

FILED
JUL 13 2005

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	No. H-9052 SF
	)	
ATHENA LAWRENCIA STANFORD,	)	OAH No. N-2005010160
	)	
Respondent.	)	

STIPULATION AND AGREEMENT

AND

DECISION AFTER REJECTION

The California Department of Real Estate (Complainant) filed a Statement of Issues against ATHENA LAWRENCIA STANFORD (sometimes referred to as "Respondent") on December 16, 2004. On March 2, 2005, a hearing was held and evidence was received, the record was closed, and the matter was submitted.

On March 22, 2005, the Proposed Decision of the Administrative Law Judge was issued granting Respondent's application of a real estate salesperson license.

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1 On April 12, 2005, the Commissioner rejected the
2 Proposed Decision of March 22, 2005.

3 The parties wish to settle this matter without further
4 proceedings.

5 IT IS HEREBY STIPULATED by and between Respondent and
6 her attorney of record, Leon J. Mezzetti, Jr., and the
7 Complainant, acting by and through David B. Seals, Counsel for
8 the Department of Real Estate, as follows for the purpose of
9 settling and disposing of the Statement of Issues filed by
10 Complainant.

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

21 2. By reason of the foregoing and solely for the
22 purpose of settlement of the Statement of Issues without further
23 administrative proceedings, it is stipulated and agreed that the
24 following shall be adopted as the Commissioner's Decision:

25 FACTUAL FINDINGS

26 1. On December 30, 2003, Respondent Athena Lawrencina
27 Stanford submitted to the Department of Real Estate an

1 application for a real estate salesperson license. Any
2 license issued pursuant to that application is subject to the
3 provisions of Business and Professions Code section 10153.4.

4 2. Respondent was a real estate licensee from 1986
5 to 1994, with no restrictions and no history of license
6 discipline. In 1994, she ended her real estate practice and
7 allowed her license to expire. Marital problems led to a
8 difficult separation, and eventually to a divorce.
9 Respondent's husband left the family in 1994, leaving
10 Respondent as a single mother of three dependent on welfare
11 payments. Respondent fell into methamphetamine abuse for
12 several years in the mid-1990's. She had three criminal
13 offenses during that period. One conviction involved
14 overpayment of welfare benefits, and two involved
15 methamphetamine use.

16 3. On August 14, 1996, in the Superior Court of
17 California, County of Alameda, Respondent was convicted of a
18 violation of Welfare and Institutions Code Section 10980,
19 subdivision (c) (Unlawfully Obtaining Public Aid), a
20 misdemeanor. The court documents in the record are incomplete,
21 but Respondent was placed on three years probation,
22 incarcerated for eight days, and ordered to make restitution.

23 4. After her husband left in 1994, Respondent
24 received food stamps and cash assistance from the County of
25 Alameda. In 1995, Respondent moved to Oakley in Contra Costa
26 County. Respondent failed to report her move to the Alameda
27 welfare authorities for almost 6 months after her move.

1 Evidence introduced at the hearing established that
2 Respondent knew about her responsibility to report her
3 change of address to Alameda County. In the meantime, the
4 Alameda County District Attorney's Office received an
5 anonymous tip from a woman thought to be Respondent's
6 husband's girlfriend that Respondent was receiving double
7 welfare payments (from Alameda and Contra Costa counties).
8 The district attorney's investigation disclosed that
9 Respondent had received overpayment of \$1825 in food stamps
10 from Alameda after she had moved to Contra Costa, but not
11 that she had received double payments. Complainant was
12 eventually prosecuted and convicted for unlawfully obtaining
13 public aid. Respondent has made restitution for the \$1825.

14 5. On August 29, 1996, in the Municipal Court for
15 the Fremont-Newark-Union City Judicial District, County of
16 Alameda, State of California, respondent was convicted of
17 two counts of Health and Safety Code Section 11550,
18 subdivision (a) (Using or Being Under the Influence of a
19 Controlled Substance), a misdemeanor. Imposition of sentence
20 was suspended and respondent placed on three years probation
21 on terms that included 100 days in jail with 26 days credit
22 for time served, payment of \$320 in penalties and fees,
23 attendance at an AIDS education program, abstention from the
24 possession or use of narcotics, submission to alcohol and
25 drug testing as directed by any peace officer, submission to
26 search and seizure with or without a warrant, and

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1 registration pursuant to Health and Safety Code Section
2 11590.

