

# DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

In the Matter of the Application of

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

No. H- 28210 LA

MONICA BURGEN,

STIPULATION AND WAIVER

Respondent

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. further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

RE 511 (Rev. 2/99)

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

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

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

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

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

RE 511 (Rev. 2/99)

Page 3 of 3

## BEFORE THE DEPARTMENT OF REAL STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

In the Matter of the Application of	_	By Karriel like
MONICA BURGEN,	Case No.	H-28210 LA
,	OAH No.	L-1999080381
Respondent		

## 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., St	e. 630,
Los Angeles, CA 90013	
on October 8, 1999, at the hour or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If yo of hearing, you must notify the presiding administrative law judge of the Office of Administrative (10) days after this notice is served on you. Failure to notify the presiding administrative law judge of the place of the hearing.	u object to the place

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 subpenas 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

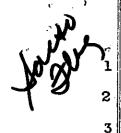
Monica Burgen RE 500 (Rev. 8/97) Sacto

· OAH

kw

JM

Counsel



5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

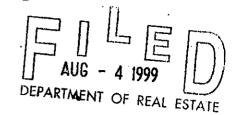
25

26

27

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



By Katecholy

### DEPARTMENT OF REAL ESTATE

### STATE OF CALIFORNIA

In the Matter of the Application of MONICA BURGEN, aka "Monica Lois Burgen," "Monica Essex," "Yol Williams," "Yolanda ) Williams," and "Lynn Foster," Respondent.

No. H- 28210 LA STATEMENT OF ISSUES

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

Ι

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

STD. 113 (REV. 3-95)

95 28391

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.

Α.

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.

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 3-95)

-2-

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.

Ċ.

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

OURT PAPER ATE OF CALIFORNIA D. 113 (REV. 3-95)

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

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

. THOMAS MC CRADY

Deputy Real Estate Commissioner

Cc: Monica Burgen
Sacto.
JM

