

FILED  
JUL 2 1986

DEPARTMENT OF REAL ESTATE  
*[Signature]*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Application of )	No. H-22502 LA
)	
DORIANNE MOSICH, )	L-37133
aka Dori Mosich, )	
)	
Respondent. )	
)	

DECISION AFTER RECONSIDERATION

On May 15, 1986, a Decision was rendered herein by the Real Estate Commissioner which denied the issuance of a real estate salesperson license to respondent. Said Decision is to become effective at 12 o'clock noon on July 3, 1986.

On May 29, 1986, respondent petitioned for reconsideration of said Decision of May 15, 1986.

I have considered the petition of respondent and have concluded that good cause has been presented for reconsideration of the Decision of May 15, 1986, for the limited purpose of determining whether the disciplinary action therein imposed should be reduced.

1        I have reconsidered said Decision and it is hereby  
2 ordered that the disciplinary action therein imposed against the  
3 real estate salesperson license of respondent be reduced by  
4 modifying the Order of said Decision of May 15, 1986, to read as  
5 follows:

6            1. The application of respondent DORIANNE MOSICH, aka  
7 Dori Mosich, for a real estate salesperson license is hereby  
8 denied.

9            2. A restricted real estate salesperson license shall  
10 be issued to respondent pursuant to Section 10156.5 of the  
11 Business and Professions Code if respondent makes application  
12 therefor and pays to the Department of Real Estate the appropriate  
13 fee for said license within 90 days from the effective date of  
14 the Decision herein.

15           3. The restricted license issued to respondent shall  
16 be subject to all the provisions of Section 10156.7 of the  
17 Business and Professions Code and to the following limitations,  
18 conditions and restrictions imposed under authority of Section  
19 10156.6 of said Code:

20            A. Said restricted license may be suspended prior  
21 to hearing by Order of the Real Estate Commissioner in the event  
22 of respondent's conviction or plea of nolo contendere to a crime  
23 which bears a significant relation to respondent's fitness or  
24 capacity as a real estate licensee.

25            B. Said restricted license may be suspended prior  
26 to hearing by Order of the Real Estate Commissioner on evidence  
27 satisfactory to the Commissioner that respondent has violated

1 provisions of the California Real Estate Law, the Subdivided Lands  
2 Law, Regulations of the Real Estate Commissioner or conditions  
3 attaching to this restricted license.

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

8 (1) That he/she has read the Decision  
9 of the Commissioner which granted  
10 the right to a restricted license;  
11 and

12 (2) That he/she will exercise close  
13 supervision over the performance  
14 by the restricted licensee of  
15 activities for which a real estate  
16 license is required.

17 As hereby modified and amended, the Decision of May 15,  
18 1986, shall become effective at 12 o'clock noon on July 3, 1986.

19 IT IS SO ORDERED 7-1, 1986.

20   
21 JAMES A. EDMONDS, JR.

22 Real Estate Commissioner  
23  
24  
25  
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27

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JUN-5 1986

DEPARTMENT OF REAL ESTATE  
*[Signature]*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	No. H-22502 LA
DORIANNE MOSICH, )	
aka Dori Mosich, )	L-37133
Respondent. )	

ORDER STAYING EFFECTIVE DATE

On May 8, 1986, a Decision was rendered in the above-entitled matter to become effective June 5, 1986.

IT IS HEREBY ORDERED that the effective date of the Decision of May 8, 1986, is stayed for a period of 28 days.

The Decision of May 8, 1986, shall become effective at 12 o'clock noon on July 3, 1986.

DATED: June 5, 1986.

JAMES A. EDMONDS, JR.  
Real Estate Commissioner

By:

*[Signature]*  
ROBERT ARNOLD  
Assistant Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE 16 1986

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
BY *R. M. Decker*

\* \* \*

In the Matter of the Application of )

DORIANNE MOSICH,  
aka Dori Mosich,

No. H-22502 LA

L-37133

Respondent. )

DECISION

The Proposed Decision dated May 8, 1986, 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. There is no statutory restriction on when application may again be made for this license. If and when application is again made for this license, all competent evidence of rehabilitation presented by 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 June 5, 1986.

IT IS SO ORDERED May 15, 1986.

JAMES A. EDMONDS, JR.  
Real Estate Commissioner

By:

*John R. Liberator*

JOHN R. LIBERATOR  
Chief Deputy Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the  
Application of:

DORIANNE MOSICH,  
aka Dori Mosich,

Respondent.

