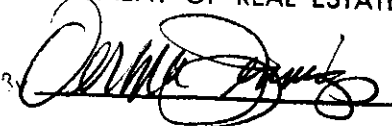


SACTO.
Flag

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

FILED
APR 26 2006
DEPARTMENT OF REAL ESTATE


BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26637 LA
MARGO ELAINE COOPER,)
Respondent.)

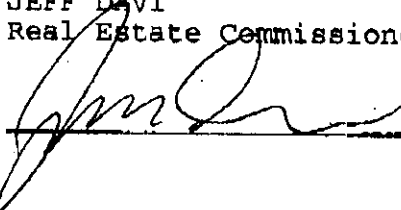
ORDER DENYING RECONSIDERATION

On February 9, 2006, an Order Denying Reinstatement of License was signed in the above-entitled matter. Said Order was to become effective on March 28, 2006 and was stayed by separate Order to April 27, 2006.

On April 7, 2006, Respondent petitioned for reconsideration of the Order of February 9, 2006.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Order of February 9, 2006, and reconsideration is hereby denied.

IT IS SO ORDERED 4-25-06

JEFF DAVI
Real Estate Commissioner


SALTO.
FLAY

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

FILED
MAR 22 2006
DEPARTMENT OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-26637 LA
)	
MARGO ELAINE COOPER,)	<u>ORDER STAYING</u>
)	
Respondent.)	<u>EFFECTIVE DATE</u>
)	

On February 9, 2006, an Order Denying Reinstatement of License was rendered in the above-entitled matter to become effective March 28, 2006.

IT IS HEREBY ORDERED that the effective date of the Order Denying Reinstatement of License of February 9, 2006 is stayed for a period of 30 days.

The Order Denying Reinstatement of License of February 9, 2006 shall become effective at 12 o'clock noon on April 27, 2006.

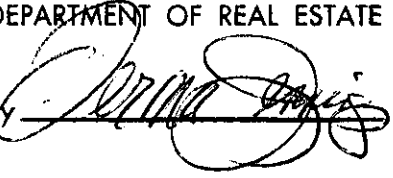
DATED: March 17, 2006.

JEFF DAVI
Real Estate Commissioner

By: Dolores Weeks
DOLORES WEEKS
Regional Manager

Sect 10
Play

FILED
MAR - 8 2006
DEPARTMENT OF REAL ESTATE

By 

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

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26637 LA
)
MARGO ELAINE COOPER,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On October 3, 1996, a Decision was rendered herein
revoking Respondent's 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 October 29,
1996.

On or about December 20, 2004, Respondent petitioned
for reinstatement of said license and the Attorney General
of the State of California has been given notice of the
filing of the petition.

///

1 I have considered Respondent's petition and
2 the evidence and arguments in support thereof. Respondent
3 has failed to demonstrate to my satisfaction that Respondent
4 has undergone sufficient rehabilitation to warrant the
5 reinstatement of Respondent's real estate salesperson license,
6 in that:
7

8 I

9 In the Decision which revoked the real estate license
10 of Respondent there was a Determination of Issues made that
11 there was cause to revoke Respondent's real estate license
12 pursuant to Business and Professions Code ("Code") Sections 490
13 and 10177(b), due to a criminal conviction.
14

15 On May 4, 1995, Respondent was convicted of violating
16 Welfare and Institutions Code Section 10980(c)(2) (welfare food
17 stamp fraud), a crime involving moral turpitude which is
18 substantially related to the qualifications, functions and
19 duties of a real estate licensee.

20 II

21 On October 28, 1997, an Accusation was filed against
22 Respondent in Department of Real Estate ("Department") case
23 number H-27395 LA, pursuant to Code Section 10177(k).
24 Respondent failed to submit proof that she had taken the
25 required continuing education courses, which was a condition of
26 the restricted license issued to her in Department Case number
27 H-26637 LA.

///

1 On December 5, 1997, an Order Suspending Restricted
2 Real Estate License was filed. Respondent's license was
3 suspended for failure to comply with said condition.

