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FILED
SEP 27 2007
DEPARTMENT OF REAL ESTATE

K. Mederholt

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28415 LA
JESSICA M. ADAM,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On June 29, 2000, a Decision was rendered herein revoking Respondent JESSICA M. ADAM aka Jessica M. Johnson's real estate salesperson license.

On August 16, 2002, Respondent petitioned for Reinstatement of said real estate salesperson license.

On August 26, 2003, an Order Denying Reinstatement of License was filed. Said Order granted Respondent the right to apply for and be issued a restricted real estate salesperson license.

A restricted real estate salesperson license was issued to Respondent on October 24, 2003, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

1
2 On March 19, 2007, Respondent petitioned for
3 Reinstatement of said real estate salesperson license and
4 the Attorney General of the State of California has been
5 given notice of the filing of said petition.

6 I have considered the petition of Respondent and
7 the evidence and arguments in support thereof. Respondent
8 has demonstrated to my satisfaction that Respondent meets
9 the requirements of law for the issuance to Respondent of
10 an unrestricted real estate salesperson license and that
11 it would not be against the public interest to issue said
12 license to Respondent.

13 NOW, THEREFORE, IT IS ORDERED that Respondent's
14 petition for reinstatement is granted and that a real estate
15 salesperson license be issued to Respondent, if Respondent
16 satisfies the following conditions within nine (9) months
17 from the date of this Order:

18 1. Submittal of a completed application and payment
19 of the fee for a real estate salesperson license.

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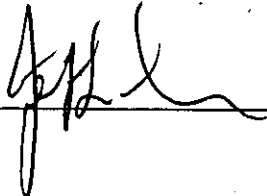
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2. Submittal of evidence of having, since the most
recent issuance of an original or renewal real estate license,
taken and successfully completed the continuing education
requirements of Article 2.5 of Chapter 3 of the Real Estate
Law for renewal of a real estate license.

This Order shall be effective immediately.

Dated: 9-19-07 .

JEFF DAVI
Real Estate Commissioner



copy file

FILED
AUG 26 2003
DEPARTMENT OF REAL ESTATE

By Laura B. Stone

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28415 LA
JESSICA M. ADAM,)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On June 29, 2000, a Decision was rendered herein revoking the real estate salesperson license of Respondent.

On August 16, 2002, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson license, in that:

///

I

1
2 On or about June 24, 1994, Respondent was convicted of
3 a violation of Welfare and Institutions Code Section 10980(c)(2)
4 (Aid by Misrepresentation - Over \$400). Respondent was
5 convicted under the name "Jessica Dimino". Respondent failed
6 to disclose this information in response to questions on her
7 real estate license application, which was filed with the
8 Department of Real Estate ("Department") on May 7, 1999.

9 In the Decision which revoked the real estate
10 salesperson license of Respondent there were Legal Conclusions
11 made that there was cause to revoke Respondent's real estate
12 license pursuant to Business and Professions Code ("Code")
13 Sections 498 and 10177(a). It had been determined that
14 Respondent's failure to disclose her conviction and the name
15 under which she was convicted, in her application for a real
16 estate salesperson license, constituted the procurement of a
17 real estate license by fraud, misrepresentation, deceit, or
18 by making a material misstatement of fact in her license
19 application.

20
21 II

22 Respondent's petition for reinstatement of her license
23 is governed by the Criteria of Rehabilitation set forth in the
24 California Administrative Code, Section 2911, Title 10, Chapter
25 6, California Code of Regulations ("Regulations"). Section 2911
26 provides as follows: "The following criteria have been
27 developed by the department pursuant to Section 482(a) of the
Business and Professions Code for the purpose of evaluating the

1 rehabilitation of an applicant for issuance or for reinstatement
2 of a license in considering whether or not to deny the issuance
3 or reinstatement on account of a crime or act committed by the
4 applicant."

5 The Criteria of Rehabilitation as applied to
6 Respondent are as follows: Regulation 2911 (a) it has been more
7 than two (2) years since the act; (b) restitution has been paid;
8 (c) the conviction has been expunged; (d) registration pursuant
9 to Penal Code Section 290 was not required; (e) probation has
10 been completed; (f) abstinence from use of alcohol or controlled
11 substances is not applicable; (g) payment of fine or monetary
12 penalty was not required; (h) stability of family life appears
13 to be met; (i) educational or vocational training courses have
14 been completed; (j) discharge of debts appears to be met;
15 (k) correction of business practices appears to be met;
16 (m) new social and business relationships is not applicable;
17 (n) a change in attitude has been shown.

