

60270
7/2/04

FILED
JUN 28 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-21340 LA
HELEN HARRIS SCHOENTHAL,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On March 10, 1982, a Decision was rendered herein denying the Respondent HELEN HARRIS SCHOENTHAL aka Helen Naomi Harris' 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 7, 1982. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

///
///
///

1
2 On July 25, 2003, Respondent petitioned for the
3 removal of restrictions attaching to Respondent's real estate
4 salesperson license.

5 I have considered the petition of Respondent and
6 the evidence submitted in support thereof. Respondent has
7 demonstrated to my satisfaction that Respondent meets the
8 requirements of law for the issuance to Respondent of an
9 unrestricted real estate salesperson license and that it would
10 not be against the public interest to issue said license to
11 Respondent.


12 NOW, THEREFORE, IT IS ORDERED that Respondent's
13 petition for removal of restrictions is granted and that a real
14 estate salesperson license be issued to Respondent if Respondent
15 satisfies the following condition within nine (9) months from
16 the date of this Order:

17 Submittal of a completed application and payment of
18 the fee for a real estate salesperson license.

19 This Order shall be effective immediately.

20 Dated: June 23, 2004.

21 JOHN R. LIBERATOR
22 Acting Real Estate Commissioner

23 
24

25 cc: Helen H. Schoenthal
26 4130 Old Topanga Canyon Road
27 Calabasas, CA 91302

Solo Flag
BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

FILED

MAR 12 1982

In the Matter of the Application of)

HELEN NAOMI HARRIS,

Respondent.

DEPARTMENT OF REAL ESTATE
BY *Laura B. Chen*

No. H- 21340 LA

L- 25134

DECISION

The Proposed Decision dated February 26, 1982
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 of Section 11522
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 attached hereto.

This Decision shall become effective at 12 o'clock
noon on April 1, 1982.

IT IS SO ORDERED

E. Lee Brazil
E. LEE BRAZIL
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE
OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
HELEN NAOMI HARRIS,) NO. H-21340 LA
Respondent.) L-25134

PROPOSED DECISION

This matter came on regularly for hearing before Jerome Schwimmer, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California on February 25, 1982. Complainant was represented by Marjorie P. Mersel, Counsel. Respondent was represented by Barbara H. Dohrman, Attorney at Law. Oral and documentary evidence was introduced and the matter was submitted for decision. It is now found as follows:

I

On or about January 29, 1981, respondent Helen Naomi Harris filed her application for a real estate salesperson license and said application is presently pending.

II

On January 28, 1977, in the Municipal Court of Palo Alto-Mountain View Judicial District, County of Santa Clara, State of California, respondent entered a guilty plea to and was convicted of the crime of petty theft in violation of Penal Code Section 484. Respondent was placed on summary probation for six months upon the condition that she pay a fine of \$50.00 plus penalty assessment, which has been paid in full by respondent.

III

The crime of which respondent has been convicted, as aforesaid, involves moral turpitude and bears a substantial relationship to the qualifications, functions and duties of a real estate licensee. The offense involved the shoplifting of food items from a market by respondent and her fiancée at the suggestion of respondent's fiancée.

IV

Respondent has suffered no other criminal involvement. She has been employed by her current employer, Charles Dunn Company as a property supervisor since June, 1980. Her employer and immediate supervisor are fully advised as to the said conviction and the surrounding circumstances. The Charles Dunn Company currently employs approximately sixty real estate salespersons. Based upon her exemplary work in the past, respondent's employer

desires to promote her to duties which would require licensure as a real estate salesperson in the management of commercial properties. No complaints have been made against respondent in her employment and her supervising employers commend her as a person of good moral character. Upon the whole of the evidence, it does not appear that respondent would again commit a like violation of law.

* * * * *

The following determination of issues is made pursuant to the foregoing findings of fact:

I

Respondent's application for a real estate salesperson license is subject to denial pursuant to the provisions of Sections 480 and 10177(b) of the Business and Professions Code.

II

It would not be contrary to the public interest to permit a restricted real estate salesperson license to be issued to respondent.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of respondent Helen Naomi Harris for the issuance to her of an unrestricted salesperson license at this time is denied; provided, however, that a restricted salesperson license be issued to respondent as hereinafter provided:

1. A restricted real estate salesperson license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes timely application therefor and pays to the Department the appropriate fee for said license.

