

FILED

SEP 28 2011

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By K. Contreras

* * *

In the Matter of the Application of)	DRE No. H-11113 SF
FREDERICK ALAN ADAMS,	OAH No. N-2011060083
Respondent.	

DECISION

The Proposed Decision dated August 12, 2011, 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.

Pursuant to Section 11517(c)(2) of the Government Code, the following correction is made:

Order Page 8, Paragraph number "5", is changed to "4".


The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to Respondent. 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 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 for the information of respondent.

This Decision shall become effective at 12 o'clock
noon on October 18, 2011.

IT IS SO ORDERED 9/16/11.

BARBARA J. BIGBY
Acting Real Estate Commissioner



Barbara J. Bigby

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DEPARTMENT OF REAL ESTATE

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In the Matter of the Application of:

FREDERICK ALAN ADAMS,

Respondent.

Case No. H-11113 SF

OAH No. 2011060083

PROPOSED DECISION

Administrative Law Judge Hannah H. Rose, State of California, Office of Administrative Hearings, heard this matter on July 14, 2011 in Oakland, California

Richard K. Uno, Counsel, Department of Real Estate (Department), represented Tricia D. Sommers (complainant), a Deputy Real Estate Commissioner for the Department.

Frederick Alan Adams (respondent) was present throughout the administrative hearing and represented himself.

The matter was submitted on July 14, 2011.

SUMMARY

Respondent has applied for a license as a real estate salesperson. His application was denied by the Department based upon respondent's convictions for driving while intoxicated in 1984, for grand theft person in 1993, and for attempted robbery in 1993. Respondent's convictions are substantially related to a real estate salesperson's license. Since 1993, respondent has undertaken and demonstrated significant rehabilitation, and he has lived a responsible, law-abiding, and clean and sober lifestyle. However, given the serious nature of the violations, the protection of the public requires that respondent may only be issued a restricted license, with conditions, at this time.

FACTUAL FINDINGS

1. Complainant made and filed the Statement of Issues in her official capacity.

2. On August 5, 2008, the Department of Real Estate (Department) received an application from respondent for a real estate salesperson license. Pursuant to the Statement of Issues, complainant requests that respondent's application be denied based upon respondent's three convictions, described in Findings 3 through 5, below.

Respondent's Convictions

3. On April 13, 1984, in the District Court of the State of Iowa, County of Scott, in Case Number 112613, respondent, on a plea of guilty, was convicted of violating Section 321.281, Code of Iowa, 1983, driving while under the influence of alcohol or drugs (DUI). Respondent was sentenced to serve 60 days in county jail, and ordered to pay restitution and a \$500 fine.¹

The circumstances underlying this conviction occurred on July 29, 1983, in Davenport, Iowa. Respondent, while intoxicated, drove his car into a utility pole. No other vehicles or persons were involved in the accident. At the time of his arrest, respondent's blood alcohol was 0.134 percent.

4. On June 2, 1993, in the Superior Court of the State of California, County of San Francisco, in Case No. 1447359², respondent, on a plea of guilty, was convicted of violating Penal Code section 487.2, grand theft person, a misdemeanor. Imposition of sentence was suspended, and respondent was ordered to serve 40 days in county jail. He was placed on formal probation for three years, and that probation reverted to court probation when respondent paid the ordered restitution and fine. On December 17, 2003, the conviction was dismissed pursuant to Penal Code section 1203.4.

The circumstances underlying this conviction occurred on May 15, 1993. Respondent snatched bus transfers from a San Francisco Muni bus driver while the driver was on a bathroom break in a restroom. He was caught by a nearby police officer while fleeing.

5. On October 19, 1993, in the Superior Court of the State of California, County of San Francisco, in Case No. 152032, respondent, on a plea guilty, was convicted of violating Penal Code section 664/212.5, subdivision (b), attempted robbery, second degree, a

¹ Although respondent's probation was successfully completed, when respondent requested court documents for this administrative hearing, he noted that they reflected that he had never paid the restitution ordered for the damage to the utility pole caused by his accident. Respondent promptly made that payment before the administrative hearing.