3 6. On December 7, 1998, in the Municipal Court for
4 the Fremont-Newark-Union City Judicial District, County of
5 Alameda, State of California, Respondent was convicted, on a
6 plea of no contest, of a violation of Health and Safety Code
7 Section 11377, subdivision (a) (Possession of a Controlled
8 Substance), a misdemeanor. Imposition of sentence was
9 suspended and Respondent was placed on three years probation
10 on terms that included 60 days in jail with one day credit
11 for time served, payment of \$320 in fees, abstention from the
12 possession or use of narcotics, submission to
13 urinalysis/alcohol detection tests as directed by any peace
14 officer, submission to search and seizure with or without a
15 warrant, a driver's license suspension for six months, and
16 attendance at an AIDS education program.

17 7. Each of respondent's convictions has been
18 expunged pursuant to Penal Code Section 1203.4. She is no
19 longer on probation. Respondent has had no further
20 convictions.

21 8. Respondent testified that she stopped using
22 methamphetamines in February or March 1998, shortly after the
23 arrest that lead to her December 7, 1998, conviction. She
24 indicates that she has disassociated herself from drug users,
25 participated in an anti-addiction program, and turned her
26 efforts toward cleaning up her life and being a good parent
27 to her three children. In 1999, respondent moved into her

1 father's home in Oakland for several months, where her father
2 supported her efforts to turn her life around. Around August
3 1999, respondent and her children moved to Castro Valley.

4 9. Respondent enrolled in Chabot College, and later
5 transferred to California State University, Hayward, where she
6 received a B.A. in business administration in 2004. She
7 maintained a high grade point average at both schools.

8 10. Respondent is 39 years old. She is an active
9 parent, highly involved in her children's schools and sports
10 activities. Respondent's children take part in football,
11 wrestling, soccer, cross country, and baseball. Her younger
12 son is in the GATE program and the chess club. Respondent
13 volunteers as "team mom" for her children's teams, and has
14 received training in cardio-pulmonary resuscitation in that
15 regard.

16 11. Respondent has been employed as a trailer park
17 property manager for the Gevco Company, Berkeley, since
18 September 2001. Respondent's duties include rent collection,
19 preparation of financial statements, handling money and bank
20 deposits, dealing with tenant and maintenance issues, and
21 interacting with the police. Her employer submitted a letter
22 supporting respondent's license application, and indicating
23 that respondent is an excellent and honest employee.

24 12. Real estate broker Jeannie Collins testified on
25 respondent's behalf. She has held her broker license for two
26 and one-half years, and obtained her salesperson license
27 about 20 years ago. Collins is self-employed at Summit

1 Property Group in Dublin, where she conducts a commercial and
2 residential real estate practice. She has known respondent for
3 20 years, and became reacquainted with her about five years
4 ago. Collins supports respondent's license application, and
5 plans to hire respondent if the application is granted.

6 13. Richard Brierly submitted a letter supporting
7 respondent's license application. Brierly, a former Oakland
8 police lieutenant, was the Alameda County District Attorney's
9 investigator who investigated respondent's welfare
10 overpayment in 1995. Brierly concluded that respondent's
11 overpayment was a matter of failing to report her address
12 change in a timely manner, and was not a matter of fraudulent
13 intent.

14 14. Respondent appears to be remorseful about her
15 former drug use and criminal conduct. She has worked hard
16 over the past eight years to rebuild her life and to become a
17 good parent, trusted employee, and productive citizen.

