL ESTATE

By T. Zin

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

JULIA MAE TEMPLE,

No. H-8957 SF

Respondent.

ORDER GRANTING UNRESTRICTED LICENSE

On March 30, 2005, 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 June 4, 2005, and Respondent has operated as a restricted licensee since that time.

On July 13, 2010, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of

///

1 an unrestricted real estate salesperson license and that it would not be against the public interest
2 to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
4 restrictions is granted and that a real estate salesperson license be issued to Respondent if
5 Respondent satisfies the following requirements:

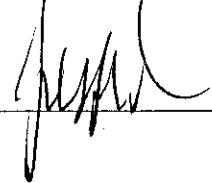
6 1. Submits a completed application and pays the fee for a real estate
7 salesperson license within the 12 month period following the date of this Order; and

8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 IT IS SO ORDERED 12 / 30 / 2010

14 JEFF DAVI
15 Real Estate Commissioner

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FILED
MAR 30 2005

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By K. Contreras

* * *

In the Matter of the Application of)
JULIA MAE TEMPLE,) NO. H-8957 SF
Respondent.) N-2005010266

DECISION

The Proposed Decision dated March 8, 2005, 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 April 19, 2005.

IT IS SO ORDERED 3-30, 2005.

JEFF DAVI
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

JULIA MAE TEMPLE,

Respondent.

Case No. H-8957 SF

OAH No. N2005010266

PROPOSED DECISION

Administrative Law Judge Steven C. Owyang, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on February 16, 2005.

Deidre L. Johnson, Counsel, represented complainant Les R. Bettencourt, Deputy Real Estate Commissioner, State of California.

Respondent Julia Mae Temple was present and represented by K.P. Dean Harper, Esq.

The matter was submitted on February 16, 2005.

FACTUAL FINDINGS

1. On April 14, 2004, respondent Julia Mae Temple submitted to the Department of Real Estate an application for a real estate salesperson license. Any license issued pursuant to that application is subject to the provisions of Business and Professions Code section 10153.4.

2. On April 26, 2001, in the Superior Court of California, County of Santa Clara, respondent was convicted, on a plea of guilty, of a violation of Penal Code sections 484/488 (theft), a crime involving moral turpitude and a crime which bears a substantial relationship to the qualifications, functions and duties of a real estate licensee.

3. Imposition of sentence was suspended and respondent was placed on court probation for one year on conditions that included payment of a \$100 restitution fine and 50 hours of volunteer work. Respondent complied with the terms of her probation, including doing volunteer work at the Piedmont Gardens senior home. Her conviction has been expunged pursuant to Penal Code section 1203.4.

4. Respondent's conviction arose from events that occurred on April 5, 1998. Respondent, then 20 years old, went with her boyfriend "Mike" and two friends to go shopping in San Jose. In the car, the four discussed how to steal merchandise, including the use of pliers to remove anti-theft devices from clothing. Respondent was having financial difficulties, and decided to steal clothing for herself. Respondent went into the Macy's department store at a San Jose shopping mall, and took in excess of \$400 worth of clothing. She was stopped outside the store by Macy's security personnel, then turned over to San Jose police officers. Respondent was booked, then released on her own recognizance after several hours. On April 20, 1998, respondent appeared in court in San Jose, and entered a not guilty plea. Respondent was ordered to return to court on May 27, 1998.

5. Respondent did not return to court as ordered, and the court issued a bench warrant after she failed to appear. Respondent, then living and working in Berkeley, ignored the matter until 2001. In early 2001, respondent took her young son to the emergency room at Children's Hospital in Oakland after he burned himself with an iron. In checking for possible child abuse, hospital personnel discovered that respondent was wanted on a bench warrant. Respondent was arrested on the spot, and taken to the city jail, where she was cited to appear in court in San Jose. This led to her guilty plea and April 26, 2001, conviction.

6. Respondent was born on November 3, 1977. She was raised in Oakland, and attended Oakland Technical High School. She left school after the 11th grade to work and live on her own. She was self-supporting from 1994 to 1998, although she received some help from her mother. She took medical office management classes at the Bryman School, and was employed as a medical secretary at Alta Bates Medical Associates at the time of her arrest.

7. In 1998, respondent had grown apart from her family and friends. She became involved with a new group of friends, including her then-boyfriend Mike. This group had a negative influence on respondent, including her theft attempt at Macy's. Respondent has long since disassociated herself from this group, and has established new positive social and business relationships, and re-established positive friendships and familial relations.

8. Respondent gave birth to her son Kyree in 1999. Her parents, family members, and friends have seen respondent mature into a loving mother and responsible individual. Respondent is engaged to be married to Turieno Brown, and cares for Brown's son, Turieno Jr., as well as her own son. She is active in the children's schools, as well as in the YMCA, where the children are involved in swimming and basketball. Respondent is also a volunteer in the YMCA's fundraising efforts.

9. Respondent became interested in real estate work in 2004. In January 2004, respondent attended a real estate training class conducted by Realtor Grace Bishop at Red Oak Realty in Berkeley. After the class, respondent volunteered to help Bishop with an open house. Respondent disclosed her conviction to Bishop at the open house. Impressed by respondent's honesty and eagerness, Bishop hired respondent as an assistant in May 2004. Respondent assists Bishop with document checks, photo marketing, and other office tasks.

