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**FILED**  
MAR 14 2001

DEPARTMENT OF REAL ESTATE

By Paula B. Zinnemann

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
EDNA T. DUBON, ) NO. H- 28359 LA  
Respondent. ) L- 2000050532

ORDER DENYING RECONSIDERATION

On January 23, 2001, a Decision After Rejection was rendered in the above-entitled matter. The Decision was to become effective on February 13, 2001, and was stayed by Order of February 13, 2001 to March 15, 2001.

On January 29, 2001, Respondent petitioned for reconsideration of the Decision of January 23, 2001.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of January 23, 2001, and reconsideration is hereby denied.

IT IS SO ORDERED

March 5, 2001

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

*Paula Reddish Zinnemann*

FILED  
FEB 13 2001  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
EDNA T. DUBON, )  
Respondent. )

NO. H- 28359 LA  
L- 2000050532

ORDER STAYING EFFECTIVE DATE

On January 23, 2001, a Decision After Rejection was rendered in the above-entitled matter to become effective February 13, 2001.

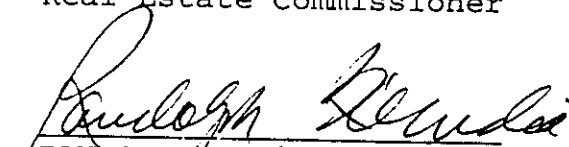
IT IS HEREBY ORDERED that the effective date of the Decision of February 13, 2001 is stayed for a period of Thirty (30) days.

The Decision of January 23, 2001 shall become effective at 12 o'clock noon on March 15, 2001.

DATED: February 13, 2001

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

By:

  
RANDOLPH BRENDIA  
Regional Manager

FILED

JAN 23 2001

DEPARTMENT OF REAL ESTATE

By Jean Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
EDNA T. DUBON, )  
Respondent. )

No. H- 28359 LA  
L- 2000050532

DECISION AFTER REJECTION

The matter came on regularly for hearing before Milford Maron, Administrative Law Judge of the Office of Administrative Hearings in Los Angeles, California, on July 27, 2000.

Martha J. Rosett, Counsel, represented the Complainant. Respondent was present and represented by Debra L. Fogelman, Esq., Law Offices of Greenberg & Bass.

Evidence was received and the matter stood submitted on July 27, 2000.

On August 1, 2000, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as the Decision of the Real Estate Commissioner. Pursuant to Section

1 11517(c) of the Government Code of the State of California,  
2 Respondent was served with a copy of the Proposed Decision dated  
3 August 1, 2000, and with notice of my determination not to adopt  
4 the Proposed Decision. Respondent was notified that the case  
5 would be decided by me upon the record, including the transcript  
6 of proceedings held on July 27, 2000, and upon any written  
7 argument offered by the parties.

8 Argument has been submitted by the Respondent and by  
9 Complainant. I have given careful consideration to these  
10 arguments and to the record in this case, including the  
11 transcript of proceedings of July 27, 2000.

12 FINDINGS OF FACT

13 I have determined that the Findings of Fact in the  
14 Proposed Decision of the Administrative Law Judge, dated  
15 August 1, 2000, are correct with respect to Findings 1 through  
16 3. These findings are hereby adopted. Factual Finding Number 4  
17 is not adopted.

18 The following additional findings of fact are also  
19 made:

20 4. The events leading to Respondent's arrest and  
21 conviction are set forth in the arrest report, admitted at  
22 hearing as Exhibit 4, and are summarized as follows:

23 a) On February 24, 1998, Respondent and a friend were  
24 arrested in the parking structure adjacent to Nordstrom's in  
25 Glendale. Police were notified by store security that  
26 Respondent attempted to purchase a purse for \$500 using a  
27 misappropriated credit card. Store representatives became

1 suspicious when Respondent provided inaccurate social security,  
2 date of birth and address information for the account, then left  
3 the store without the credit card.

4       b) Upon arrest, Respondent initially identified  
5 herself to police as "Joan." Her companion also referred to her  
6 as "Joan." The name on the misappropriated credit card was  
7 "Joan Lieberman." Subsequently, Respondent provided her true  
8 name and consented to have her Toyota 4-Runner searched,  
9 whereupon several items, including two new jackets and a new  
10 pair of women's shoes were found. Respondent admitted to using  
11 the credit card the day before at two separate Nordstrom's  
12 stores to purchase those items. She further admitted that while  
13 shopping at the other Nordstrom's, she saw a purse she wanted,  
14 and that she came to the Nordstrom's in Glendale intending to  
15 use the credit card to purchase the purse.