18 LEGAL CONCLUSIONS

19 1. Under Business and Professions Code Section 480,
20 subdivision (a), the Commissioner may deny an application for
21 a real estate license if the applicant has been convicted of
22 a crime that is substantially related to the qualifications,
23 functions or duties of a real estate licensee. Respondent's
24 convictions (Factual Findings 3, 5, and 6) are substantially
25 related to the qualifications, functions and duties of a real
26 estate licensee in that they involved unlawful conduct that
27 conferred a financial benefit on the perpetrator (Cal. Code

1 Regs., Tit. 10, § 2910, subd. (a)(8)) and a pattern of
2 repeated and willful disregard of law (Cal. Code Regs., Tit.
3 10, § 2910, subd. (a)(10)). Cause exists to deny Respondent's
4 application under Section 480, subdivision (a).

5 2. Under Business and Professions Code Section
6 10177, subdivision (b), the Commissioner may deny the
7 issuance of a license to an applicant who has been convicted
8 of a felony or a crime involving moral turpitude. The
9 evidence did not establish that Respondent's crimes, as
10 committed, involved moral turpitude. Cause does not exist to
11 deny Respondent's application under Section 10177,
12 subdivision (b).

13 3. The department's regulations set forth criteria
14 for evaluating the rehabilitation of an applicant for a real
15 estate license. (Cal. Code Regs., Tit. 10, § 2911.)
16 Respondent has demonstrated that she has rehabilitated
17 herself to the extent that it would not be against the public
18 interest to grant her a restricted real estate license. More
19 than eight years have passed since her last conviction. Each
20 of her convictions has been expunged. She has paid fines and
21 restitution and is no longer on probation. She has not used
22 drugs since 1998. She has disassociated herself from the
23 individuals with whom she abused drugs. She has established a
24 stable family life, and is fulfilling her parental and
25 familial responsibilities. She has completed her college
26 education in business administration with a strong academic
27 record. She has been gainfully employed for four years in a

1 position of trust as a property manager, and has received an
2 excellent recommendation from her employer. She contributes
3 to community life through her involvement with her children's
4 school and sports activities. A licensed real estate broker
5 who has known respondent for 20 years is willing to hire
6 respondent. Finally, respondent's testimony, the testimony of
7 her father and the broker who plans to hire her, as well as
8 letters from her school, employer, and the investigator in
9 her welfare overpayment case, establish that Respondent has
10 made significant changes in her attitude from that which
11 existed at the time of her crimes.

12 However, there remain concerns about Respondent's
13 failure to notify the County of Alameda about her change of
14 address when she knew that she had the responsibility to do
15 report. Her testimony that she was told by a county employee
16 that she need not report the change does not, in any sense,
17 relieve the Respondent of the responsibility of complying
18 with the law.

19 Respondent's drug convictions and her three
20 convictions in a little over two years brings into question
21 her decision making.

22 Business and Professions Code Section 10050
23 provides in pertinent part, as follows:

24 "It shall be the principal responsibility of the
25 commissioner to enforce all laws in this part ... in a manner
26 which achieves the maximum protection for the purchasers of
27 ///

1 real property and those persons dealing with real estate
2 licensees." In light of this charge, the commendable work
3 that Respondent has accomplished toward rehabilitation, and
4 the concerns raise herein, at this time, a restricted real
5 estate license is appropriate.

6 ORDER

7 The application of Respondent ATHENA LAWRENCIA
8 STANFORD for a Real Estate Salesperson license is denied.
9 However, a restricted real estate salesperson license shall
10 issue subject to the requirements of Section 10153.5 of the
11 Business and Professions Code. The restricted license issued to
12 the Respondent shall be subject to all of the provisions of
13 Section 10156.7 of the Business and Professions Code and to the
14 following limitations, conditions and restrictions imposed under
15 authority of Section 10156.6 of said Code:

16 1. The license shall not confer any property right
17 in the privileges to be exercised, and the Real Estate
18 Commissioner may by appropriate order suspend the right to
19 exercise any privileges granted under this restricted license in
20 the event of:

21 (a) The conviction of Respondent (including a plea of
22 nolo contendere) of a crime which is
23 substantially related to Respondent's fitness or
24 capacity as a real estate licensee; or

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26 ///

27 ///

1 (b) The receipt of evidence that Respondent has
2 violated provisions of the California Real Estate
3 Law, the Subdivided Lands Law, Regulations of the
4 Real Estate Commissioner or conditions attaching
5 to this restricted license.

