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FILED
APR 18 2005
DEPARTMENT OF REAL ESTATE

By *K. Mederholdt*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27244 LA
ENEIDA LOPEZ,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 28, 1997, a Decision was rendered herein
revoking Respondent ENEIDA LOPEZ aka Claudia Lopez's real estate
salesperson license.

On September 6, 2000, Respondent petitioned for
reinstatement of said real estate salesperson license.

On May 18, 2001, an Order Denying Reinstatement of License
was filed. Said Order denied Respondent's petition pursuant
to Sections 2911(a), 2911(h) and 2911(k) and 2911(m)(1),
Title 10, Chapter 6, California Code of Regulations.

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1 On July 14, 2004, Respondent again petitioned for
2 reinstatement of said real estate salesperson license and
3 the Attorney General of the State of California has been
4 given notice of the filing of said petition.

5 I have considered the petition of Respondent and
6 the evidence and arguments in support thereof. Respondent
7 has demonstrated to my satisfaction that Respondent meets
8 the requirements of law for the issuance to Respondent of
9 an unrestricted real estate salesperson license and that
10 it would not be against the public interest to issue said
11 license to Respondent.

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

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

19 2. Submittal of evidence satisfactory to the Real
20 Estate Commissioner that Respondent has, since Respondent's
21 license was revoked, taken and passed the written examination
22 required to obtain a real estate salesperson license.

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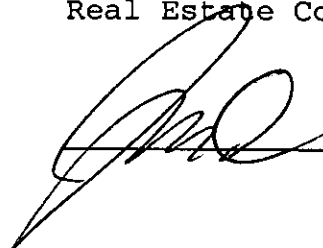
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1 3. Submittal of evidence of having, since the most
2 recent issuance of an original or renewal real estate license,
3 taken and successfully completed the continuing education
4 requirements of Article 2.5 of Chapter 3 of the Real Estate
5 Law for renewal of a real estate license.

6 This Order shall be effective immediately.

7 Dated: 4-6-05

8 JEFF DAVI
9 Real Estate Commissioner

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25 cc: Eneida Lopez
26 7305 Satsuma Avenue
27 Sun Valley, CA 91352

*Sacto
Jag*

FILED
MAY 18 2001
DEPARTMENT OF REAL ESTATE
By *Laura B. Iron*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27244 LA
ENEIDA LOPEZ,)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On October 28, 1997, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On September 6, 2000, Respondent petitioned for
reinstatement of said license and the Attorney General of the
State of California has been given notice of the filing of said
petition.

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

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I

1 The Decision which revoked Respondent's real estate
2 salesperson license pursuant to Sections 490 and 10177(b) of the
3 Business and Professions Code, was based on Findings that
4 Respondent was convicted of violating Section 484(a) of the Penal
5 Code (Petty Theft) on December 6, 1995. The facts which resulted
6 in said conviction were that Respondent deliberately switched
7 price tags on merchandise inside a department store, in order to
8 pay less for higher-priced merchandise.
9

10 As a result of said conviction, Respondent was
11 sentenced to three (3) years of probation on certain terms and
12 conditions, including the payment of fines and restitution in the
13 amount of \$710, and 32 hours of community service.

14 II

15 Respondent has not submitted proof of completion of, or
16 enrollment in educational or vocational training, and she has not
17 submitted proof of involvement in community, or social programs.
18 This evidences lack of rehabilitation and is cause to deny his
19 petition pursuant to Sections 2911(h) and 2911(k) of Title 10,
20 Chapter 6, California Code of Regulations ("Regulations").

21 III

22 On February 1, 2001, Respondent was interviewed by
23 a Deputy Real Estate Commissioner ("Deputy"). The Deputy stated
24 that during the interview, Respondent did not appear to be
25 forthcoming regarding the details of her crime, nor did
26 Respondent give a satisfactory explanation for having committed

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1 the crime. In addition, the Deputy stated that Respondent did
2 not demonstrate any remorse for her actions.

3 Respondent's statements and comportment during the
4 interview with the Deputy, evidence a lack of change in attitude.
5 This is cause to deny Respondent's petition pursuant to
6 Regulation 2911(m) (1).

7 IV

8 Due to the very serious nature of the misconduct which
9 led to the loss of Respondent's real estate salesperson license,
10 combined with the facts set forth in Paragraphs II and III,
11 evidence that not enough time has passed to establish that
12 Respondent is rehabilitated. This is cause to deny Respondent's
13 petition pursuant to Regulation 2911(a).

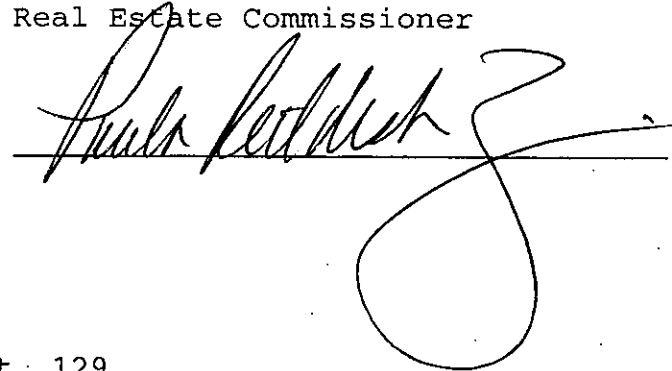
14 NOW, THEREFORE, IT IS ORDERED that Respondent's
15 petition for reinstatement of his salesperson license is denied.

