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FILED

AUG 31 2006

DEPARTMENT OF REAL ESTATE

BY: Jana B. Crow

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28083 LA
)	
MARIA ELIZABETH AMAYA,)	
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 3, 1999, 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 December 24, 1999, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

///
///
///

1 On January 10, 2005, Respondent 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

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

14 NOW, THEREFORE, IT IS ORDERED that Respondent's
15 petition for reinstatement is granted and that a real estate
16 salesperson license be issued to Respondent, if Respondent
17 satisfies the following condition within nine (9) months from
18 the date of this Order:

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

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

26 ///

27 ///

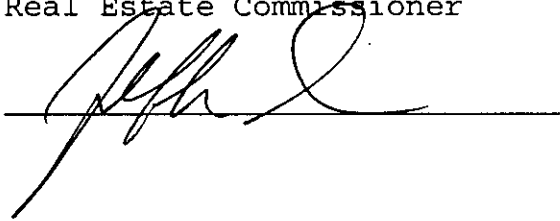
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This Order shall be effective immediately.

Dated: 08-16-06

JEFF DAVI
Real Estate Commissioner



cc: Maria E. Amaya
6637 Scout Avenue
Bell Gardens, CA 90201

FILED
NOV 9 1999
DEPARTMENT OF REAL ESTATE

By Laura B. Orma

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-28083 LA
MARIA ELIZABETH AMAYA)	L-1999 060 140
Respondent.)	

DECISION AFTER RECONSIDERATION

On September 14, 1999, a Decision was rendered herein by the Real Estate Commissioner which revoked the real estate salesperson license and license rights of Respondent MARIA ELIZABETH AMAYA. Said Decision was to become effective on October 7, 1999, (and was stayed by separate Order to November 8, 1999.) On October 4, 1999, respondent petitioned for reconsideration of the said Decision of September 14, 1999.

I have considered the petition of Respondent and have concluded that good cause has been presented for modifying the Decision of September 14, 1999, therefore the Order of the

Decision shall be as follows:

ORDER

All licenses and licensing rights of Respondent MARIA ELIZABETH AMAYA 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.

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

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

18 5. Respondent shall submit with any application for
19 license under an employing broker, or any application for transfer
20 to a new employing broker, a statement signed by the prospective
21 employing broker on a form approved by the Department of Real
22 Estate which shall certify:

- 23 (a) That the employing broker has read
24 the Decision of the Commissioner which
25 granted the right to a restricted license;
26 and
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(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.

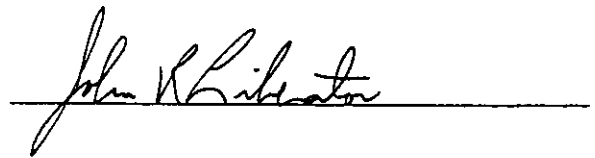
Petition for reinstatement of a revoked real estate
license is controlled by Section 11522 of the Government Code. A
copy of Section 11522 is attached hereto for the information of
respondent.

If and when application is made for a real estate
license through a petition for reinstatement, all competent
evidence of rehabilitation presented by the respondent will be
considered by the Real Estate Commissioner. A copy of the
Commissioner's Criteria of Rehabilitation is attached hereto.

The Decision of September 14, 1999, shall become effective at
12 o'clock noon on November 8, 1999.

IT IS SO ORDERED November 3, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



Sachs

FILED
SEP 17 1999

DEPARTMENT OF REAL ESTATE

By [Signature]

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-28083 LA
)	
MARIA ELIZABETH AMAYA,)	L-1999060140
)	
Respondent.)	
_____)	

DECISION

The Proposed Decision dated August 25, 1999, 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 7, 1999.

IT IS SO ORDERED September 14, 1999

JOHN R. LIBERATOR
Acting Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:)	NO. H-28083 LA
)	
MARIA ELIZABETH AMAYA,)	OAH NO. L1999060140
)	
Respondent.)	
<hr/>)

PROPOSED DECISION

This matter was heard on August 24, 1999, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings. The complainant was represented by James R. Peel, Counsel. The respondent was present and represented herself.