6 2. Respondent shall not be eligible to apply for the
7 issuance of an unrestricted real estate license nor the removal
8 of any of the conditions, limitations or restrictions attaching
9 to the restricted license until two (2) years have elapsed from
10 the date of issuance of the restricted license to Respondent.

11 3. With the application for license, or with the
12 application for transfer to a new employing broker, Respondent
13 shall submit a statement signed by the prospective employing
14 real estate broker on a form RE 552 approved by the Department
15 of Real Estate which shall certify as follows:

16 (a) That the employing broker has read the Decision
17 which is the basis for the issuance of the
18 restricted license; and

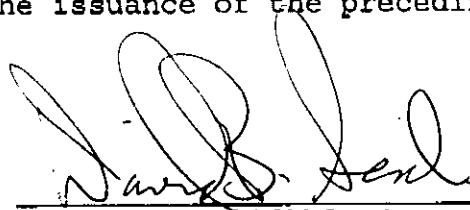
19 (b) That the employing broker will carefully review
20 all transaction documents prepared by the
21 restricted licensee and otherwise exercise close
22 supervision over the licensee's performance of
23 acts for which a license is required.

24 4. Respondent shall, within eighteen (18) months of
25 the issuance of the restricted license, submit evidence
26 satisfactory to the Commissioner of successful completion, at an
27 accredited institution, of two of the courses listed in Section

1 10153.2, other than real estate principles, advanced legal
2 aspects of real estate, advanced real estate finance or advanced
3 real estate appraisal. If Respondent fails to timely present to
4 the Department satisfactory evidence of successful completion of
5 the two required courses, the restricted license shall be
6 automatically suspended effective eighteen (18) months after the
7 date of its issuance. Said suspension shall not be lifted
8 unless, prior to the expiration of the restricted license,
9 Respondent has submitted the required evidence of course
10 completion and the Commissioner has given written notice to
11 Respondent of lifting of the suspension.

12 5. Pursuant to Section 10154, if Respondent has not
13 satisfied the requirements for an unqualified license under
14 Section 10153.4, Respondent shall not be entitled to renew the
15 restricted license, and shall not be entitled to the issuance of
16 another license which is subject to Section 10153.4 until four
17 (4) years after the date of the issuance of the preceding
18 restricted license.

19
20 June 28, 2005
21 DATED

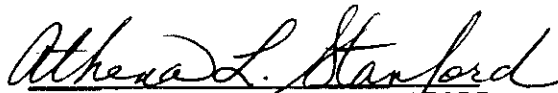

22 DAVID B. SEALS, Counsel
23 DEPARTMENT OF REAL ESTATE
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* * *

I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I willingly and voluntarily agree to enter into this Stipulation.

6/13/05
DATED


ATHENA LAWRENCIA STANFORD
Respondent

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

6/13/05
DATED


LEON J. MEZZETTI, JR.
Attorney for Respondent

* * *

DECISION AND ORDER

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate Commissioner as his Decision and Order.

This Decision shall become effective at 12 o'clock
noon on AUGUST 2, 2005.

IT IS SO ORDERED

7-12-05
JEFF DAVI
Real Estate Commissioner

PLA

FILED
APR 21 2006

DEPARTMENT OF REAL ESTATE

By L. Frost

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

In the Matter of the Application of)	
ATHENA LAWRENCIA STANFORD,)	No. H-9052 SF
)	
Respondent.)	N-2005010160
)	

NOTICE

TO: ATHENA LAWRENCIA STANFORD, Respondent, and LEON J. MEZZETTI, JR., her Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated March 22, 2005, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated March 22, 2005, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on March 2,

///

1 2005, and any written argument hereafter submitted on behalf of
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of March 2, 2005, at the Sacramento office of
6 the Department of Real Estate unless an extension of the time is
7 granted for good cause shown.

