

FILED
JUL 11 1997
DEPARTMENT OF REAL ESTATE

B

No. H-26914 LA

L-9701246

Respondent.)

John Lund

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)	
)	No. H-26914 LA
)	
VICKEY ANITA KNOWLES,)	OAH: L-9701246
)	
Respondent.)	
_____)	

REVISED PROPOSED DECISION

This matter came on regularly for hearing before Leslie H. Greenfield, Administrative Law Judge, Office of Administrative Hearings, on May 21, 1997 at Los Angeles, California.

V. Ahda Sands, Real Estate Counsel, represented the complainant Department of Real Estate. Respondent was present throughout the hearing and represented herself

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

1. Thomas McCrady, Deputy Real Estate Commissioner, Department of Real Estate, filed the Statement of Issues in his official capacity.

2. On September 8, 1995, respondent filed an application with the Department for a license to act as a real estate salesperson. Said application is presently pending.

3. A. On January 4, 1994, in the Municipal Court, Los Angeles Judicial District,, County of Los Angeles, respondent was convicted, on her plea of no contest, of violating Penal Code section 484(e)(3) (use of someone else's credit card), a misdemeanor involving moral turpitude and substantially related to the duties, qualifications or functions of a real estate licensee.

B. Imposition of sentence was suspended and respondent was placed on summary probation for 24 months on certain terms and conditions including 120 hours of community service.

C. The facts and circumstances surrounding the conviction were that respondent used the credit card of another to attempt to purchase goods for her children.

5. Respondent is 30 years of age and has been a resident of Los Angeles all of her life. She is the single parent of two minor children.

6. Respondent had been employed on a full time basis by a Mortgage company as a loan processor for the last year and needs a license to be eligible for more responsible positions with her employer.

7. Respondent has no prior record of convictions or discipline. This conviction appears to be an aberration and out of character for her.

8. Respondent's probation has terminated and she has completed her Community Service. Respondent's conviction has been expunged pursuant to Penal Code Section 1203.4.

9. Respondent candidly and forthrightly acknowledges her actions and understands their seriousness and expresses great remorse over her conduct.

10. It is reported that respondent is a person of good moral character who is very active in her church and an individual of high integrity.

* * * * *

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

1. Grounds exist to deny respondent's application for a real estate salesperson's license pursuant to Business and Professions Code Sections 480(a) and 10177(b), based on Finding 4.

2. Due consideration has been given to all competent evidence of rehabilitation and mitigation; the Board's guidelines; the events giving rise to the Statement of Issues; the seriousness of the event itself; and respondent's conduct before and since the event. However, based on Findings 5-10 above, the public interest would not be adversely affected by the issuance to respondent of a properly conditioned restricted license.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of respondent for an unrestricted real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156 of the Business and Professions Code.

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

2. 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 attaching to the restricted license until one year has elapsed from the date of issuance of the restricted license to respondent.

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

4. Respondent shall, within eighteen (18) months of the issuance of respondent's restricted 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 conditional license shall be automatically suspended effective eighteen (18) months after issuance of respondent's original real estate 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.

5. Pursuant to section 10154, if respondent has not satisfied the requirements for an unqualified license under section 10153.4, respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to section 10153.4 until four years after the date of the issuance of the preceding restricted license.

Issued: May 27, 1997

Revised: June 12, 1997



Leslie H. Greenfield
Administrative Law Judge
Office of Administrative Hearings

LHG:me

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
FEB - 7 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of) Case No. H-26914
VICKEY ANITA KNOWLES,) OAH No. L-9701246
Respondent.)

By Sandra B. Drake

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

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, California, on MAY 21, 1997, at the hour of 10:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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.

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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

Dated: FEB - 7 1997

DEPARTMENT OF REAL ESTATE

By: V. Ahda Sands

V. AHDA SANDS, Counsel

cc: Vickey Anita Knowles
Vivian Morgan McCurry
Sacto.
OAH

RE 501 (Mac 8/92lbo)

1 V. AHDA SANDS, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

FILED
NOV 14 1996
DEPARTMENT OF REAL ESTATE

By Laura B. Arnes

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H- 26914 LA
12 VICKEY ANITA KNOWLES,) STATEMENT OF ISSUES
13 Respondent.)
14 _____)

15 The Complainant, Thomas Mc Crady, acting in his official
16 capacity as a Deputy Real Estate Commissioner of the State of
17 California, for Statement of Issues against VICKEY ANITA KNOWLES
18 (respondent) is informed and alleges as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about September 8, 1995.

23 II

24 On or about January 4, 1994, in the Municipal Court of
25 California, Los Angeles Judicial District, County of Los Angeles,
26 respondent was convicted upon a plea of no contest of violating
27 one count of Section 484(e) of the California Penal Code (use of

1 someone else's credit card), a misdemeanor crime which involves
2 moral turpitude and is substantially related to the
3 qualifications, functions or duties of a real estate licensee.

4 III

5 The crime of which respondent was convicted, as alleged
6 above, constitutes cause for denial of her application for a real
7 estate license under Sections 480(a) and 10177(b) of the
8 California Business and Professions Code.

9 IV

10 These proceedings are brought under the provisions of
11 Section 10100, Division 4 of the Business and Professions Code of
12 the State of California and Sections 11500 through 11528 of the
13 Government Code.

14 WHEREFORE, the Complainant prays that the above-entitled
15 matter be set for hearing and, upon proof of the charges contained
16 herein, that the Commissioner refuse to authorize the issuance of,
17 and deny the issuance of a real estate salesperson license to
18 respondent, and for such other and further relief as may be proper
19 in the premises.

20 Dated at Los Angeles, California
21 this 14th day of November, 1996.

22 THOMAS McCRADY

23 Deputy Real Estate Commissioner

24
25
26 cc: Vickey Anita Knowles
27 Vivian Morgan Mc Curry
Sacto.
JDF
VAS