² The Statement of Issues in this case contains apparent clerical errors with respect to the case numbers associated with respondent's San Francisco Superior Court convictions. The correct numbers are set forth in paragraphs 4 and 5 of this Proposed Decision. The underlying charges are correctly stated in paragraphs 4 and 5 of the Statement of Issues, and therefore give adequate notice to respondent pursuant to Government Code section 11504.

felony. Imposition of sentence was suspended, and respondent was placed on supervised probation for three years. He was ordered to serve one year in county jail, with credit for 76 days time served, but after two months was permitted to serve the balance of his time in a residential rehabilitation program. Respondent was also ordered to undergo drug testing and counseling, to stay away from the victim, and to pay fines, fees and restitution. On November 5, 1996, respondent's felony conviction was reduced to a misdemeanor pursuant to Penal Code section 17, subdivision (b)(3), and his conviction was dismissed pursuant to Penal Code section 1203.4.

The incident underlying this conviction occurred on August 5, 1993. Respondent tried to sell a packet of stolen San Francisco Muni bus transfers to a man standing at a bus stop at the corner of Fifth and Folsom Streets, in San Francisco. When the man refused, respondent attempted to take his briefcase, but the man resisted. At the same time, a Muni bus pulled up to the stop, and the bus driver and a passenger came to the victim's aid. Respondent was arrested at the scene.

Respondent's Evidence

6. Respondent is 50 years old. He has been an alcoholic for over 30 years. He has been clean and sober for 18 years. After graduation from high school, respondent attended Southern Illinois University for one year, but he dropped out because he did not have the money to continue. He returned to his mother's home in Davenport, Iowa. Respondent applied to the Davenport Police Department, where he was in the "top 10" of 400 candidates for the class of 1984. His conviction for driving while intoxicated that year cost him that place in the class. Respondent joined the Navy that year as an electronics technician. While in the Navy, respondent came to California to work at Mare Island Naval Shipyard. It was there that he began using crack cocaine. He was still in the Navy a few years later, in San Diego, when he was convicted of violating Vehicle Code section 23152, subdivision (b), driving under the influence of alcohol.³ Respondent had a blood alcohol of 0.10 percent at the time. He served two days in county jail, was ordered to pay fines and fees, and was remanded to the Navy, where he was placed in a Veteran's Affairs Substance Abuse program in San Francisco. The program was unsuccessful for him, and respondent continued to abuse alcohol and crack cocaine.

7. Respondent received a bad conduct discharge from the Navy in 1988 as a result of frequent drug and alcohol-induced absences without leave. After his discharge, respondent stayed in San Francisco, where he was homeless from 1989 until 1993. During this time, respondent was addicted to cocaine and alcohol, and he committed crimes to get money for his drugs and alcohol.

³ This conviction was not charged by the Department in the Statement of Issues in this matter. Respondent revealed the conviction in his testimony at hearing, and in his application to the Department.

8. At hearing, respondent revealed another conviction that was not charged by the Department as a basis for denial of his application. In 1993, respondent was convicted of a violation of Penal Code section 459, burglary, a misdemeanor, in San Francisco Superior Court. He was ordered to serve 40 days in county jail and placed on three years court probation, concurrent with his sentence for grand theft person (Factual Finding 4). The burglary conviction was expunged in 2003, pursuant to Penal Code section 1203.4.

9. Respondent served two months in jail for his October 1993 attempted robbery conviction. After two months, he was transferred to Liberation House, a residential drug and alcohol rehabilitation program in San Francisco. This time the program was successful. After six months at Liberation House, respondent voluntarily moved to DeMontfort House, a veteran's transitional housing program in San Francisco, where he lived for seven months, until he successfully graduated from that program. After graduation from DeMontfort House, respondent was invited to return to Liberation House, to work there as the resident house manager. He worked at Liberation House for two years. Respondent has been clean and sober since October 1993.

10. While at Liberation House, respondent re-connected with his Higher Power, and he has found strength in his church community ever since. He became an Elder at Ingleside Presbyterian Church in San Francisco, where in 1995 he met and married a woman who was also in recovery and was an Elder at the church. They had a son, who is now fifteen years old. Respondent is divorced from his son's mother, and since the divorce seven years ago, their son has lived with respondent's ex-wife. Respondent regularly spends weekends with his son, and his son will be coming to live with respondent full-time at the beginning of the academic school year in September. Respondent was recently married to a woman with whom he has been in a long-term relationship.