8 Written argument of Complainant to be considered by me
9 must be submitted within 15 days after receipt of the argument of
10 Respondent at the Sacramento office of the Department of Real
11 Estate unless an extension of the time is granted for good cause
12 shown.

13 DATED: 4-12, 2005

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15 JEFF DAVI
16 Real Estate Commissioner
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

ATHENA LAWRENCIA STANFORD,

Respondent.

Case No. H-9052 SF

OAH No. N2005010160

PROPOSED DECISION

Administrative Law Judge Steven C. Owyang, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on March 2, 2005.

David B. Seals, Counsel, represented complainant Les R. Bettencourt, Deputy Real Estate Commissioner, State of California.

Respondent Athena Lawrencia Stanford was present and represented by Leon J. Mezzetti, Jr., Esq.

The matter was submitted for decision on March 2, 2005.

FACTUAL FINDINGS

1. On December 30, 2003, respondent Athena Lawrencia Stanford 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. Respondent was a real estate licensee from 1986 to 1994, with no restrictions and no history of license discipline. In 1994, she ended her real estate practice and allowed her license to expire because of marital problems with her husband. The marital problems led to a difficult separation, and eventually to a divorce. Respondent's husband left the family in 1994, leaving respondent as a single mother of three dependent on welfare payments. Respondent fell into methamphetamine abuse for several years in the mid-1990's. She had three criminal offenses during that period. One conviction involved overpayment of welfare benefits, and two involved methamphetamine use.

3. On August 14, 1996, in the Superior Court of California, County of Alameda, respondent was convicted of a violation of Welfare and Institutions Code section 10980, subdivision (c) (unlawfully obtaining public aid), a misdemeanor. The court documents in

the record are incomplete, but respondent was placed on three years probation, incarcerated for eight days, and ordered to make restitution.

4. After her husband left in 1994, respondent received food stamps and cash assistance from the County of Alameda. In 1995, respondent moved to Oakley in Contra Costa County. Partially because of advice from her Contra Costa social worker, respondent failed to timely report her move to the Alameda welfare authorities. In the meantime, the Alameda County District Attorney's Office received an anonymous tip from a woman thought to be respondent's husband's girlfriend that respondent was receiving double welfare payments (from Alameda and Contra Costa counties). The district attorney's investigation disclosed that respondent had received overpayment of \$1825 in food stamps from Alameda after she had moved to Contra Costa, but not that she had received double payments. Complainant was eventually prosecuted and convicted for unlawfully obtaining public aid. Respondent has made restitution for the \$1825.

5. On August 29, 1996, in the Municipal Court for the Fremont-Newark-Union City Judicial District, County of Alameda, State of California, respondent was convicted of two counts of Health and Safety Code section 11550, subdivision (a) (using or being under the influence of a controlled substance), a misdemeanor. Imposition of sentence was suspended and respondent placed on three years probation on terms that included 100 days in jail with 26 days credit for time served, payment of \$320 in penalties and fees, attendance at an AIDS education program, abstention from the possession or use of narcotics, submission to alcohol and drug testing as directed by any peace officer, submission to search and seizure with or without a warrant, and registration pursuant to Health and Safety Code section 11590.

6. On December 7, 1998, in the Municipal Court for the Fremont-Newark-Union City Judicial District, County of Alameda, State of California, respondent was convicted, on a plea of no contest, of a violation of Health and Safety Code section 11377, subdivision (a) (possession of a controlled substance), a misdemeanor. Imposition of sentence was suspended and respondent placed on three years probation on terms that included 60 days in jail with one day credit for time served, payment of \$320 in fees, abstention from the possession or use of narcotics, submission to urinalysis/alcohol detection tests as directed by any peace officer, submission to search and seizure with or without a warrant, a driver's license suspension for six months, and attendance at an AIDS education program.

7. Each of respondent's convictions has been expunged pursuant to Penal Code section 1203.4. She is no longer on probation. Respondent has had no further convictions.

