

FILED

AUG 19 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

GRAIL MARIE NITSCH,

Respondent.

H-10702 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 13, 2009, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license 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.

FINDINGS OF FACT

1

On June 12, 2006, Joe M. Carrillo made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on June 16, 2009.

On August 13, 2009, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

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

3

On or about October 7, 2008, in the Superior Court of the State of California, County of Santa Clara, Case No. CC 898041, Respondent was convicted of violating Section 484/487(d) of the California Penal Code (Grand Theft Auto), a misdemeanor and a crime which bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent exists with reference to the conviction set out in Paragraph 3, above, pursuant to Business and Professions Code Sections 490 and 10177(b).

2

The standard of proof applied was clear and convincing proof to a reasonable certainty.

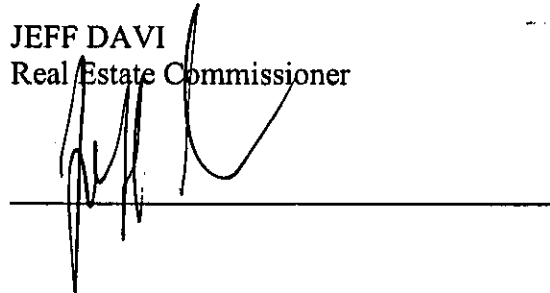
ORDER

All licenses and licensing rights of Respondent GRAIL MARIE NITSCH, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on
SEP - 9 2009

DATED: 8-19-09

JEFF DAVI
Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

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AUG 13 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

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

12 * * *

13 In the Matter of the Accusation of

14 GRAIL MARIE NITSCH,

15 Respondent.

No. H-10702 SF

DEFAULT ORDER

16
17 Respondent, GRAIL MARIE NITSCH, having failed to file a Notice of Defense
18 within the time required by Section 11506 of the Government Code, is now in default. It is,
19 therefore, ordered that a default be entered on the record in this matter.

20 IT IS SO ORDERED August 13, 2009.

21 JEFF DAVI
22 Real Estate Commissioner

23
24 By:

Charles W. Koenig
25 CHARLES W. KOENIG
26 Northern Regional Manager
27

1 RICHARD K. UNO, Counsel (SBN 98275)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-2380

FILED

JUN 16 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

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

11 * * *

12 In the Matter of the Accusation of)
13) No. H-10702 SF
14 GRAIL MARIE NITSCH,) ACCUSATION
15 Respondent.)

16 The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner
17 of the State of California, for cause of Accusation against GRAIL MARIE NITSCH,
18 (Respondent), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in his official capacity.

21 2

22 Respondent is presently licensed and/or has license rights under the Real Estate
23 Law Part 1 of Division 4 of the Business and Professions Code (the Code) as a real estate
24 salesperson.

25 3

26 On or about August 22, 2006, in the Superior Court of the State of California,
27 County of Santa Clara, Case No. CC 622538, Respondent was convicted of violating Section

1 12500(a) of the California Vehicle Code (Driving Without a License), a misdemeanor and a
2 crime involving moral turpitude which bears a substantial relationship under Section 2910,
3 Title 10, California Code of the Regulations (the Regulations), to the qualifications, functions
4 or duties of a real estate licensee.

5 4

6 On or about October 7, 2008, in the Superior Court of the State of California,
7 County of Santa Clara, Case No. CC 898041, Respondent was convicted of violating Section
8 484/487 (d) of the California Penal Code (Grand Theft Auto), a misdemeanor and a crime
9 which bears a substantial relationship under Section 2910 of the Regulations, to the
10 qualifications, functions or duties of a real estate licensee.

11 5

12 The facts alleged in Paragraphs 3 though 4, above, constitute cause under
13 Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license
14 rights of Respondent under the Real Estate Law.

15 WHEREFORE, Complainant prays that a hearing be conducted on the
16 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
17 disciplinary action against all licenses and license rights of Respondent under the Real Estate
18 Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further
19 relief as may be proper under the provisions of law.

20
21 
22 JOE M. CARRILLO
23 Deputy Real Estate Commissioner

24 Dated at Sacramento, California,

25 this 12 day of June, 2009.
26
27