


FILED
AUG 23 2011
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-28330 LA
)
CYNTHIA KORTCAMP,)
)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On June 5, 2000, a Decision was rendered herein denying the real estate salesperson license of Respondent, 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 July 6, 2000, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about March 9, 2010, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following conditions:

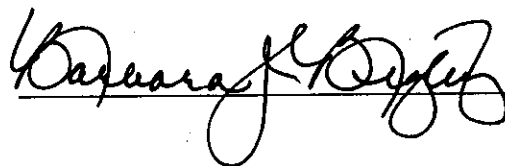
6 1. Submits a completed application and pays the fee for a real estate salesperson
7 license within the 12 month period following the date of this Order; and

8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed application,
11 or (ii) within the 12 month period following the date of this Order.

12 This Order shall be effective immediately.

13 Dated: 6/29/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

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Paul Kodish

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Application of:

CYNTHIA KORTCAMP,

Respondent.

Case No. H-28330 LA

OAH No. L-1999120108

PROPOSED DECISION

On May 3, 2000, in Los Angeles, California, Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Elliott Mac Lennon, Counsel, represented complainant.

Dale A. Eleniak, Attorney at Law, represented respondent.

The matter was submitted on May 3, 2000.

FACTUAL FINDINGS

1. Thomas McCrady, Deputy Real Estate Commissioner of the State of California (hereafter, "Department"), filed Statement of Issues No. H-28330 LA in his official capacity on November 19, 1999. Respondent filed a Notice of Defense dated November 21, 1999.

During the hearing, allegations in the Statement of Issues relating to respondent representing herself to be a real estate agent were stricken at the request of the Department.

2. In February 1999, respondent signed a Salesperson License Application and submitted it to the Department.

3. On January 14, 1993, in the Municipal Court of the South Bay Judicial District, County of Los Angeles, in the case of *People v. Cynthia Kortcamp*, Case No. 92M13649, respondent was convicted upon her plea of guilty to one count of violating Penal Code section 484(a), petit theft, a misdemeanor. Respondent was placed on summary

probation for three years and ordered either to pay a fine of \$810, serve 10 days in custody, or perform 160 hours of community service. Respondent paid the fine on July 8, 1993

The facts and circumstances of the offense are as follows:

On December 22, 1993, respondent entered a Mervyn's Department Store in Redondo Beach, California, and attempted to shoplift approximately \$609.91 worth of merchandise. She was stopped by store security after she left the store with the items hidden in a purse or shopping bag.

The criminal act respondent committed which led to her conviction for petit theft is substantially related to the qualifications, functions, and duties of a real estate salesperson, and is a crime involving moral turpitude.

4. Respondent is 43 years old. She is a single parent raising three children. She works full-time for Eugene Frazier, a real estate broker, as an administrative assistant. If respondent is granted a license, Frazier would use her as a salesperson. In Frazier's view, respondent is a good employee and is trustworthy.

5. Title 10 of the California Code of Regulations, section 2911 sets forth the Department's criteria of rehabilitation when considering an application for issuance of a license on account of a crime. Applying those criteria, it appears the conviction is more than seven years old, the conviction has not been expunged, respondent completed probation on February 8, 1996, and paid the fine, although not promptly. There is no evidence of more recent criminal conduct nor is there evidence of recent drug usage. She now maintains a stable family life and is working full-time. There was no evidence offered relating to any of the other criteria. Based on the evidence bearing on the issue of rehabilitation, it may be concluded that issuance of a restricted license would not be against the public interest.

LEGAL CONCLUSIONS

1. Cause to deny respondent's application for a real estate salesperson license was established for violation of Business and Professions Code sections 480(a) and 10177(b) by reason of Finding 3.

2. Cause to issue to respondent a restricted real estate salesperson license was established by reason of Findings 4 and 5.

ORDER


Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code. 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 said Code:

1. The license shall not confer any property right in the privileges to be exercised, 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) of a crime which is substantially related 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, Regulation of the Real Estate Commissioner, or conditions attaching to the restricted license.
2. 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 attaching to the restricted license until two years have elapsed from the effective date of this Decision.
3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:
 - (a) That the employing broker has read the Decision of the Commissioner which is the basis of the issuance of the restricted license; and
 - (b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.
4. Respondent's restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commissioner of successful

completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

5. Pursuant to Section 109154, if Respondent has not satisfied the requirements for an unqualified license under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

DATED: May 11, 2000


ALAN S. METH
Administrative Law Judge
Office of Administrative Hearings

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
FEB 25 2000
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

CYNTHIA KORTCAMP,

By K. Kneesholt

Case No. H-28330 LA

OAH No. L-1999120108

Respondent

NOTICE OF HEARING ON ACCUSATION

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 on May 3, 2000, at the hour of 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.

DEPARTMENT OF REAL ESTATE

Dated: February 25, 2000

By E. J. C.

Counsel

cc: Cynthia Kortcamp
Dale A. Eleniak, Esq.
Sacto OAH BSV

Sacto
**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
DEC 14 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

CYNTHIA KORTCAMP,

By: K. Niederholt
Case No. H-28330 LA

OAH No. L-1999120108

Respondent

NOTICE OF HEARING ON ACCUSATION

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. on February 2, 2000, at the hour of 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.

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DEPARTMENT OF REAL ESTATE

Dated: December 14, 1999

By *ey. u*

Counsel

cc: Cynthia Kortcamp
RE 501 (Rev. 8/97) Sacto OAH BSV

kw

ELLIOTT MAC LENNAN, Counsel
State Bar No. 66674
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 576-6911

FILED
NOV 19 1999
DEPARTMENT OF REAL ESTATE

By K. Muderhold

THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of) No. H-28330 LA
CYNTHIA KORTCAMP,) STATEMENT OF ISSUES
Respondent.)

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against CYNTHIA KORTCAMP aka Cynthia Lopez ("respondent") is informed and alleges in his official capacity as follows:

1

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about February 23, 1999, subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

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On January 14, 1993, in the Municipal Court of South Bay District Judicial District, Los Angeles County, State of California, respondent was convicted upon a guilty plea to one count of violating Section 484(a) of the California Penal Code (petty theft), a misdemeanor crime that occurred on December 22, 1992, which by its facts and circumstances involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee

3

The facts, as alleged in Paragraph 2, above, constitute cause for denial of respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

4

On June 15, 1999, and again on June 29, 1999, a Departmental investigator telephoned respondent and, after identifying herself, asked respondent of both occasions if she was a real estate agent. Respondent twice responded affirmatively. The conduct of KORTCAMP in representing herself as a real estate licensee during a period when She was not nor had ever been licensed by the Department, is in violation of Section 10130 of the Code and is cause for denial of respondent's application for a real estate license under Section 10130 of the Code.

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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.

Dated at Los Angeles, California
this 19th day of November, 1999.

THOMAS MC CRADY
Deputy Real Estate Commissioner

cc: Cynthia Kortcamp
Sacto.
EC