11. In 1995, while working as house manager at Liberation House, respondent volunteered at the Arthritis Foundation. He was so well regarded that he was hired and worked there for a year. Respondent thereafter worked in the semiconductor industry for 12 years, where he was an engineering planner, a senior buyer, and a project manager. During this time, respondent has enrolled in and completed a number of certificated programs related to his work in the industry. He currently works at Primus Power, a start-up renewable energy storage company that is funded by the Department of Energy and private venture capital. He has, at the same time, worked part-time as an assistant at Creit Ventures, a real estate firm, in order to learn the business.

12. Respondent has been active in his community and as a volunteer in a number of organizations. He is a member of the Board of Directors of the Thad Brown Boys Academy, a kindergarten through sixth grade school for African American boys in San Francisco. Respondent has also served at St. Anthony's Dining Room, and volunteered for work at the East Bay Aids Walk. He is active at Dynasty Ministries, a church that holds services in Fremont, Santa Clara and San Mateo at Marriott Hotels. Respondent is helping to raise funds for a permanent building for the church. He also teaches a Sunday school class for 12 to 15 year olds.

13. Respondent explained that he did not have any witnesses at the hearing because he did not want to burden several people who might have testified, but who would have had to miss work to do so. Respondent provided ten letters of support and certificates, which were considered to the extent permitted under Government Code section 11513, subdivision (d).⁴ Rose Koch, the managing partner of Creit Ventures, corroborated that respondent has worked as an assistant in her real estate office and she commends his competence and character. Willie Garner, a realtor with Better Homes and Gardens Realty, Carla Vine, a Broker/Owner of Foxx Realty Financial Services, and Barry Ripp, a broker at Realty World-Viking Realty all commend respondent's honesty, integrity and good judgment. Josie McHale, Mark Leonard and Bob Andrews are all persons with or for whom respondent has worked in the semiconductor industry, and all commend his good character, integrity and professionalism. Leonor Qinez, and Leslie Peters are friends who corroborate respondent's changed character, rehabilitation and integrity. Freddie Pitts was a counselor at Liberation House when respondent was in the program and worked there. He has known respondent since then, and he commends respondent's transformation while at Liberation House and corroborates his continued good work since.

14. Respondent has a sponsoring broker who is willing to employ him if the Department issues a license. Rose Koch, of Creit Ventures, Inc. offered to sponsor respondent at the time of his application in 2007. Since then, Ms. Koch has left Creit Ventures, and Carla Vine, the Broker/Owner of Foxx Realty Financial Services has offered to sponsor respondent if his license is issued.

15. Respondent's rehabilitation is lengthy and meaningful. Although he was convicted of multiple theft-related crimes and two DUI's, his theft convictions were all expunged and he has had no negative contact with the law for almost 18 years. However, given the length of time of respondent's addiction and his related criminal conduct, it would be consistent with the public interest, safety and welfare to issue respondent a restricted real estate salesperson license at this time.

LEGAL CONCLUSIONS

1. A real estate license may be denied based upon the conviction of a crime that is substantially related to the qualifications, functions, or duties of a real estate licensee. (Bus. & Prof. Code, §§ 480, subd. (a) and 10177, subd. (b).)

2. In the California Code of Regulations, title 10, section 2910, the Department has set forth criteria for determining whether a crime is substantially related to the

⁴ Government Code section 11513, subdivision (d), states in pertinent part, "Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. ..."

qualifications, functions or duties of a real estate licensee. These include crimes that involve the fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person (subd. (a)(1)), the doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another (subd. (a)(8)), or conduct which demonstrates a pattern of repeated and willful disregard of law (subd. (a)(10)).

3. The conduct underlying respondent's convictions for grand theft person and attempted robbery (Factual Findings 4 and 5) constituted the fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another, and doing of any unlawful act with the intent of conferring a financial or economic benefit upon himself. Respondent's convictions for grand theft person and attempted robbery are therefore substantially related to the qualifications, functions, and duties of a real estate salesperson under California Code of Regulations, title 10, section 2910, subdivisions (a)(1) and (a)(8).

4. The conduct underlying respondent's convictions for DUI, grand theft person, and attempted robbery (Factual Findings 3 through 5) is conduct that demonstrates a pattern of repeated and willful disregard of law. Respondent's convictions for DUI, grand theft, person, and attempted robbery are therefore substantially related to the qualifications, functions, and duties of a real estate salesperson under California Code of Regulations, title 10, section 2910, subdivision (a)(10).