16 This Order shall become effective at 12 o'clock noon on

17 JUN 7 2001

18 DATED: May 14, 2001.

19
20 PAULA REDDISH ZINNEMANN
21 Real Estate Commissioner

22 
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24
25

26 cc: Eneida Lopez
27 4330 N. Burns Avenue, Apt. 129
Los Angeles, CA 90029

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT. 31 1997
DEPARTMENT OF REAL ESTATE

* * *

By C. B. [Signature]

In the Matter of the Accusation of)	NO. H-27244 LA
ENEIDA LOPEZ,)	
Respondent.)	L-1997080092
_____)	

DECISION

The Proposed Decision dated October 14, 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 November 20, 1997.

IT IS SO ORDERED

10/28/97

JIM ANTT, JR.
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
ENEIDA LOPEZ,)
)
 Respondent.)

Case No. H-27244 LA
OAH No. L-1997080092

PROPOSED DECISION

This matter came on regularly for hearing before H. Stuart Waxman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on October 1, 1997.

Complainant, Thomas McCrady, was represented by Chris Leong, Real Estate Counsel.

Respondent, Eneida Lopez ("Respondent"), was present and represented herself.

Oral and documentary evidence was received, and the matter was submitted for decision.

FINDINGS OF FACT

The Administrative Law Judge makes the following Findings of Fact:

1. The Accusation was made by Thomas McCrady, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in his official capacity.

2. Respondent was issued a license as a real estate salesperson by the Department of Real Estate ("the Department") on April 26, 1993. The license will expire on April 25, 2001 unless renewed.

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3. On December 6, 1995, in Municipal Court of California, County of Los Angeles, Downey Judicial District, in Case No. 95M12349, Respondent was convicted, on her plea of nolo contendere, of violation of Penal Code section 484(a) of the Penal Code (Petty Theft), a crime involving moral turpitude and one substantially related to the qualifications, functions and duties of a real estate licensee. Respondent was placed on probation for a period of three (3) years. She was ordered to perform thirty-two (32) hours of community service, and was ordered to pay fines and restitution totalling seven hundred ten dollars (\$710).

4. The facts and circumstances surrounding the conviction are that Respondent entered a Broadway Department Store during a clearance sale, removed price tags from eight (8) items, and replaced the price tags with other price tags bearing lower prices. She then paid the lower prices for the merchandise. By so doing, she paid ninety-six dollars (\$96) for four hundred seventy-seven dollars (\$477) worth of merchandise. In addition, Respondent tried on a belt and forgot to remove it before leaving the store.

5. Respondent accepts responsibility for her wrongdoing and is remorseful for her conduct. She believes a similar occurrence will never occur again. She wishes to keep her real estate license because it is the only job she has.

6. In August of 1997, the broker for whom Respondent was working terminated her employment. Respondent has continued to work as a part-time real estate salesperson from her home as a "partner" with another salesperson still employed by the same broker. Respondent was unaware of the requirement that she must have an employing broker.

DETERMINATION OF ISSUES

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

1. Cause exists to suspend or revoke Respondent's real estate salesperson's license for conviction of a crime, pursuant to the provisions of Business & Professions Code sections 490 and 10177(b), as set forth in Findings 3 and 4.

Respondent is presently scheduled to remain on probation until December of 1998. Albeit remorseful for her actions, she offered no evidence of mitigation or rehabilitation. On the contrary, she testified she deliberately switched the price tags in order to pay less for higher-priced merchandise.

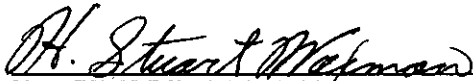
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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent, Eneida Lopez,
under the Real Estate Law are revoked.

DATED: October 14, 1997



H. STUART WAXMAN
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)

Case No. H-27244 LA

ENEIDA LOPEZ,

OAH No. L-1997080092

Respondent(s)

FILED
AUG 18 1997
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By Chris Leong

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 107 South Broadway, Second Floor, Los Angeles, CA 90012 on WEDNESDAY, OCTOBER 1, 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.

DEPARTMENT OF REAL ESTATE

Dated: August 18, 1997

By

Chris Leong
CHRIS LEONG, Counsel

cc: Eneida Lopez
Mulhearn Realtors
~~Sacto.~~
OAH

CEB

RE 501 (La Mac 11/92)

SAC

1 CHRIS LEONG, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

FILED
JUN 10 1997
DEPARTMENT OF REAL ESTATE

By CS

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) NO. H-27244 LA
12 ENEIDA LOPEZ,)
13 Respondent.) A C C U S A T I O N
14 _____)

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against ENEIDA LOPEZ (hereinafter "Respondent"), is informed and
18 alleges as follows:

19 I

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

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law, Part 1 of Division 4 of the
26 Business and Professions Code (hereinafter "Code") as a real
27 estate salesperson.

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III

On or about December 6, 1995, in the Municipal Court of Downey, County of Los Angeles, State of California, Respondent was convicted of violating Section 484(a) of the California Penal Code (Petty theft), a crime involving moral turpitude which bears a substantial relationship to the qualifications, functions or duties of a real estate licensee, under Section 2910, Title 10, Chapter 6, California Code of Regulations.

IV

Respondent's criminal conviction, as alleged above in Paragraph III, is cause under Sections 10177(b) and 490 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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 all licenses and license rights of Respondent, ENEIDA LOPEZ, 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 applicable provisions of law.

Dated at Los Angeles, California
this 10th day of June, 1997.

THOMAS McCRADY

Deputy Real Estate Commissioner

cc: Eneida Lopez
Mulhearn Realtors
Sacto.
LK