No. H-22502 LA

L-37133

PROPOSED DECISION

This matter came on regularly for hearing before John D. Wagner, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on April 18, 1986, at 1:30 p.m. Marilyn L. Mosher, Staff Counsel, represented the complainant. Respondent appeared in person and was represented by Sebastian Ernandes, Attorney at Law. Documentary and oral evidence was introduced, and the matter was submitted. The Administrative Law Judge finds the following facts:

I

A Deputy Real Estate Commissioner of the State of California, Frank E. Tarasko, filed the Statement of Issues herein in his official capacity to require further proof of respondent's honesty and truthfulness in connection with her application for a real estate salesperson license.

II

On October 25, 1985, respondent applied for her real estate salesperson license. A license was issued to her on December 6, 1985. On March 4, 1986, the Real Estate Commissioner suspended her license pursuant to Section 10177.1 of the Business and Professions Code.

III

On March 13, 1979, in the Municipal Court of Orange County Harbor Judicial District, County of Orange, State of

California, in a proceeding entitled, People vs. Mosich, No. M91435, respondent was convicted, on her plea of guilty, of a violation of Penal Code Section 485 (failure to return property) a crime involving moral turpitude which is substantially related to the qualifications, functions, or duties of a real estate licensee. Respondent was placed on summary probation for 2 years and paid a fine of \$150.00. The crime involved leaving a gasoline station without paying for gasoline received.

#### IV

On November 15, 1983, in the Municipal Court of South Bay Judicial District, County of Los Angeles, State of California, in a proceeding entitled, People vs. Mosich No. M267015, respondent was convicted, on her plea of guilty, of a violation of Penal Code Section 484a (petty theft) a crime involving moral turpitude which is substantially related to the qualifications, functions, or duties of a real estate licensee. Respondent paid a fine of \$250.00. The crime involved shoplifting.

#### V

On October 15, 1985, respondent signed an application for her real estate salesperson license, and certified that the answers and statements given in the application were "true and correct." Question No. 21 on respondent's application asked, "Have you ever been convicted of any violations of law?" Respondent checked "No" to said question. Respondent's failure to reveal the convictions set forth in Findings III and IV constitutes the procurement of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact.

#### VI

Respondent is 25 years old, unmarried, and living on her own. She has owned and operated an attorney service business in the past, and will soon receive an undergraduate degree. She is intelligent and aware of her actions.

Although charges were dropped at the time of her guilty pleas in 1979 and 1983, respondent's contention that she believed that all charges against her had been dismissed and that they never need be reported, is not credible.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Grounds exist for the denial of respondent's application for a real estate salesperson license pursuant to Sections 480(c) and 10177(a) of the Business and Professions Code of the State of California, by reason of the facts set forth in Finding V.

II

Grounds also exist for the denial of respondent's application for a license pursuant to Sections 480(a) and 10177(b) of said Code by reason of the facts set forth in Findings III and IV.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

*Modified-see  
Decision after  
Reconsider-  
ation*

The application of respondent Dorianne Mosich for a California real estate salesperson license is hereby denied. The Order, dated March 4, 1986, suspending respondent's license is hereby affirmed.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on April 18, 1986, at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: May 8, 1986

*John D. Wagner*

JOHN D. WAGNER  
Administrative Law Judge  
Office of Administrative Hearings

JDW:btm

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APR 10 1986

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
BY *R. Overholt*

In the Matter of the Application of  
DORIANNE MOSICH,  
Respondent

Case No. H-22502 LA  
L-37133

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 Office of Administrative Hearings  
314 West First Street, Los Angeles, CA 90012

on the 18th day of April, 1986, at the hour of 1:30 p.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 to be represented by 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.

DATED: April 9, 1986

cc: Dorianne Mosich  
Sacto.  
OAH  
OGG

JAMES A. EDMONDS, JR.  
DEPARTMENT OF REAL ESTATE

By *Spurlock* Counsel

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1000

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HAR-4 1986

DEPARTMENT OF REAL ESTATE  
BY R. Kiebert

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Application of ) No. H-22502 LA  
DORIANNE MOSICH )  
aka Dori Mosich, )  
Respondent. )

ORDER SUSPENDING REAL ESTATE LICENSE

TO: DORIANNE MOSICH, Respondent  
30629 Palos Verdes Drive East  
Rancho Palos Verdes, CA 90274

On October 25, 1985, the above-named respondent filed with the Department of Real Estate of the State of California (hereinafter referred to as the Department) an application for a real estate salesperson license. In response to a question in said application, to wit: "Have you ever been convicted of any violation of law? (Excluding non-moving traffic violations)", respondent answered "No".