Cause for Discipline

5. By reason of Factual Findings 4 and 5, cause is established to deny respondent's application for a real estate salesperson license for his convictions, pursuant to Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b), and California Code of Regulations, title 10, section 2910, subdivision (1).

6. By reason of Factual Findings 4 and 5, cause is established to deny respondent's application for a real estate salesperson license for his convictions, pursuant to Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b), and California Code of Regulations, title 10, section 2910, subdivision (8).

7. By reason of Factual Findings 3 through 5, cause is established to deny respondent's application for a real estate salesperson license for his convictions, pursuant to Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b), and California Code of Regulations, title 10, section 2910, subdivision (10).

8. By reason of Factual Finding 4, the Department has failed to prove that on or about June 2, 1993, respondent was convicted of violating Penal Code section 212.5, subdivision (b), robbery. Therefore, it was not established that respondent was convicted of violating Penal Code section 212.5, subdivision (b), in violation of Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b), as alleged in paragraph 4 of the Statement of Issues.

Rehabilitation

9. The Department has established criteria for rehabilitation, which are set forth in California Code of Regulations, title 10, section 2911.

10. In applying those criteria, the evidence establishes that respondent has demonstrated a sustained commitment to his rehabilitation since 1993. He has successfully completed his 1993 probation and rehabilitation programs, and his theft-related convictions have all been expunged pursuant to Penal Code section 1203.4. Respondent has abstained from the use of any controlled substances and alcohol for 18 years. He is fulfilling his parental responsibilities. He has engaged in positive volunteer activities of benefit to his community. He has enrolled in a number of certificate programs and has completed coursework for economic self-improvement. He has demonstrated a change in attitude from that which existed at the time of his convictions, and presented evidence of others familiar with his previous conduct, who attested to his changed attitudes and behavior patterns. He has had no subsequent convictions. He accepts responsibility for his wrongdoing and is remorseful in both his correspondence with the Department and in his testimony at hearing.

11. In argument, Counsel for the Department acknowledged that respondent has been candid and honest with respect to his past, that he has revealed encounters with law enforcement that were not known to the Department, and that respondent's rehabilitation has been significant. Counsel for the Department recommended that respondent be issued a restricted license.

12. As set forth in Factual Findings 8 through 12, respondent offered significant evidence of rehabilitation. However, given the serious nature of respondent's convictions, and the fact that some of respondent's convictions were theft-related, restrictions must be imposed on any license issued to respondent in order to insure that the public interest, safety and welfare will be protected. Therefore a restricted license will be issued to respondent at this time.

ORDER

The application of respondent Frederick Alan Adams for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to the 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 said Code:

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 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.

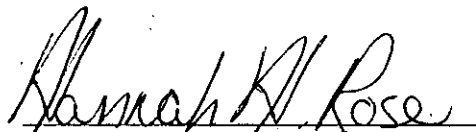
3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(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 shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of respondent's arrest, the crime for which respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

DATED: August 12, 2011


HANNAH H. ROSE
Administrative Law Judge
Office of Administrative Hearings

Section 11522 of the Government Code of the State of California:

11522. Reinstatement of License or Reduction of Penalty. A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor, and any terms and conditions that the agency reasonably deems appropriate to impose as a condition of reinstatement. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty. (Added by Stats. 1945, Ch. 867; amended by Stats. 1985, Ch. 587.)

CRITERIA OF REHABILITATION (*Denial*)

RE 573 (Rev. 10/03)

Your application for a real estate license or your petition to reinstate your real estate license has been denied. The reason(s) for denial is on the grounds set forth in the attached Decision or Order Denying Reinstatement. Set forth below is the Criteria of Rehabilitation. These criteria have been developed by the Department of Real Estate as guidelines to assist an applicant or former licensee to establish a rehabilitation program and in the presentation of his or her case should application again be made for licensure or a petition filed for either reinstatement of a license or removal of restrictions from a restricted license.

Not all of the factors listed in the criteria will be applicable in the case of every person who has had a license application or petition for reinstatement or removal of restrictions denied. Nor will each factor necessarily be given equal weight in evaluating the person's rehabilitation. Each person must decide which of these factors are applicable to his or her case and should then take appropriate steps toward rehabilitation to the end of satisfying the Real Estate Commissioner that it would not be against the public interest to grant the license in question.