8. Respondent stopped using methamphetamines in February or March 1998, shortly after the arrest that lead to her December 7, 1998, conviction. She disassociated herself from drug users, participated in an anti-addiction program, and turned her efforts toward cleaning up her life and being a good parent to her three children. In 1999, respondent moved into her father's home in Oakland for several months, where her father

supported her efforts to turn her life around. Around August 1999, respondent and her children moved to Castro Valley.

9. Respondent enrolled in Chabot College, and later transferred to California State University, Hayward, where she received a B.A. in business administration in 2004. She maintained a high grade point average at both schools.

10. Respondent is 39 years old. She is an active parent, highly involved in her children's schools and sports activities. Respondent's children take part in football, wrestling, soccer, cross country, and baseball. Her younger son is in the GATE program and the chess club. Respondent volunteers as "team mom" for her children's teams, and has received training in cardio-pulmonary resuscitation in that regard.

11. Respondent has been employed as a trailer park property manager for the Gevco Company, Berkeley, since September 2001. Respondent's duties include rent collection, preparation of financial statements, handling money and bank deposits, dealing with tenant and maintenance issues, and interacting with the police. Her employer submitted a letter supporting respondent's license application, and indicating that respondent is an excellent and honest employee.

12. Real estate broker Jeannie Collins testified on respondent's behalf. She has held her broker license for two and one-half years, and obtained her salesperson license about 20 years ago. Collins is self-employed at Summit Property Group in Dublin, where she conducts a commercial and residential real estate practice. She has known respondent for 20 years, and became reacquainted with her about five years ago. Collins supports respondent's license application, and plans to hire respondent if the application is granted.

13. Richard Brierly submitted a letter supporting respondent's license application. Brierly, a former Oakland police lieutenant, was the Alameda County District Attorney's investigator who investigated respondent's welfare overpayment in 1995. Brierly concluded that respondent's overpayment was a matter of failing to report her address change in a timely manner, and was not a matter of fraudulent intent. Brierly notes that respondent has made great strides in getting her life back on track, is working in a position of trust, and has shown that she is a productive and valuable member of the community.

14. Respondent is remorseful about her former drug use and criminal conduct. She has worked hard over the past eight years to rebuild her life and to become a good parent, trusted employee, and productive citizen.

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. Respondent's convictions (Factual Findings 3, 5, and 6) are substantially

related to the qualifications, functions and duties of a real estate licensee in that they involved unlawful conduct that conferred a financial benefit on the perpetrator (Cal. Code Regs., tit. 10, § 2910, subd. (a)(8)) and a pattern of repeated and willful disregard of law (Cal. Code Regs., tit. 10, § 2910, subd. (a)(10)). Cause exists to deny respondent's application under section 480, subdivision (a).

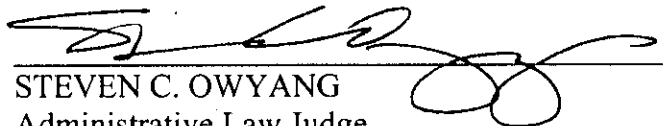
2. Under Business and Professions Code section 10177, subdivision (b), the commissioner may deny the issuance of a license to an applicant who has been convicted of a felony or a crime involving moral turpitude. The evidence did not establish that respondent's crimes, as committed, involved moral turpitude. Cause does not exist to deny respondent's application under section 10177, subdivision (b).

3. The department's regulations set forth criteria for evaluating the rehabilitation of an applicant for a real estate license. (Cal. Code Regs., tit. 10, § 2911.) Respondent has demonstrated that she has rehabilitated herself to the extent that it would not be against the public interest to grant her a real estate license. More than eight years have passed since her last conviction. Each of her convictions has been expunged. She has paid fines and restitution and is no longer on probation. She has not used drugs since 1998. She has disassociated herself from the individuals with whom she abused drugs. She has established a stable family life, and is fulfilling her parental and familial responsibilities. She has completed her college education in business administration with a strong academic record. She has been gainfully employed for four years in a position of trust as a property manager, and has received an excellent recommendation from her employer. She contributes to community life through her involvement with her children's school and sports activities. A licensed real estate broker who has known respondent for 20 years is willing to hire respondent. Finally, respondent's testimony, the testimony of her father and the broker who plans to hire her, as well as letters from her school, employer, and the investigator in her welfare overpayment case, establish that respondent's attitude has changed completely from that which existed at the time of her crimes. Considering all the evidence presented, it is determined that respondent is safe to practice real estate without restrictions upon her license.