16       5. Respondent was convicted of grand theft, in  
17 violation of Penal Code Section 487(a) and of unlawful  
18 acquisition of access card account information, in violation of  
19 Penal Code Section 484(e)(e). These are each crimes of moral  
20 turpitude, substantially related to the qualifications,  
21 functions and duties of a real estate licensee. Respondent was  
22 sentenced to three years probation, the terms and conditions of  
23 which included a jail sentence and restitution. On or about  
24 June 30<sup>th</sup>, 2000, pursuant to petition, probation terminated one  
25 year early, the plea was set aside and the conviction was  
26 dismissed pursuant to Penal Code Section 1203.4.

27



1           6. Respondent provides substantial financial and  
2 moral support for her children, mother and grandmother, who all  
3 reside with her, none of whom, according to Respondent, are  
4 aware of her conviction.

5           7. Respondent explained that she regrets having been  
6 arrested and convicted, and has suffered extreme embarrassment  
7 as a result. Respondent places primary blame on her friend from  
8 whom she claims she obtained the stolen card. However, at least  
9 as to the last purchase, Respondent went into Nordstrom's alone  
10 to use someone else's card, without authorization.

11           8. Two of Respondent's employers and co-workers  
12 testified on her behalf that she is hard working and  
13 trustworthy. No testimony or letters were offered from  
14 supervising brokers, past, present or future.

15  
16                           DETERMINATION OF ISSUES

17           The Administrative Law Judge's Legal Conclusion 1 is  
18 hereby adopted. Legal Conclusion 2 is not supported by the  
19 evidence and is therefore rejected. The following additional  
20 Legal Conclusion is therefore made:

21           2. In applying the "Criteria for Rehabilitation" set  
22 forth in Title 10, Chapter 6 of the California Code of  
23 Regulations, Regulation 2912, it is hereby determined that  
24 rehabilitation is not complete. Respondent's convictions for  
25 grand theft and unlawful acquisition of access card information  
26 involved several instances of fraud and intentional dishonesty  
27 pertaining to credit. To make matters more serious, Respondent



1 was a loan officer at the time, and had additional experience in  
2 collections. Presumably, she knew better, but was unable to  
3 resist temptation. Therefore, a period of longer than two years  
4 free of misconduct is necessary to establish rehabilitation.

5 The crimes of which Respondent was convicted are  
6 directly related to the duties and qualifications of a real  
7 estate professional. As a real estate agent, Respondent  
8 regularly handles confidential credit information on behalf of  
9 clients and submits loan applications to financial institutions.  
10 The public relies on her honesty and integrity in these loan and  
11 other activities she carries out. Respondent has not yet  
12 established her rehabilitation and ability to handle the  
13 tremendous fiduciary responsibilities inherent to real estate  
14 transactions.

15 ORDER

16  
17 WHEREFORE, THE FOLLOWING ORDER is hereby made:

18 All licenses and license rights of Respondent EDNA T.  
19 DUBON under the real estate laws are hereby revoked.

20 This Decision shall become effective at 12 o'clock  
21 noon on February 13, 2001.

22  
23 IT IS SO ORDERED

*January 23, 2001.*  
24 PAULA REDDISH ZINNEMANN  
25 Real Estate Commissioner  
26  
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*gates*  
*for*

**FILED**  
AUG 24 2000  
DEPARTMENT OF REAL ESTATE

By *Laura B. Con*

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

In the Matter of the Accusation of	)	
	)	No. H-28359 LA
EDNA T. DUBON,	)	
	)	L-2000050532
Respondent.	)	

NOTICE

TO: Respondent EDNA T. DUBON and DEBRA L. FOGELMAN, her  
Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision  
herein dated August 1, 2000, of the Administrative Law Judge is  
not adopted as the Decision of the Real Estate Commissioner. A  
copy of the Proposed Decision dated August 1, 2000, is attached  
for your information.

In accordance with Section 11517(c) of the Government  
Code of the State of California, the disposition of this case  
will be determined by me after consideration of the record herein  
including the transcript of the proceedings held on July 27,

///



1 2000, and any written argument hereafter submitted on behalf of  
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me  
4 must be submitted within 15 days after receipt of the transcript  
5 of the proceedings of July 27, 2000, at the Los Angeles office of  
6 the Department of Real Estate unless an extension of the time is  
7 granted for good cause shown.

8 Written argument of Complainant to be considered by me  
9 must be submitted within 15 days after receipt of the argument of  
10 Respondent at the Los Angeles office of the Department of Real  
11 Estate unless an extension of the time is granted for good cause  
12 shown.

13 DATED: August 16, 2000

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15 PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of

EDNA T. DUBON,  
aka Edna T. Mendizabal,

Respondent.

Case No. H-28359 LA

OAH No. 2000050532

**PROPOSED DECISION**

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge with the Office of Administrative Hearings on July 27, 2000, at Los Angeles, California. The Complainant was represented by Martha J. Rosett, Counsel. The Respondent appeared in person and was represented by Debra L. Fogelman, Esq. Oral and documentary evidence was received and the matter was submitted for decision. It is now found true as follows:

1

Thomas McCrady, Complainant, is a Deputy Real Estate Commissioner of the State of California, and made the Accusation in his official capacity.