2911. Criteria of Rehabilitation (*Denial*). The following criteria have been developed by the department pursuant to Section 482(a) of the Business and Professions Code for the purpose of evaluating the rehabilitation of an applicant for issuance or for reinstatement of a license in considering whether or not to deny the issuance or reinstatement on account of a crime or act committed by the applicant:

- (a) The passage of not less than two years since the most recent criminal conviction or act of the applicant that is a basis to deny the departmental action sought. (A longer period will be required if there is a history of acts or conduct substantially related to the qualifications, functions or duties of a licensee of the department.)
 - (b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the applicant.
 - (c) Expungement of criminal convictions resulting from immoral or antisocial acts.
 - (d) Expungement or discontinuance of a requirement of registration pursuant to provisions of Section 290 of the Penal Code.
 - (e) Successful completion or early discharge from probation or parole.
 - (f) Abstinence from the use of controlled substances or alcohol for not less than two years if the conduct which is the basis to deny the departmental action sought is attributable in part to the use of controlled substances or alcohol.
 - (g) Payment of the fine or other monetary penalty imposed in connection with a criminal conviction or quasi-criminal judgment.
 - (h) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the conviction or conduct that is the basis for denial of the agency action sought.
- (i) Completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement.
 - (j) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary obligations to others.
 - (k) Correction of business practices resulting in injury to others or with the potential to cause such injury.
 - (l) Significant or conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems.
 - (m) New and different social and business relationships from those which existed at the time of the conduct that is the basis for denial of the departmental action sought.
 - (n) Change in attitude from that which existed at the time of the conduct in question as evidenced by any or all of the following:
 - (1) Testimony of applicant.
 - (2) Evidence from family members, friends or other persons familiar with applicant's previous conduct and with his subsequent attitudes and behavioral patterns.
 - (3) Evidence from probation or parole officers or law enforcement officials competent to testify as to applicant's social adjustments.
 - (4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.
 - (5) Absence of subsequent felony or misdemeanor convictions that are reflective of an inability to conform to societal rules when considered in light of the conduct in question.

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DEPARTMENT OF REAL ESTATE
By R. Mat

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

11 In the Matter of the Application of)
12 FREDERICK ALAN ADAMS,) No. H-11113 SF
13 Respondent.) STATEMENT OF ISSUES

14
15 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
16 of the State of California, for Statement of Issues against FREDERICK ALAN ADAMS,
17 (Respondent), alleges as follows:

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19 Complainant makes this Statement of Issues in her official capacity.

20 2

21 On or about August 5, 2008, Respondent made application to the Department of
22 Real Estate of the State of California (the Department) for a real estate salesperson license.

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24 On or about April 13, 1984, in the District Court of the State of Iowa, County of
25 Scott, Respondent was convicted of violating Section 321.281 of the Iowa Code (Operating
26 Vehicle While Intoxicated), a misdemeanor and a crime that bears a substantial relationship

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1 under Section 2910, Title 10 of the California Code of Regulations, (Regulations), to the
2 qualifications, functions or duties of a real estate licensee.

3 4

4 On or about June 2, 1993 in the Superior Court of the State of California, County
5 of San Francisco, Case No. 51893, Respondent was convicted of violating Section 212.5(b) of
6 the California Penal Code (Robbery 2nd Degree), and Section 487.2 of the California Penal
7 Code (Grand Theft-Person), both misdemeanors and crimes that bear a substantial relationship
8 under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate
9 licensee.

10 5

11 On or about October 19, 1993 in the Superior Court of the State of California,
12 County of San Francisco, Case No. 51893, Respondent was convicted of violating Section
13 664/212.5(b) of the California Penal Code (Attempted Robbery 2nd Degree), a misdemeanor
14 and a crime that bears a substantial relationship under Section 2910 of the Regulations, to the
15 qualifications, functions or duties of a real estate licensee.

16 6

17 Respondent's criminal convictions, as set out in Paragraphs 3 through 5, above,
18 constitute cause for denial of Respondent's application for a real estate salesperson license
19 pursuant to the provisions of Sections 480(a) (Conviction of Crime) and 10177(b) (Further
20 Grounds for Disciplinary Action-Conviction of Crime) of the Code.

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WHEREFORE, 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 in the premises:


TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 15th day of April, 2011.