

SEP 15 1989

BEFORE THE DEPARTMENT OF REAL ESTATE, STATE OF CALIFORNIA
Janis B. Chona

* * *

In the Matter of the Accusation of)
SIRIWAN CILLI,)
Respondent.)

NO. H-23629 LA
L-46213

DECISION

The Proposed Decision dated August 10, 1989, 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 with the following exception:

Condition "F" of the Order of the Proposed Decision is not adopted and shall not be part of the Decision.

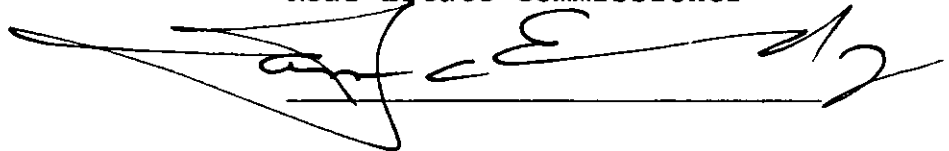
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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.

This Decision shall become effective at 12 o'clock noon on October 5, 1989.

IT IS SO ORDERED 9-5, 1989.

JAMES A. EDMONDS, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation))	
of:)	No. H-23629 LA
)	
SIRIWAN CILLI,)	
)	L-46213
)	
)	
Respondent.)	
_____)	

PROPOSED DECISION

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on July 31, 1989, at 9:00 a.m. James R. Peel, Counsel, represented the complainant. The respondent appeared in person and was represented by Alan H. Yahr, Attorney at Law. Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

The Complainant, Steven J. Ellis, is a Deputy Real Estate Commissioner of the State of California and filed the accusation in his official capacity.

II

Siriwan Cilli (hereinafter referred to as respondent) is presently licensed and/or has license rights as a real estate salesperson subject to Section 10153.4(c) of the Business and Professions Code (hereinafter Code).

III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson.

IV

On July 6, 1988, in the Municipal Court of Los Angeles, San Fernando Judicial District, County of Los Angeles, State of California, in criminal case no. 88 F06030 respondent was convicted of the crime of violating Penal Code Section 484 (petty theft), a crime involving moral turpitude.

Pursuant to said conviction respondent was granted summary probation for a period of one year on terms and conditions not specifically noted in the record of conviction in evidence. However respondent testified that she was ordered to pay a fine of approximately \$450.00 and to make restitution to Mervyn's Department Store in the sum of approximately \$150.00, all of which has been done.

V

The facts underlying the conviction are that the respondent entered a Mervyn's Department Store, placed a number of children's clothes in a bag and left the store without paying therefor. She was apprehended upon leaving the store. The value of the items taken was approximately \$150.00.

In mitigation for her conduct, respondent asserts that she was extremely upset and without funds. Her husband had earlier refused to give her funds to purchase family groceries and baby food for their two children, ages 2 and 3. Respondent has no explanation for the theft except as noted above.

Currently, respondent is separated from her husband and intends to obtain a divorce. She is the sole support of her two children. Respondent is 24 years of age. She is employed as a real estate salesperson and is engaged in the sale of residential dwellings. She has been employed at the same brokerage for the past year. She has no criminal record other than set forth hereinabove.

* * * * *

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

1. Cause exists to suspend or revoke the license of the respondent pursuant to Business and Professions Code Sections 490 and 10177(b).

2. Taking into account the underlying circumstances of respondent's criminal conviction, the crime of which respondent was convicted bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

3. It would not be incompatible with the protection of the consuming public to enter an order as hereinbelow made.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate salesperson's license and license rights held by the respondent Siriwan Cilli are hereby revoked; provided, however, a restricted real estate salesperson's license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license not less than 30 or more than 120 days from the effective date of the Decision herein.

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 authority of Section 10156.6 of said Code:

A. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions attaching to this restricted license.

B. 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 of a restricted license until two (2) years have elapsed from the date of issuance of the restricted license to respondent.

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

- a. That he has read the Decision of the Commissioner which granted the right to a restricted license; and
- b. That he will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

D. Respondent's employment with a real estate broker or new employing broker shall be subject to the written approval of the Department of Real Estate.

E. Respondent shall within eighteen (18) months of the issuance of respondent's original real estate salesperson license, under the provisions of Section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after the issuance of respondent's original real estate salesperson license. Said suspension shall not be lifted until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the respondent of lifting of the suspension.

not adopted { F. Respondent shall, within six months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination.

DATED: 10 August '99


RONALD M. GRUEN
Administrative Law Judge
Office of Administrative Hearings

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

APR 27 1989

DEPARTMENT OF REAL ESTATE
BY James R. Peel

In the Matter of the Accusation of

SIRIWAN CILLI,

Case No. H-23629 LA

OAH No. _____

Respondent(s)

NOTICE OF HEARING ON ACCUSATION

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 31ST day of JULY, 19 89, at the hour of 9:00 A.M., or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation 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 upon any express admissions, or other evidence including affidavits, without any notice to you.

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. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

Dated: April 27, 1989

DEPARTMENT OF REAL ESTATE

By

James R. Peel
Counsel

cc: Siriwan Cilli
Alan H. Yahr
Ronald Chobania
Sacto.

OAH

RE 501 (Rev. 7/87)

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1 JAMES R. PEEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, CA 90012
5 (213) 620-4790

MAR -2 1989

DEPARTMENT OF REAL ESTATE

BY James B. Orme

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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11 In the Matter of the Accusation of) NO. H-23629 LA
12 SIRIWAN CILLI,)
13)
14)
15 Respondent.)
16 _____)

17 The Complainant, Steven J. Ellis, a Deputy Real Estate
18 Commissioner of the State of California, for cause of accusation
19 against SIRIWAN CILLI, alleges as follows:

20 I

21 The Complainant, Steven J. Ellis, a Deputy Real Estate
22 Commissioner of the State of California, makes this accusation in
23 his official capacity.

24 II

25 SIRIWAN CILLI (hereinafter referred to as respondent)
26 is presently licensed and/or has license rights as a real estate
27 salesperson subject to Section 10153.4(c) of the Business and

1 Professions Code (hereinafter Code).

2 III

3 At all times herein mentioned, respondent was licensed
4 by the Department of Real Estate of the State of California as a
5 real estate salesperson.

6 IV

7 On or about July 6, 1988, in the Municipal Court of Los
8 Angeles, San Fernando Judicial District, County of Los Angeles,
9 State of California, respondent was convicted of the crime of
10 violating Penal Code Section 484 (petty theft), a crime of
11 involving moral turpitude.

12 V

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

16 VI

17 Respondent's criminal conviction is cause under Sections
18 490 and 10177(b) of the Business and Professions Code for
19 suspension or revocation of all licenses and license rights of
20 respondent under the Real Estate Law.

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1 WHEREFORE, complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against all
4 licenses and license rights of respondent SIRIWAN CILLI under
5 the Real Estate Law (Part 1 of Division 4 of the Business and
6 Professions Code) and for such other and further relief as may be
7 proper under other applicable provisions of law.
8 Dated at Los Angeles, California
9 this 2nd day of March, 1989.

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14 Deputy Real Estate Commissioner
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bo
cc: Siriwan Cilli
Ronald Chobanian
Sacto.
JO