18 III

19 Respondent has not provided proof of involvement
20 in community, church or social programs. This evidences a lack
21 of rehabilitation and is cause to deny Respondent's petition
22 pursuant to Regulation 2911(1).

23 I am satisfied, however, that it will not be against
24 the public interest to issue a restricted real estate
25 salesperson license to Respondent.
26
27

1 NOW; THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of Respondent's real estate
3 salesperson license is denied.

4 A restricted real estate salesperson license shall
5 be issued to Respondent pursuant to Code Section 10156.5
6 if Respondent within twelve (12) months from the date hereof
7 makes application therefor and pays the appropriate fee for
8 said license.

9 The restricted license issued to Respondent shall be
10 subject to all of the provisions of Code Section 10156.7 and to
11 the following limitations, conditions and restrictions imposed
12 under authority of Code Section 10156.6:

13 1. The restricted license issued to Respondent
14 may be suspended prior to hearing by Order of the Real Estate
15 Commissioner in the event of Respondent's conviction or plea
16 of nolo contendere to a crime which is substantially related
17 to Respondent's fitness or capacity as a real estate licensee.

18 2. The restricted license issued to Respondent
19 may be suspended prior to hearing by Order of the Real Estate
20 Commissioner on evidence satisfactory to the Commissioner that
21 Respondent has violated provisions of the California Real Estate
22 Law, the Subdivided Lands Law, Regulations of the Real Estate
23 Commissioner or conditions attaching to the restricted license.

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1 3. Respondent shall not be eligible to apply for
2 the issuance of an unrestricted real estate license nor for
3 the removal of any of the conditions, limitations or
4 restrictions of a restricted license until two (2) years have
5 elapsed from the effective date of this Decision.

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

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

14 (b) That the employing broker will exercise close
15 supervision over the performance by the restricted licensee
16 relating to activities for which a real estate license is
17 required.

18 5. Respondent shall within nine (9) months from the
19 date of issuance of a restricted license, submit evidence
20 satisfactory to the Real Estate Commissioner that Respondent
21 has, since Respondent's license was revoked, taken and
22 successfully completed the continuing education requirements of
23 Article 2.5 of Chapter 3 of the Real Estate Law (Business and
24 Professions Code Section 10170.5) for renewal of a real estate
25 license.

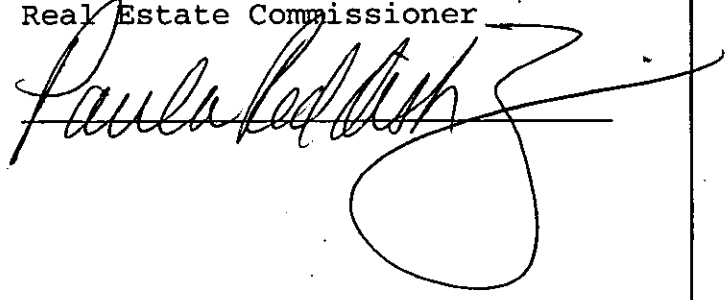
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This Order shall become effective at 12 o'clock
noon on September 15, 2003.

DATED: August 19, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Jessica Adam
680 W. Main Street, # A
Tustin, CA 92780

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FILED
JUL 13 2000
DEPARTMENT OF REAL ESTATE

By CS

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-28415 LA
JESSICA M. ADAM,)
Respondent(s).)
) L-2000030047	

ORDER STAYING EFFECTIVE DATE

On June 29, 2000, a Decision was rendered in the above-entitled matter to become effective July 27, 2000.

IT IS HEREBY ORDERED that the effective date of the Decision of June 29, 2000, is stayed for a period of 30 days.

The Decision of June 29, 2000, shall become effective at 12 o'clock noon on August 28, 2000.

DATED: July 13, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: Randolph Brendia
RANDOLPH BRENDIA
Regional Manager

FILED
JUL - 7 2000
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

By 

In the Matter of the Accusation of)
)
JESSICA M. ADAM,)
)
)
)
Respondent.)