In addition to working for Bishop, respondent also works directly for Red Oak Realty. Respondent has completed a course in real estate principles, and has applied to take two additional real estate classes.

10. Grace Bishop has held a real estate salesperson license for six and one-half years. She testified that respondent is honest, trustworthy, hard working, and ethical, and would be an excellent real estate licensee.

11. Laurie Capitelli has held a real estate salesperson license for 27 years. Capitelli is the sales manager of Red Oak Realty, and owns 16.7% of its stock. Capitelli supervises around 50 people. He is aware of respondent's conviction, and considers respondent honest, trustworthy, and diligent. He has entrusted respondent with the keys to the office and the codes to its machines. Capitelli plans to hire respondent when she is licensed, and would do so with no reluctance.

12. Respondent submitted 16 affidavits from family members, friends, and associates in the real estate business. The affidavits, respondent's own testimony, and the testimony of the witnesses at hearing establish that respondent is a responsible, honest individual with a stable family life and excellent prospects in the real estate industry.

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 a crime 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 the issuance of a license to an applicant who has been convicted of a felony or a crime involving moral turpitude. Respondent's conviction (Factual Finding 2) establishes cause for denial of respondent's application pursuant to sections 480, subdivision (a), and 10177, subdivision (b). (Cal. Code Regs., tit. 10, § 2910, subd. (a)(1).)

2. The department's regulations set forth criteria for evaluating the rehabilitation of a licensee. (Cal. Code Regs., tit. 10, § 2911.) More than two years have passed since respondent's conviction, and nearly seven years have passed since respondent's theft at Macy's. Her conviction has been expunged, and she has complied with the terms of her probation, including volunteer work at a senior home. She has had no further convictions. Respondent has established a stable family life, and is fulfilling her parental responsibilities. She is active in her children's education and sports activities, and is a volunteer for the YMCA. She has completed a course in real estate principles, and has applied to take additional real estate classes. Respondent has disassociated herself from people who were a negative influence, and established new and positive social and business relationships. She is well-respected by the real estate licensees with whom she works. She has excellent prospects for employment in the real estate business. Her change in attitude from that which existed at the time of the Macy's incident and subsequent conviction was established by her own testimony, and the evidence of family members, friends, and business associates in the

real estate industry. In view of her demonstrated rehabilitation, it would not be contrary to the public interest to grant respondent a restricted license.

ORDER

Respondent Julia Mae Temple's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Business and Professions Code section 10156.5. The restricted license issued to respondent shall be subject to all of the provisions of Business and Professions Code section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of Business and Professions Code section 10156.6:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
 - (a) The 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.
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license or the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.
3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify 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.

4. Respondent's restricted real estate salesperson license is issued subject to the requirements of Business and Professions Code section 10153.4, to wit: respondent shall, within 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 18 months after the date of its issuance. Said 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.
5. 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.

DATED: March 8, 2005


STEVEN C. OWYANG
Administrative Law Judge
Office of Administrative Hearings

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

FILED
JAN 10 2005
DEPARTMENT OF REAL ESTATE

By K. Contreras

In the Matter of the Application of

JULIA MAE TEMPLE,

} Case No. H-8957 SF

} OAH No.

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

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

**THE OFFICE OF ADMINISTRATIVE HEARINGS
1515 CLAY STREET, SUITE 206
OAKLAND, CA 94612**

on **FEBRUARY 16, 2005**, at the hour of **9:00 AM**, 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 are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay 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 7, 2005

By Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE

FILED
JAN 14 2005

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By K. G. Gentry

In the Matter of the Application of

JULIA MAE TEMPLE,

Case No. H-8957 SF

OAH No. 2005010266

Respondent

**AMENDED
NOTICE OF HEARING ON APPLICATION**

To the above named respondent:

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

**THE OFFICE OF ADMINISTRATIVE HEARINGS
1515 CLAY STREET, SUITE 206
OAKLAND, CA 94612**

on **FEBRUARY 16, 2005**, 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.

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DEPARTMENT OF REAL ESTATE

Dated: January 14, 2005

By

Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

1 DEIDRE L. JOHNSON, Counsel
2 SBN 66322
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0789
7

FILED
SEP 30 2004

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) NO. H-8957 SF
14 JULIA MAY TEMPLE,)
15) STATEMENT OF ISSUES
Respondent.)

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 JULIA MAY TEMPLE (hereinafter
19 "Respondent"), is 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 April 14, 2004, 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.

27 ///

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.

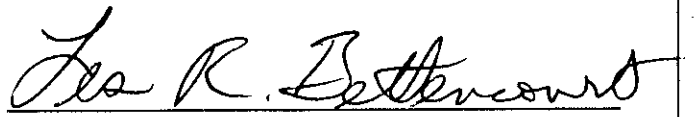
5 III

6 On or about April 26, 2001, in the California Superior
7 Court, County of Santa Clara, Respondent was convicted of a
8 violation of Section 484/488 of the California Penal Code(Theft),
9 a crime involving moral turpitude, and/or a crime which bears a
10 substantial relationship under Section 2910, Title 10, California
11 Code of Regulations, to the qualifications, functions, or duties
12 of a real estate licensee.

13 IV

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

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

24 
25 LES R. BETTENCOURT
26 Deputy Real Estate Commissioner

26 Dated at Oakland, California
27 this 23rd day of September, 2004