4 On January 26, 1998, an Order Vacating Suspension and
5 Dismissing Accusation was filed, after Respondent complied with
6 said condition.

7 III

8 In response to question No. 4 of the Petition
9 Application, to wit: "Have you ever been a defendant in any
10 civil court litigation, including small claims court?",
11 Respondent failed to disclose the following four (4) civil
12 actions in the San Bernardino courts. In case number
13 SCISS 81513, a judgment for \$1,353.35 was entered against
14 Respondent on September 10, 2001. In case number SCISS 91577,
15 a judgment for \$ 477.69 was entered against Respondent on June
16 19, 2002. In case SCISS 60938, a judgment for \$13,920.11 was
17 entered against Respondent on May 24, 2000. Case number SCVSS
18 115344, is currently pending against Respondent.
19

20 IV

21 In response to question No. 4A of the Petition
22 Application, to wit: "Do you have any past due debts,
23 outstanding judgments, or have you filed bankruptcy? If yes,
24 explain...", Respondent checked the box denoting "Yes", but
25 failed to explain.
26

27 ///

///

1
2 The burden of proving rehabilitation rests with the
3 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).

4 A petitioner is required to show greater proof of honesty and
5 integrity than an applicant for first time licensure. The proof
6 must be sufficient to overcome the prior adverse judgment on the
7 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
8 395).

9 The Department has developed criteria in Title 10,
10 Chapter 6, California Code of Regulations ("Regulation") 2911
11 to assist in evaluating the rehabilitation of an applicant for
12 reinstatement of a license. Among the criteria relevant in this
13 proceeding are:

14 2911(j) - Discharge of, or bona fide efforts toward
15 discharging adjudicated debts or monetary obligations.

16 Respondent stated that she owes approximately \$22,000 in back
17 taxes to the Internal Revenue Service. Respondent has filed
18 four (4) bankruptcies since her license was disciplined. One
19 of the judgments discharged a civil judgment against Respondent
20 in the amount of \$ 13,920.11, for failure to pay a car loan.

21 2911(l) - Significant or conscientious involvement
22 in community, church, or social programs. Respondent has not
23 provided proof of such involvement.

24 2911 (n) (1) - Change in attitude from that which
25 existed at the time of the conduct in question as evidenced
26 by the testimony of Respondent. Respondent has not evidenced
27 such change by her failure to disclose information on her

1 Petition Application, as discussed in Paragraphs III and IV,
2 above.

3 These were material misstatements. The failure
4 to disclose relevant information in the Petition Application
5 prevents or hinders a full investigation into the extent of
6 rehabilitation. Information regarding civil actions and past
7 due debts reflect on Respondent's business practices and
8 qualifications for a real estate license. A failure to
9 disclose material facts shows a lack of candor and diligence
10 expected of a licensee, is a dishonest act and is additional
11 cause pursuant to Code Section 10177(a) to deny Respondent's
12 petition application.

13 2911 (n)(2) - Change in attitude from that which
14 existed at the time of the conduct in question as evidenced
15 by others. Respondent has not submitted such evidence.

16 Given the fact that Respondent has not established
17 that Respondent has complied with Regulations 2911(j), 2911(l),
18 2911(n)(1) and 2911(n)(2) and is in violation of Code Section
19 10177(a), I am not satisfied that Respondent is sufficiently
20 rehabilitated to receive an unrestricted real estate
21 salesperson license.
22

23 ///

24 ///,

25 ///

26 ///

27 ///

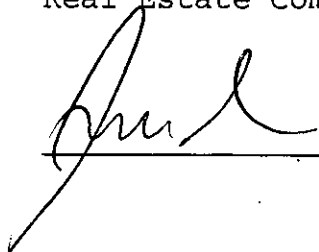
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

NOW, THEREFORE, IT IS ORDERED that Respondent's
petition for reinstatement of Respondent's salesperson license
is denied.

This Order shall become effective at 12 o'clock noon
on March 28, 2006.