FACTUAL FINDINGS

1. This Accusation was made and filed by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Maria Elizabeth Amaya ("respondent") is, and at all times mentioned herein was, licensed by the Department of Real Estate of the State of California as a real estate salesperson. Her license was originally issued on February 9, 1994.
3. On January 5, 1999, in Case No. BA172714 of the Superior Court of California, County of Los Angeles, respondent was convicted, upon a plea of guilty, of a violation of Welfare and Institutions Code section 10980(C)(2) (welfare fraud), a crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate licensee. Imposition of sentence was suspended, and she was placed on summary probation for a period of two years on various terms and conditions, including the conditions that she perform 100 hours of community service and pay restitution in the amount of \$4,124.00. On August 10, 1999, her probation was terminated, and the case was dismissed pursuant to Penal Code section 1203.4. Respondent testified that she made full restitution and performed the 100 hours of community service by doing office work in a federal probation office.

4. According to respondent, the facts and circumstances of the conviction were that she had been collecting welfare because the father of her two children left her, and she failed to report the first two or three commissions she made after becoming a real estate salesperson.

5. Respondent states that she made a mistake and is sorry.

LEGAL CONCLUSIONS

1. Respondent's criminal conviction is cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of her licenses and license rights under the Real Estate Law.

2. In determining the appropriate order to be made herein, due consideration was given to all relevant factors, with particular weight being given to the fact that respondent's crime was failure to report real estate commissions.

ORDER

All license and licensing rights of respondent Maria Elizabeth Amaya under the Real Estate Law are revoked.

DATED: August 25, 1999



JERRY MITCHELL
Administrative Law Judge

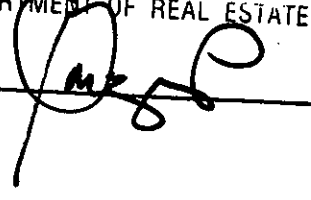
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FILED
7-22-99
DEPARTMENT OF REAL ESTATE

198-0209-016
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Accusation of)
MARIA ELIZABETH AMAYA,)
Respondent.)

H-28083 LA

By 

L-1999 060 140

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California 90013 on **AUGUST 24th, 1999. at 9:00 a.m.** or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

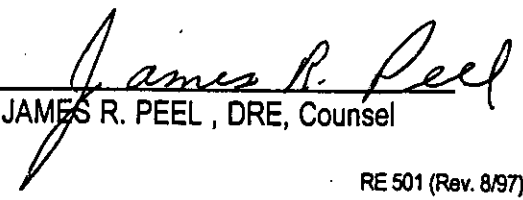
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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, and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: July 21, 1999

DEPARTMENT OF REAL ESTATE

By: 
JAMES R. PEEL, DRE, Counsel

cc: MARIA ELIZABETH AMAYA
JN, OAH & SACTO

SACTO

198-0209-016
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 22 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
MARIA ELIZABETH AMAYA,)
Respondent.)

H-28083 LA
NOTICE OF HEARING
L-1999 060 140

By 

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California 90013 on **JULY 19th, 1999. at 1:30 p.m.** or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

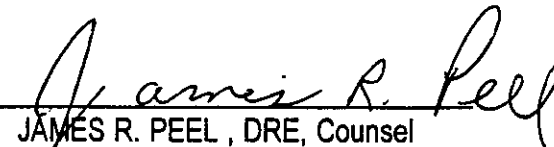
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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. and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: June 22, 1999

DEPARTMENT OF REAL ESTATE

By: 
JAMES R. PEEL, DRE, Counsel

cc: MARIA ELIZABETH AMAYA
JN, OAH & SACTO

Sacto

FILED

May 6, 1999

DEPARTMENT OF REAL ESTATE

By *[Signature]*

JAMES R. PEEL, Counsel
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013
State Bar 47055

(213) 576-6913

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-28083 LA
)
MARIA ELIZABETH AMAYA,) A C C U S A T I O N
)
Respondent.)
_____)

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MARIA ELIZABETH AMAYA, alleges as follows:

I

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

II

MARIA ELIZABETH AMAYA (hereinafter referred to as 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 referred to as "the Code").

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III

At all times herein mentioned, respondent MARIA ELIZABETH AMAYA was licensed by the Department of Real Estate of the State of California as a real estate salesperson.

IV

On or about January 6, 1999, in the Municipal Court, for the County of Los Angeles, State of California, respondent was convicted of violating Welfare and Institutions Code Section 10980(c) (Welfare Fraud) a crime involving moral turpitude.

V

The crime of which respondent was convicted bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

VI

Respondent's criminal conviction is cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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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 licensing rights of respondent MARIA ELIZABETH AMAYA 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 6th day of May, 1999.


Deputy Real Estate Commissioner