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**FILED**  
JUL 21 2003  
DEPARTMENT OF REAL ESTATE

*Lana B. Allen*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of ) NO. H-26945 LA  
BETTY E. DURAN, )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 16, 1997, a Decision was rendered herein  
revoking the real estate salesperson license of Respondent  
BETTY E. DURAN, aka Betty E. Rodriguez, but granting Respondent  
the right to apply for and be issued a restricted real estate  
salesperson license. A restricted real estate salesperson  
license was issued to Respondent on or about November 26, 1997  
and Respondent has operated as a restricted licensee without  
cause for disciplinary action against Respondent since that  
time.

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3 On April 3, 2002, Respondent petitioned for  
4 reinstatement of said real estate salesperson license and  
5 the Attorney General of the State of California has been  
6 given notice of the filing of said petition.

7 I have considered the petition of Respondent and  
8 the evidence and arguments in support thereof including  
9 Respondent's record as a restricted licensee. Respondent  
10 has demonstrated to my satisfaction that Respondent meets  
11 the requirements of law for the issuance to Respondent of  
12 an unrestricted real estate salesperson license and that it  
13 would not be against the public interest to issue said license  
14 to Respondent BETTY E. DURAN.

15 NOW, THEREFORE, IT IS ORDERED that Respondent's  
16 petition for reinstatement is granted and that a real estate  
17 salesperson license be issued to Respondent, if Respondent  
18 satisfies the following conditions within twelve (12) months  
19 from the date of this Order:

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

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	No. H-26945 LA
Against:	)	
	)	OAH No. L-9701173
BETTY E. RODRIGUEZ,	)	
	)	
Respondent.	)	
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PROPOSED DECISION

This matter was heard on September 9, 1997, at Los Angeles, California, by Administrative Law Judge Jerry Mitchell of the Office of Administrative Hearings, State of California. The complainant was represented by V. Ahda Sands, Counsel. The respondent was present and represented by Frank M. Buda, Attorney at Law.

FACTUAL BASIS

1. Respondent is, and at all times mentioned herein was licensed, under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code) as a real estate salesperson.
2. Thomas McCrady, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, made this Accusation against respondent.
3. On or about January 10, 1995, in the Rio Hondo Municipal Court, Rio Hondo Judicial District, Los Angeles County, State of California, respondent was convicted, upon a nolo contendere plea, of violation of Section 484(A) of the California Penal Code, (petty theft) 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.
4. Respondent was sentenced to two years probation. Her probation ended on January 10, 1997. The case was dismissed pursuant to Penal Code Section 1203.4 on March 28, 1997.

5. According to respondent, the circumstances of the offense were that she picked up a lockbox; threw it into her shopping cart, which already contained other items as well as her large, soft-sided handbag. Unbeknownst to her, the lockbox went into her purse. Because her mind was on an argument she had with her boyfriend before going to the store, she forgot about the lockbox when she paid for the other items, and she exited the store without realizing that the lockbox was in her handbag.

6. Respondent has had a successful real estate career in residential sales. She has handled many cash deposits without problems. She is highly regarded by her employing broker, has received awards for salesmanship, and received numerous letters of recommendation. She depends on her real estate license for her own support and for the support of her mother, sister and a son in college. She appears appropriately contrite over this matter, and it seems unlikely to happen again. She has been licensed since 1986, with no previous discipline or complaints. Her employing broker expressed willingness to closely supervise her activities.

#### LEGAL BASIS

The facts set forth in paragraph 3 establish cause under Sections 490 and 10177(b) of the Business and Professions Code to suspend or revoke respondent's license. By reason of the facts set forth in paragraph 6, however, the following order is appropriate.

#### ORDER

All licenses and licensing rights of respondent Betty E. Rodriguez 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 two (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: SEPT. 17, 1997



JERRY MITCHELL  
Administrative Law Judge  
Office of Administrative Hearings

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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FILED  
JAN 30 1997  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of )  
Case No. H-26945 LA )  
OAH No. L-9701173 )  
BETTY E. RODRIGUEZ, )  
)  
)  
Respondent. )

By Lana B. Crow

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 SEPTEMBER 9, 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: 1/30/97

DEPARTMENT OF REAL ESTATE

By: V. Ahda Sands  
V. AHDA SANDS, Counsel

cc: Betty E. Rodriguez  
Frank M. Buda, Esq.  
Dynamic Brokers  
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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 March 14, 1986.

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On or about January 10, 1995, in the Rio Hondo Municipal Court, Rio Hondo Judicial District, Los Angeles County, Respondent was convicted upon a nolo contendere plea to violation of one count of Section 484(A) of the California Penal Code, (petty theft of merchandise from Homebase store) 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.

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In aggravation, Respondent was sentenced to two years probation. Respondent's current probation status will not end until January 10, 1997.

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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.

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