

*Suits
H. King*

FILED

JUN 23 1992

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY *Clark Wallace*

* * * *

In the Matter of the Accusation of)	No. H- 24932 LA
)	
)	L- 56126
NORMAN LEROY NELSON,)	
)	
)	
)	
Respondent.)	

DECISION

The Proposed Decision dated May 27, 1992 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 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 July 14, 1992.

IT IS SO ORDERED 6/13/92

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
)	No. H-24932 LA
NORMAN LEROY NELSON,)	No. L-56126
)	
)	
Respondent.)	
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PROPOSED DECISION

This matter was tried before Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on April 28, 1992. Complainant was represented at trial by Marjorie P. Mersel, Staff Counsel. Respondent was present throughout the trial and represented himself.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Accusation was made by Steven J. Ellis solely in his official capacity as Deputy Real Estate Commissioner of the State of California.

2. On June 27, 1977, the Department of Real Estate, State of California (hereafter Department), issued real estate salesperson's license no. 00597305 to Norman Leroy Nelson (hereafter respondent). Said license is in full force and effect.

3. A. On April 16, 1991, in the Municipal Court of the Long Beach Judicial District, Los Angeles County, California, respondent pleaded guilty to, and was convicted of, violating Penal Code Section 148.9(a) (giving false identification to a peace officer), a crime involving moral turpitude per se.

B. Respondent was sentenced to serve four days in the county jail, and to receive credit for time served in custody.

C. Said crime is, as a matter of law, substantially related to the duties, qualifications or functions of a real estate salesperson.

4. The facts and circumstances underlying respondent's conviction are, as follows: On or about April 13, 1991, respondent was selling T-shirts at the Long Beach Grand Prix. Respondent intentionally failed to obtain a street vendor's business license, and deliberately obtained a false identification to present in the event that he was cited for selling T-shirts without a license. In fact, respondent was approached by a peace officer who asked him for identification and, in response, respondent intentionally, to avoid lawful arrest, showed the false identification to the peace officer. Upon being confronted by the peace officer regarding his true identity respondent later admitted who he was.

5. Respondent served four days in the county jail and also performed community service. Respondent candidly admits his wrongdoing, and is apologetic about, and embarrassed by, his conduct.

6. In April 1991, respondent and his wife were separated and in the midst of getting a divorce, after having been married for twenty years. During this period, respondent battered his wife, resulting in a court requirement that respondent be treated by a psychiatrist. Respondent also had serious financial problems in meeting his mortgage and familial obligations, and was selling T-shirts to earn extra money.

7. In 1975, respondent received a Masters Degree in comprehensive health planning from the University of California at Los Angeles. For the past seven years, respondent has been an administrator at one of the Cigna Health Care clinics.

8. Respondent and his wife are divorced, and respondent is now the custodial parent of his four children, ages 18, 16, 13, and 10. Respondent's wife has recently left California.

9. Respondent has no employing broker and has not acted as a real estate salesperson since 1979 or 1980. However, he would like to be able to act as a real estate agent in the event that his position in the health care industry is adversely affected by the recession, as he fears.

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Pursuant to the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

CONCLUSIONS OF LAW

1. Grounds exist to revoke or suspend respondent's license to act as a real estate salesperson pursuant to Business and Professions Code Sections 10177(b) and 490 in that respondent was convicted of a crime involving moral turpitude, which is substantially related to the duties, qualifications or functions of a real estate salesperson, based on Findings 3 and 4 above.

2. Respondent is not yet rehabilitated from his conviction because it occurred quite recently. However, respondent was not placed on probation for his crime and has complied with all the terms of his sentence. In addition, respondent seems to be progressing from the chaos surrounding his marital dissolution; he continues in psychotherapy.

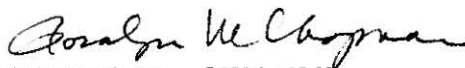
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WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

Real estate salesperson's license no. 00597305 issued to Norman Leroy Nelson is hereby suspended for six (6) months.

Dated: May 27, 1992


ROSALYN M. CHAPMAN
Administrative Law Judge
Office of Administrative Hearings

RMC:lf