DATED: 2-9-06

JEFF DAVI
Real Estate Commissioner



cc: Margo E. Cooper
7144 Ohio River Drive
Mira Loma, CA 91752

FILED
OCT - 9 1996
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By K. Muehle

* * * * *

In the Matter of the Accusation of)	No. H-26637 LA
)	
MARGO ELAINE COOPER,)	L-9606154
)	
Respondent.)	
)	

DECISION

The Proposed Decision dated September 20, 1996, 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 October 29, 1996.

IT IS SO ORDERED 10-3-96

JIM ANTT, JR.
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
)	No. H-26637 LA
)	
MARGO ELAINE COOPER,)	L-9606154
)	
)	
Respondent.)	
<hr/>		

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 September 13, 1996, at 9:00 a.m. The matter was originally scheduled for hearing at 1:30 p.m. but was advanced to 9:00 a.m. at the request of the parties.

The complainant was represented by Marjorie P. Mersel, Staff Counsel. Respondent was present and represented herself.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge now finds the following facts:

I

The Complainant, Thomas McCrady, filed the accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1, of Division 4 of the Business and Professions Code) (Code). At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California, as a real estate salesperson.

III

On May 4, 1995, in the Superior and Municipal Court of San Bernardino, respondent was convicted of the crime of violating Welfare and Institutions Code Section 10980(c)(2), (Welfare Food Stamp Fraud).

Pursuant to said conviction, respondent was placed on probation for a period of three years on various terms and conditions including ten days in the County Jail, payment of restitution to the Department of Social Services in the amount of \$8,429.00 and contributing 400 hours of community service. Respondent has complied with all terms and conditions of probation with the exception of community service time which she has not completed.

The facts and circumstances underlying the respondent's conviction are that in 1992, respondent separated from her husband and a bitter divorce ensued. The couple had 2 young sons both of whom remained in the custody of the respondent. Respondent's husband was either unwilling or unable to pay child support to the respondent and the respondent although a licensed salesperson, was unable to work because of the divorce battle. She had no income to support herself or her children and applied for welfare benefits in July 1992. In November of 1992, respondent received a commission check from her employer in the amount of \$2,200.00. According to the respondent this was for services she had previously rendered as a real estate salesperson. Respondent failed to report this income to her social worker. Respondent was subsequently prosecuted and the herein conviction followed.

IV

Respondent is contrite and fully recognizes the wrongdoing leading to her criminal conviction. She admits to having used bad judgment although she was under great stress at the time because of her divorce and difficult financial constraints. She has learned a sobering lesson and it is highly unlikely that there will be a recurrence of criminal conduct in the future.

Respondent is currently remarried. Between respondent and her new partner they are self supporting. Respondent continues to be employed as a real estate salesperson for Century 21 Realty, as she has been for the past eight years.

* * * * *

DETERMINATION OF ISSUES

I

Grounds exist under Business and Professions Code Sections 490 and 10177(b) to discipline the license of the respondent for conviction of a crime involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee.

II

Issuance of a properly conditioned restricted license would not be incompatible with the protection of the public welfare.

* * * * *

ORDER

All licenses and licensing rights of respondent Margo Elaine Cooper under the Real Estate Law are revoked; provided, however, 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 application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. 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 that Code:

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to respondent 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 attaching to the restricted license, or the terms and conditions of probation in criminal case no. FSB 05408.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until 2 years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: _____

20 September '96



RONALD M. GRUEN
Administrative Law Judge
Office of Administrative Hearings

RMG:btm

*Sacks
Jury*

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

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

(213) 897-3937

FILED
MAY 23 1996
DEPARTMENT OF REAL ESTATE

By K. W. [Signature]

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26637 LA
MARGO ELAINE COOPER,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MARGO ELAINE COOPER, aka Margo Swan (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter the "Code"). At all times herein mentioned, Respondent was licensed by the Department

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

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of Respondent MARGO ELAINE COOPER, aka Margo Swan, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California
this 23rd day of May, 1996.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Margo Elaine Cooper.
Sacto.
DKB