2

Respondent, Edna T. Dubon, aka Edna T. Mendizabal, is presently licensed as a real estate salesperson.

3

On or about June 16, 1998, in the Municipal Court, County of Los Angeles, State of California, in case number SGL01409, Respondent was convicted of a violation of Sections 487(a) and 484e(e) of the Penal Code, to wit: Grand theft and grand theft by credit card, respectively. Both were designated as misdemeanor crimes for which she suffered county jail time and community service. The crimes for which Respondent was convicted involve moral turpitude and bear a substantial relationship to the qualifications, functions and duties of a real estate licensee.

Respondent testified in her own behalf and established the following facts:

1. The events which led her to use a stolen credit card occurred at the urging of a male friend, and the stolen items were clothing items meant for his use.
2. She is contrite for her misbehavior, which was and is out of the norm for her core values.
3. She is the sole provider for herself and her extended family.
4. Her co-workers and others vouch for her honesty and integrity. She is currently employed in the mortgage finance industry and is supported by her employer.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

1

Cause for disciplinary action was established against Respondent pursuant to Sections 490 and 10177(b) of the Business and Professions Code.

2

No public purpose would be adversely affected by issuing Respondent a restricted license.

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent Edna T. Dubon, under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson's 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.

3. 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 of a restricted license until 5 years have elapsed from the effective date of this Decision.


4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(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.

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

Dated: Aug 1, 2000

  
MILFORD A. MARON  
Administrative Law Judge  
Office of Administrative Hearings

MAM:sp

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

**FILED**  
JUN 12 2000  
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of )

Case No. H-28359

EDNA T. DUBON, etc.

) OAH No. L-2000050532  
)  
)

By

Respondent(s). )

**NOTICE OF HEARING ON ACCUSATION**

To the above-named Respondent(s):

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, 6th Floor, Suite 630, Los Angeles, California, on JULY 27, 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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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: 6/12/00

DEPARTMENT OF REAL ESTATE

By:

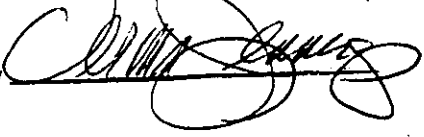
MARtha J. ROSETT, Counsel

cc: Edna T. Dubon  
Debra L. Fogelman, Esq.  
EFG Financial Inc.  
Sacto.,  
OAH

5/25/00  
Flag

1 Tuan Van Lai, Counsel (SBN 182967)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, California 90013-1105  
5  
6  
7 Telephone: (213) 576-6982  
8 -or- (213) 576-6916 (Direct)

FILED  
FEB 16 2000  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

11	In the Matter of the Accusation of )	
12	EDNA T. DUBON, )	No. H-28359 LA
13	aka Edna T. Mendizabal, )	A C C U S A T I O N
14	Respondent. )	

15 The Complainant, Thomas McCrady, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of accusation  
17 against EDNA T. DUBON, aka Edna T. Mendizabal (hereinafter  
18 "Respondent"), is informed and alleges in his official capacity as  
19 follows:

20 I

21 Respondent is presently licensed and/or has license  
22 rights under the Real Estate Law (Part 1 of Division 4 of the  
23 Business and Professions Code, hereinafter "Code") as a real  
24 estate salesperson.

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II

On or about June 16, 1998, in the Municipal Court,  
County of Los Angeles, State of California, in case number  
SGL01409, Respondent was convicted upon a plea of nolo contendere  
to violation of Section 487(a) (Grand Theft) and Section 484e(e)  
(Grand Theft of Credit Card) of the California Penal Code, both  
misdemeanor crimes. Respondent was placed on probation for three  
years. The terms and conditions of probation require, among  
others, that Respondent serve 30 days in county jail.

III

The crimes of which Respondent was convicted involve  
moral turpitude and bear a substantial relationship to the  
qualifications, functions or duties of a real estate licensee.

IV

The facts as alleged above are grounds for the  
suspension or revocation of all licenses and/or license rights of  
Respondent under Sections 490 and 10177(b) of the Code.

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1           WHEREFORE, Complainant prays that a hearing be conducted  
2 on the allegations of this Accusation and that upon proof thereof,  
3 a decision be rendered imposing disciplinary action EDNA T. DUBON,  
4 aka Edna T. Mendizabal, under the Real Estate Law (Part 1 of  
5 Division 4 of the Business and Professions Code) and for such other  
6 and further relief as may be proper under other applicable  
7 provisions of law.

8 Dated at Los Angeles, California  
9 this 16th day of February, 2000.

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11                                   THOMAS McCRADY  
12                                   Deputy Real Estate Commissioner  
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24 cc: Edna T. Dubon  
25       EFG Financial Inc.  
26       Thomas McCrady  
27       Sacto.  
      JN

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