On December 6, 1985, the Department issued a real estate salesperson license to respondent in reliance upon the aforesaid answer of respondent.

1 On March 4, 1986, in Case No. H-22502 LA, a Statement  
2 of Issues signed by a Deputy Real Estate Commissioner of the State  
3 of California was filed charging respondent with having procured  
4 a real estate license by fraud, misrepresentation or deceit and  
5 with knowingly having made a false statement of fact required to be  
6 revealed in the application for such license.

7  
8 NOW, THEREFORE, IT IS ORDERED under authority of Section  
9 10177.1 of the Business and Professions Code of the State of  
10 California that the real estate salesperson license heretofore  
11 issued to respondent and the exercise of any privileges thereunder  
12 are hereby suspended pending final determination made after a  
13 hearing on the aforesaid Statement of Issues, a copy of which is  
14 attached hereto.

15 IT IS FURTHER ORDERED that all license certificates and  
16 identification cards issued by the Department which are in the  
17 possession of respondent be immediately surrendered by personal  
18 delivery or by mailing in the enclosed self-addressed envelope to:

19 DEPARTMENT OF REAL ESTATE  
20 107 South Broadway, Room 8107  
Los Angeles, California 90012

21 This Order shall be effective immediately.

22 DATED: 3-4-86

23  
24   
25 JAMES A. EDMONDS, JR.  
26 Real Estate Commissioner  
27

FILED

MAR -4 1986

DEPARTMENT OF REAL ESTATE

BY *K. Medendorp*

1 MARILYN L. MOSHER, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, California 90012  
5 (213) 620-4790

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Application of ) No. H-22502 LA  
12 DORIANNE MOSICH )  
13 aka Dori Mosich, ) STATEMENT OF ISSUES  
14 Respondent. )

15 The Real Estate Commissioner, in conformity with Section  
16 10152, Division 4 of the Business and Professions Code of the  
17 State of California, requires further proof of the honesty and  
18 truthfulness of DORIANNE MOSICH aka Dori Mosich in connection with  
19 her application for a real estate salesperson license, filed on  
20 October 25, 1985, and, in relation thereto will consider the  
21 following:

22 I

23 DORIANNE MOSICH aka Dori Mosich, (hereinafter referred  
24 to as respondent), was issued a real estate salesperson license on  
25 or about December 6, 1985, following respondent's application  
26 therefor on or about October 25, 1985.

II

In response to Question 21 of said license application, to wit: "Have you ever been convicted of any violation of law? (Excluding non-moving traffic violations)", respondent marked the box denoting "No".

III

On or about March 13, 1979, in the Municipal Court of Orange County Harbor Judicial District, County of Orange, State of California, respondent was convicted on respondent's plea of guilty of violating Penal Code Section 485 (Theft; Appropriation of lost property with knowledge or means of inquiry as to the true owner), a crime involving moral turpitude.

IV

On or about November 15, 1983, in the Municipal Court of South Bay Judicial District, County of Los Angeles, State of California, respondent was convicted on respondent's plea of guilty of violating Penal Code Section 484a (Petty Theft), a crime involving moral turpitude.

V

The crimes of which respondent was convicted, as alleged in Paragraphs III & IV hereinabove, and which were not disclosed by respondent in her license application, bear a substantial relationship to the qualifications, functions, or duties of a real estate licensee.

VI

Respondent's failure to reveal the convictions against her as set forth in Paragraphs III & IV above, in said application

1 constitutes the procurement of a real estate license by fraud,  
2 misrepresentation or deceit, or by making a material misstatement  
3 of fact in said application, which failure is cause for denial of  
4 respondent's application for a real estate license under Sections  
5 480(c) and 10177(a) of the Business and Professions Code of the  
6 State of California.

7 VII

8 Respondent's criminal convictions, as alleged in  
9 Paragraphs III & IV above, warrant denial of respondent's  
10 application for a real estate license under Sections 480(a) and  
11 10177(b) of the Business and Professions Code of the State of  
12 California.

13  
14 These proceedings are brought under the provisions of  
15 Section 10100, Division 4, of the Business and Professions Code  
16 of the State of California and Sections 11500 through 11528 of the  
17 Government Code.

18 Dated at Los Angeles, California  
19 this 4th day of March, 1986.

20  
21   
22 Deputy Real Estate Commissioner

23  
24  
25 cc: Dorianne Mosich  
26 The Taylor Co., Realtors  
27 Sacto.  
OGG