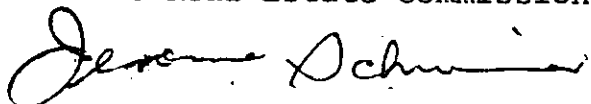
2. The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under the authority of Section 10156.6 of said Code:

- a. Respondent shall submit with her application for a license under an employing broker, or for transfer to a new employing broker, a statement signed by the prospective employing broker which shall certify:

- (1) That he has read the decision of the Commissioner which granted the right to a restricted license; and
 - (2) That he will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.
- b. Respondent shall comply with all laws to which she is subject, including all provisions of the California Real Estate Law, the Subdivided Lands Law and all regulations of the Real Estate Commissioner, as well as all of the conditions attaching to this restricted license. Said restricted license may be suspended or revoked for a violation by respondent of any such law, regulation or condition.
- c. Further, said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner as provided for by law, and said restricted license may be so suspended prior to hearing particularly in the event of respondent's conviction, including a conviction following a plea of nolo contendere, of any crime which bears a substantial relationship to respondent's fitness or capacity as a real estate licensee.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: FEB 26 1982



JEROME SCHWIMMER
Administrative Law Judge
Office of Administrative Hearings

JS:mh

Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE

FP FP

STATE OF CALIFORNIA

JAN-5 1982

DEPARTMENT OF REAL ESTATE

BY

In the Matter of the Application of)

HELEN NAOMI HARRIS)

Respondent)

No. H-21340 LA

L-25134

NOTICE OF HEARING ON APPLICATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at 314 West First Street, Los Angeles, California 90012 on the 25th day of February, 1982, at the hour of 11:00 a.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that no notice of defense has been filed by you, upon affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the agency action sought and if you are not present nor represented at the hearing, the agency 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.

Dated: January 5, 1982

cc: Helen Naomi Harris
Jodu, Inc.
Barbara Dohrmann
Sacto
OAH
TCD

REAL ESTATE COMMISSIONER

By

Attorney

Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

OCT 20 1981
DEPT. OF REAL ESTATE
Sacto

In the Matter of the Application of)
HELEN NAOMI HARRIS,)
Respondent .)

No. H-21340 LA
L-25134

NOTICE OF HEARING ON APPLICATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at 314 West First Street, Los Angeles, California 90012 on the 4th day of January, 1982, at the hour of 11:15 AM, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that no notice of defense has been filed by you, upon affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the agency action sought and if you are not present nor represented at the hearing, the agency 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.

Dated: October 20, 1981

cc: Helen Naomi Harris
Jodu, Inc.
Barbara Dohrmann
Sacto
OAH
TCD

DAVID H. FOX
REAL ESTATE COMMISSIONER

By Margorie P. Messel
Attorney

5 ACTO

MARJORIE P. MERSEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 620-4790

FILED

SEP -8 1981

DEPARTMENT OF REAL ESTATE
BY *Ch. Dessor*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of)
HELEN NAOMI HARRIS,)
Respondent.)

No. H-21340 LA
STATEMENT OF ISSUES

The Real Estate Commissioner, in conformity with Section 10152, Division 4, Business and Professions Code of the State of California, requires further proof of the honesty and truthfulness of HELEN NAOMI HARRIS in connection with her application for a real estate salesperson license filed on January 29, 1981, and in relation thereto will consider the following:

I

On or about January 28, 1977, in the Municipal Court of Palo Alto - Mountain View Judicial District, County of Santa Clara, State of California, respondent entered a guilty plea to and was convicted of the crime of violating Penal Code Section 484 (Petty Theft), a crime involving moral turpitude.

/

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

The crime of which respondent was convicted bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

III

Respondent's criminal conviction as alleged above is grounds for denying her application for a real estate license under Sections 480 and 10177 (b) of the Business and Professions Code of the State of California.

These proceedings are brought under the provision of Section 10100, Division 4 of the Business and Professions Code of the Government Code.

Dated at Los Angeles, California
this 8th day of September, 1981


DEPUTY REAL ESTATE COMMISSIONER

cc: Helen Naomi Harris
Jodu, inc.
Sacto
OAH
TCD