

FILED  
NOV 22 2000

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-26944 LA  
KATHY M. USSERY )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 17, 1997, a Decision and Order was rendered herein revoking the real estate salesperson license of Respondent, KATHY M. USSERY (hereinafter "Respondent"), effective August 26, 1997, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent on August 26, 1997.

On June 16, 2000, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.



1 I have considered Respondent's petition and the  
2 evidence and arguments in support thereof. Respondent has  
3 demonstrated to my satisfaction that grounds do not  
4 presently exist to deny the issuance of an unrestricted real  
5 estate salesperson license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's  
7 petition for reinstatement is granted and that an  
8 unrestricted real estate salesperson license be issued to  
9 Respondent, KATHY M. USSERY, after Respondent satisfies the  
10 following conditions within six months from the date of this  
11 Order:

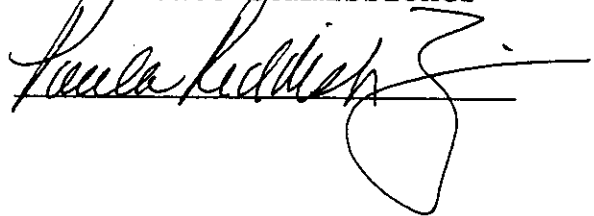
12 1. Submittal of a completed application and  
13 payment of the fee for a real estate salesperson license.

14 2. Submittal of evidence satisfactory to the Real  
15 Estate Commissioner that Respondent has, since her license  
16 was revoked, taken and successfully completed the continuing  
17 education requirements of Article 2.5 of Chapter 3 of the  
18 Real Estate Law for renewal of a real estate license.

19  
20 This Order shall become effective immediately.

21 DATED: November 20, 2000


22 PAULA REDDISH ZINNEMANN  
23 Real Estate Commissioner  
24  
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FILED  
AUG -6 1997

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By 

\* \* \* \* \*

In the Matter of the Accusation of )  
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 )  
 KATHY M. USSERY, )  
 )  
 )  
 Respondent. )  
\_\_\_\_\_ )

No. H-26944 LA  
L-9701245

DECISION

The Proposed Decision dated July 2, 1997, 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.

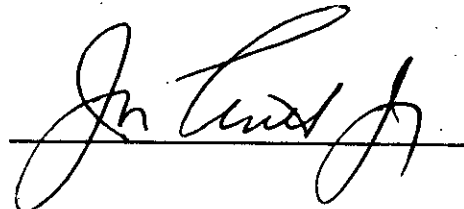
The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on August 26, 1997.

IT IS SO ORDERED

7/17/97

JIM ANTT, JR.  
Real Estate Commissioner



**In the Matter of the Accusation  
of:**

**Respondent.**

**L-9701245**

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III

On or about August 22, 1995, in the Bakersfield Municipal Court, Bakersfield Judicial District, Kern County, California, respondent was convicted of a violation of Section 20 of the Vehicle Code, to wit: using false information to obtain a California identification card, a crime that involves moral turpitude, and is substantially related to the qualifications, functions and duties of a real estate licensee.

IV

Respondent testified in her own behalf and established the following facts:

1. In filing with the Department of Motor Vehicles for a California identification card, she intentionally failed to disclose that she held a driver's license under her married name.

2. The reason she failed to disclose this fact, was that she was having marital difficulties and wanted to be known by her maiden name.

3. To date, she has not engaged in any licensed activity, although she has helped others secure homes, without financial reward.

4. She has kept informed of real estate law and procedure, with a long-term desire to become a broker.

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

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Cause for disciplinary action exists against respondent pursuant to Sections 490 and 10177(b) of the Business and Professions Code.

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No public purpose would be adversely affected by issuing respondent a restricted license.

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WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent Kathy M. Ussery 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 or conditions attaching to the restricted license.
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 one year has 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.

6. Respondent shall comply with all the laws of the United States and the State of California and the political subdivisions thereof; with all other laws to which he is subject and with the rules and regulations of the Real Estate Commissioner of the State of California.

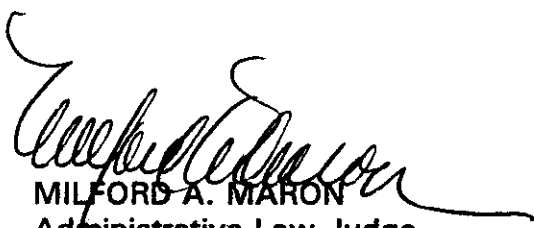
7. Respondent shall within eighteen (18) months of the issuance of respondent's original real estate salesperson's license, under the provisions of Section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, 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's license. Said suspension shall not be vacated until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the respondent of the vacation of the suspension.

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Said conditions shall apply to any and all licenses of any class  
hereafter issued to respondent.

DATED: July 2, 1997

  
MILFORD A. MARON  
Administrative Law Judge  
Office of Administrative Hearings

MAM:btm



*Sacto May*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
MAY 16 1997  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of ) Case No. H-26944 LA  
KATHY M. USSERY, ) OAH No. L-9701245  
By *Laura B. Oron*  
Respondent. )

**AMENDED 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 JUNE 17, 1997 at the hour of 9:00 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: **MAY 16 1997**

DEPARTMENT OF REAL ESTATE

By: *V. Ahda Sands*

V. AHDA SANDS, Counsel

cc: Kathy M. Ussery  
Sacto.  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
FEB - 7 1997  
DEPARTMENT OF REAL ESTATE

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In the Matter of the Accusation of ) Case No. H-26944 LA  
KATHY M. USSERY, ) OAH No. L-9701245 By *Sandra B. Davis*  
Respondent. )

**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 11:00 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: Kathy M. Ussery  
Sacto.  
OAH

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 22 1996  
DEPARTMENT OF REAL ESTATE

By Laura B. Drome

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of ) No. H-26944  
12 KATHY M. USSERY, )  
13 )  
14 Respondent. )  
\_\_\_\_\_ )

15 The Complainant, Thomas Mc Crady, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against KATHY M. USSERY (Respondent), alleges as follows:

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19 Respondent is presently licensed and/or has license  
20 rights under the Real Estate Law (Part 1 of Division 4 of the  
21 California Business and Professions Code) (Code) as a real estate  
22 salesperson subject to Section 10153.4 of the Code.

23 2

24 The Complainant, Thomas Mc Crady, acting in his official  
25 capacity as a Deputy Real Estate Commissioner of the State of  
26 California, makes this Accusation against Respondent.

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Respondent was originally licensed by the Department of Real Estate of the State of California (Department) as a real estate salesperson on April 11, 1995.

On or about August 22, 1995, in the Bakersfield Municipal Court, Bakersfield Judicial District, Kern County, Respondent was convicted upon a nolo contendere plea to violation of one count of Section 20 of the California Vehicle Code, (using false information to obtain California identification ) a crime that involves moral turpitude, and is substantially related under Section 2910, Title 10, Chapter 6, of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

In aggravation, Respondent was sentenced to two years probation. Respondent's current probation status will not end until August 22, 1997.

The facts as alleged above constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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 the  
4 license and license rights of Respondent KATHY M. USSERY, under  
5 the Real Estate Law and for such other and further relief as may be  
6 proper under other applicable provisions of law.

7 Dated at Los Angeles, California  
8 this 22nd day of November, 1996.

9  
10 THOMAS McCRADY

11 Deputy Real Estate Commissioner  
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22 cc: Kathy M. Ussery  
23 Sacto.  
24 RW  
25 VAS  
26  
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