

DEPARTMENT OF REAL ESTATE

By Jane E. Wane

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-28355 LA
)
 LILY L. LABASH,)
)
 Respondent.)

ORDER DENYING UNRESTRICTED LICENSE

On February 8, 2000, a Decision was rendered herein, denying the Respondent's application for a 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 (conditional) was issued to Respondent on February 15, 2000.

On March 1, 2001, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

///

1 I have considered the petition of Respondent and the
2 evidence submitted in support thereof. Respondent has failed
3 to demonstrate to my satisfaction that it would be in the
4 public interest to issue an unrestricted real estate
5 salesperson license to Respondent, in that:
6

7 I

8 The Decision which denied Respondent's real estate
9 salesperson license was based on findings that Respondent had
10 suffered a criminal conviction. There was cause to deny
11 Respondent's application pursuant to Sections 480 and 10177(b)
12 of the Business and Professions Code ("Code"),
13

14 On or about June 25, 1996, Respondent was convicted
15 of violating Penal Code Section 484/488 (Petty Theft).
16

16 II

17 In response to a question on the petition application
18 ("Have you ever been a defendant in any civil court Litigation,
19 including small claims court?"), Respondent failed to disclose
20 that she had been a defendant in four civil court actions (two
21 of the actions against Respondent were subsequently dismissed).
22 This evidences cause to deny Respondent's application pursuant
23 to Code Section 10177(a).
24

25 ///

26 ///

27 ///

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

III

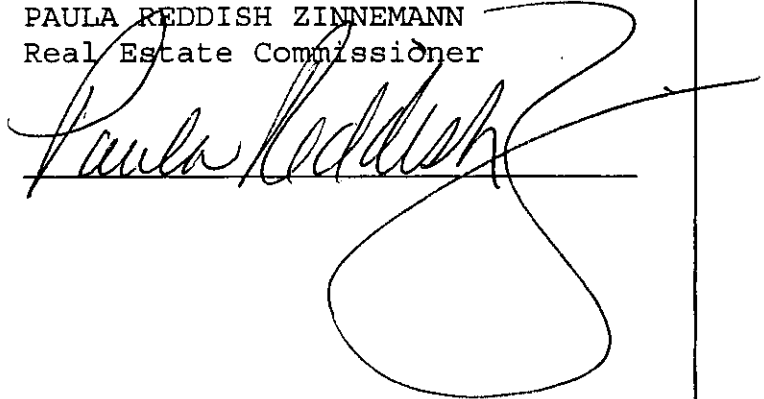
On or about July 28, 1993, a small claims court judgment was entered against Respondent in the amount of \$696. Said judgment has not been discharged and there has been no bona fide efforts toward discharging the debt. This is cause to deny Respondent's application pursuant to Section 2911(i) of Title 10, Chapter 6, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for the issuance to Respondent of an unrestricted real estate salesperson license is denied.

This Order shall be effective at 12 o'clock noon
on December 4, 2001.

DATED: November 6, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Lily L. Labash
2317 Eastbluff Dr.
Newport Beach, CA 92660

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

FILED
FEB 10 2000
DEPARTMENT OF REAL ESTATE

By K. Melcher

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of

LILY L. LABASH,

Respondent.

No. H- 28355 LA

STIPULATION AND WAIVER

I, LILY L. LABASH, 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 JANUARY 5, 2000, 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 issuance
2 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 to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 Code.

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

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

15 1. The license shall not confer any property right in the privileges to be exercised including the right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 exercise any privileges granted under this restricted license in the event of:

18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or

20 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.

23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal
24 of any of the conditions, limitations or restrictions attaching to the restricted license until one year
25 has elapsed from the date of issuance of the restricted license to respondent.

26 3. With the application for license, or with the application for transfer to a new employing broker, I
27 shall submit a statement signed by the prospective employing broker on a form approved by the

1 Department of Real Estate wherein the employing broker shall certify as follows:

2 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted
3 license; and

4 b. That broker will carefully review all transaction documents prepared by the restricted licensee
5 and otherwise exercise close supervision over the licensee's performance of acts for which
6 a license is required.

7 4. My restricted real estate salesperson license is issued subject to the requirements of Section 10153.4
8 of the Business and Professions Code, to wit: I am required, within eighteen (18) months of the
9 issuance of the restricted license to, submit evidence satisfactory to the Commissioner of successful
10 completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than
11 real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced
12 real estate appraisal. If I fail to timely present to the Department satisfactory evidence of successful
13 completion of the two required courses, the restricted license shall be automatically suspended
14 effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted
15 unless, prior to the expiration of the restricted license, I have submitted the required evidence of
16 course completion and the Commissioner has given written notice to me of the lifting of the
17 suspension.

18 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license under
19 Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be entitled to
20 the issuance of another license which is subject to Section 10153.4 until four years after the date
21 of the issuance of the preceding restricted license.

22 DATED this 19 day of January, 00.

23
24 
Respondent, LILY L. LABASH

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

5 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
6 respondent LILY L. LABASH if respondent has otherwise fulfilled
7 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and
8 restricted as specified in the foregoing Stipulation and Waiver.

9 This Order is effective immediately.

10 DATED this 8th day of February, 2000.

11
12 PAULA REDDISH ZINNEBANN
13 Real Estate Commissioner
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Paula Reddish

Page 1

DEPARTMENT OF REAL ESTATE
Martha J. Rosett, Counsel (SBN 142072)
320 West Fourth Street, Suite #350
Los Angeles, California 90013

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

FILED
JAN - 5 2000
DEPARTMENT OF REAL ESTATE

By K. Kriederholt

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of)	No. H-28355 LA
LILY L. LABASH, aka,)	
"Ljiljana Lily Labash,")	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against LILY L. LABASH (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.

II

Respondent made application to the Department of Real Estate of the State of California ("Department") for a real estate

1 salesperson license on or about July 12, 1999, with the knowledge
2 and understanding that any license issued as a result of said
3 application would be subject to the conditions of Section 10153.4
4 of the California Business and Professions Code.

5 III

6 On or about June 25, 1996, Respondent was convicted on
7 her plea of guilty in the Municipal Court of Orange County, Harbor
8 Judicial District, in case number 96HM03867 of one count of
9 violating California Penal Code Section 484/488 (Petty Theft), a
10 crime of moral turpitude substantially related to the
11 qualifications, functions and duties of a real estate licensee.

12 V

13 The conviction described in paragraph III above,
14 constitutes grounds for denial of Respondent's application for a
15 California real estate license pursuant to Business and
16 Professions Code Sections 480(a) and 10177(b).

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

21 /

22 /

23 /

24 /

25 /

26 /

27 /



1 WHEREFORE, the Complainant prays that the above-entitled
2 matter be set for hearing and, upon proof of the charges contained
3 herein, that the Commissioner refuse to authorize the issuance of,
4 and deny the issuance of, a real estate salesperson license to
5 Respondent LILY L. LABASH and for such other and further relief as
6 may be proper under the law.

7 Dated at Los Angeles, California
8 this 5th day of January, 2000

9 THOMAS MC CRADY
10 Deputy Real Estate Commissioner

11
12
13
14
15 cc: LILY L. LABASH
16 Sacto.
17 SR
18
19
20
21
22
23
24
25
26
27