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FILED  
NOV 12 1999  
DEPARTMENT OF REAL ESTATE

By K. Mederholz

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

*In the Matter of the Application of*

MONICA BURGEN,

Respondent

) No. H- 28210 LA

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)  
)  
) STIPULATION AND  
) WAIVER  
)  
)  
)

To the State Attorney General:

I, MONICA BURGEN, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on August 4, 1999, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
10 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations and restrictions will attach to a restricted  
12 license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the  
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
15 to exercise any privileges granted under this restricted license in the event of:
  - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 18 b. The receipt of evidence that respondent has violated provisions of the California Real  
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or  
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
22 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
23 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I  
25 shall submit a statement signed by the prospective employing broker on a form approved by the  
26 Department of Real Estate wherein the employing broker shall certify as follows:

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the  
2 restricted license; and  
3 b. That broker will carefully review all transaction documents prepared by the restricted  
4 licensee and otherwise exercise close supervision over the licensee's performance of acts  
5 for which a license is required.

6 DATED this 12<sup>th</sup> day of October, 1999

7  
8 Monica Burgen  
9 Respondent, MONICA BURGEN

10 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
11 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
12 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a  
13 restricted real estate salesperson license to respondent.

14 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
15 respondent MONICA BURGEN if respondent has otherwise fulfilled all of the statutory requirements for  
16 licensure. The restricted license shall be limited, conditioned and restricted as specified in the foregoing  
17 Stipulation and Waiver.

18 This Order is effective immediately.

19 DATED this 2<sup>nd</sup> day of November, 1999.

20  
21 JOHN R. LIBERATOR  
22 Acting Real Estate Commissioner  
23 John R. Liberator  
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*Sacto*  
**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

**FILED**  
**AUG 30 1999**  
DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

MONICA BURGEN,

*Respondent*

Case No.

By *K. H. ...*  
H-28210 LA

OAH No.

L-1999080381

**NOTICE OF HEARING ON APPLICATION**

*To the above named respondent:*

You are hereby notified that a hearing will be held before the Department of Real Estate at \_\_\_\_\_  
Office of Administrative Hearings, 320 W. Fourth St., Ste. 630,  
Los Angeles, CA 90013

on October 8, 1999, at the hour of 9:00 a.m.,  
or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are  
not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 for his or her costs.  
The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: August 30, 1999

By *Martha ...*  
Counsel

cc: Monica Burgen  
RE 500 (Rev. 8/97) Sacto  
OAH  
kw JM

*fairly given*

MARTHA J. ROSETT, Counsel (SBN 142072)  
Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, CA 90013

(213) 576-6982  
(213) 576-6914

**FILED**  
AUG - 4 1999  
DEPARTMENT OF REAL ESTATE

By K. H. Edwards

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Application of	)	No. H- 28210 LA
MONICA BURGEM, aka "Monica Lois Burgen,"	)	
"Monica Essex," "Yol Williams," "Yolanda	)	<u>STATEMENT OF ISSUES</u>
Williams," and "Lynn Foster,"	)	
Respondent.	)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against MONICA BURGEM, aka "Monica Lois Burgen," "Monica Essex," "Yol Williams," "Yolanda Williams," and "Lynn Foster," (hereinafter "Respondent") alleges as follows:

I

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

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II

Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, made application to the Department of Real Estate of the State of California ("Department") for a real estate salesperson license on or about February 10, 1999.

III

Respondent has sustained numerous criminal convictions, for crimes of theft and other crimes involving moral turpitude. Each bears a substantial relationship under Section 2910, Title 10, California Code of Regulations to the qualifications, functions, or duties of a real estate licensee.

A.

Respondent's criminal record dates back to 1979. Most recently, on or about August 19, 1994, in the Superior Court of California, County of Los Angeles, North Valley Judicial District, in case number PA016101-01, Respondent was convicted on her plea of nolo contendere to one felony count of violating California Penal Code section 470.B (display and possession of a drivers license and identification card with the intent to commit forgery), a felony. Respondent was sentenced to serve 365 days in county jail, and three years probation. On or about February 10, 1999, the Superior Court ordered the charges reduced to a misdemeanor, set aside the guilty plea, entered a plea of not guilty, and dismissed the case pursuant to Section 1203.4 of the Penal Code.

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B.

On or about January 12, 1993, Respondent was convicted on her plea of guilty to three counts of violating Penal Code Section 476A(A) (Insufficient funds/checks) and one count of violating Penal Code Section 537(A) (defrauding an innkeeper of less than \$400). She was ordered to serve probation which was terminated upon her payment of restitution to the Embassy Suites on or about June 27, 1994.

C.

On or about June 18, 1991, Respondent was convicted in the East Los Angeles Municipal Court, in Case Number 91M01299, following a jury trial of one count of violating Vehicle Code Section 10851(A) (taking a vehicle without owner's consent), and one count of violating Penal Code Section 499(b) (taking a vehicle for temporary use).

#### IV

The crimes of which Respondent was convicted, as alleged in Paragraph III, above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a)(1) and 10177(b) of the California Business and Professions Code.

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

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained

1 herein, that the Commissioner refuse to authorize the issuance of,  
2 and deny the issuance of, a real estate salesperson license to  
3 Respondent MONICA BURGEN, and for such other and further relief as  
4 may be proper under the law.

5 Dated at Los Angeles, California  
6 this 4th day of August, 1999.

7 THOMAS MC CRADY

8 Deputy Real Estate Commissioner  
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14 cc: Monica Burgen  
15 Sacto.  
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