ORDER

*Not
Adopted* Respondent Athena Lawrencina Stanford's application for a real estate salesperson license is granted.

DATED: March 22, 2005


STEVEN C. OWYANG
Administrative Law Judge
Office of Administrative Hearings

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

FILED
JAN - 5 2005

DEPARTMENT OF REAL ESTATE

By

[Signature]

In the Matter of the Application of

ATHENA LAWRENCIA STANFORD,

} Case No. H-9052 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 **WEDNESDAY, MARCH 2, 2005**, at the hour of **9:00 A.M.**, 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

By

David B. Seals

DAVID B. SEALS, Counsel (2)

Dated: JANUARY 5, 2005

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

FILED
DEC 16 2004

DEPARTMENT OF REAL ESTATE

Laurie A. Zin

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)

No. H-9052 SF

12 ATHENA LAWRENCIA STANFORD,)

STATEMENT OF ISSUES

13 Respondent.)
14)

15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against ATHENA LAWRENCIA STANFORD (hereinafter
18 "Respondent") alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about December 30, 2003 with the knowledge and
23 understanding that any license issued as a result of said
24 application would be subject to the conditions of Section
25 10153.4 of the California Business and Professions Code.

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27 ///

1 II

2 Complainant, Les R. Bettencourt, a Deputy Real Estate
3 Commissioner of the State of California, makes this Statement of
4 Issues in his official capacity.

5 III

6 On or about August 14, 1996, in the Superior Court of
7 California, County of Alameda, Respondent was convicted of
8 violation of California Welfare and Institutions Code Section
9 10980(c)(2) (Unlawfully Obtaining Public Aid), a crime involving
10 moral turpitude and/or which bears a substantial relationship
11 under Section 2910, Title 10, California Code of Regulations
12 (herein "the Regulations"), to the qualifications, functions or
13 duties of a real estate licensee.

14 IV

15 On or about August 29, 1996, in the Municipal Court
16 for the Fremont-Newark-Union City Judicial District, County of
17 Alameda, State of California, Respondent was convicted of two
18 counts of violation of California Health and Safety Code Section
19 11550(a) (Using or Being Under the Influence of a Controlled
20 Substance), crimes involving moral turpitude and/or which bear a
21 substantial relationship under Section 2910 of the Regulations,
22 to the qualifications, functions or duties of a real estate
23 licensee.

24 V

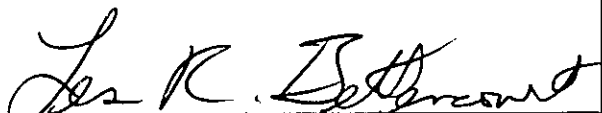
25 On or about December 7, 1998, in the Municipal Court
26 for the Fremont-Newark-Union City Judicial District, County of
27 Alameda, State of California, Respondent was convicted of

1 violation of California Health and Safety Code Section 11377(a)
2 (Possession of Controlled Substance), a crime involving moral
3 turpitude and/or which bears a substantial relationship under
4 Section 2910 of the Regulations, to the qualifications,
5 functions or duties of a real estate licensee.

6 VI

7 The crimes of which Respondent was convicted, as
8 alleged in Paragraphs III through V above constitute cause for
9 denial of Respondent's application for a real estate license
10 under Sections 480(a) and 10177(b) of the California Business
11 and Professions Code.

12 WHEREFORE, the Complainant prays that the above-
13 entitled matter be set for hearing and, upon proof of the
14 charges contained herein, that the Commissioner refuse to
15 authorize the issuance of, and deny the issuance of, a real
16 estate salesperson license to Respondent, and for such other and
17 further relief as may be proper under other provisions of law.

18
19 
20 LES R. BETTENCOURT
Deputy Real Estate Commissioner

21 Dated at Oakland, California,
22 this 13th day of December, 2004.