No. H-28415 LA
L-2000030047

DECISION

The Proposed Decision dated June 12, 2000, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of knowingly making a false statement of fact required to be revealed in an application for license.

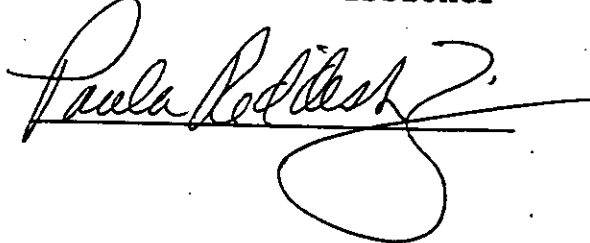
The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on July 27, 2000

IT IS SO ORDERED

June 29, 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:) NO. H-28415
JESSICA M. ADAM,) OAH NO. L2000030047
Respondent.)

PROPOSED DECISION

This matter was heard on April 12, 2000, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings (hereinafter "OAH"). The complainant was represented by Chris Leong, Counsel. The respondent was present and represented by Frank M. Buda, Attorney at Law. At Mr. Buda's request, the record was held open until June 1, 2000, for him to submit proof that respondent's probation had been reinstated. On June 1, 2000, a facsimile of a document was received at OAH, indicating that on May 24, 2000, a motion to reduce respondent's conviction in Case No. SD102477 of the Superior Court of California, County of San Diego, to a misdemeanor had been granted, and her probation deemed successfully completed. The administrative law judge marked the facsimile as Exhibit F1. On June 2, 2000, an uncertified copy of the same document was received at OAH. The administrative law judge marked it as Exhibit F2. On June 4, 2000, a facsimile of what purported to be a certified copy of the same document was received at OAH. The administrative law judge marked it as Exhibit G1. On June 6, 2000, a certified copy of the document was received at OAH. The administrative law judge marked it as Exhibit G2 and, although it had not been received on time (i.e., by June 1, 2000) the administrative law judge admitted it into evidence. The record was then closed as of June 6, 2000, and the matter deemed submitted on that date. In Exhibits F1 and F2, Mr. Buda requested that complainant be allowed to provide further argument based on the fact that her probation had been terminated and her crime reduced to a misdemeanor. That request is denied. The record was held open until June 1, 2000, on the assumption those matters would be proved.

FACTUAL FINDINGS

1. The Accusation herein was made and filed by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2. On or about May 7, 1999, respondent submitted an application for a real estate salesperson license to the Department of Real Estate. On May 15, 1999, the Department of Real Estate issued the applied-for license.
3. On said application, respondent answered "No" to question 25, which asked: "Have you ever been convicted of any violation of law?" In fact, she had been convicted as set forth in Factual Finding 5, below.
4. Respondent applied for said license under the name, "Jessica M. Adam." Question number 25 on said application asked: "Have you ever used any other names?" Respondent answered by writing in the names, "Byrd" and "Lapsley." In fact, she had been convicted as set forth in Factual Finding 5 under the name, "Jessica Dimino," a name she never mentioned in her application.
5. On or about May 25, 1994, in case number F149872 of the San Diego Municipal Court, respondent entered a plea of guilty to a violation of Welfare and Institutions Code section 10980(c)(2) (Aid by Misrepresentation - Over \$400). On June 24, 1994, she appeared for sentencing in the same case, but in the Superior Court of California, County of San Diego, where the case number was SD102477. Imposition of sentence was suspended, and she was placed on five years summary probation on conditions which included 220 hours of volunteer work and payment of \$5,567.00 restitution. Respondent was to show proof of completion of the volunteer work on June 26, 1995. When she failed to do so, her probation was revoked, and a bench warrant was issued. She testified at the administrative hearing that she did not know she had to return to court on June 26, 1995. On May 24, 2000, a motion to reduce the conviction to a misdemeanor was granted, and probation (including the volunteer service) was deemed successfully completed.
6. According to respondent, the circumstances of the conviction were that in 1991, she was a divorced mother of three, was collecting aid, and failed to report that she was working part-time. She still owes \$500 to \$600 restitution. She stated that she is a navy veteran with an honorable discharge, and she submitted letters from people whom she has helped to buy homes. Her explanation for not disclosing the conviction was that she did not know she had committed a crime. The real estate broker by whom she is employed testified that she did not mention the conviction to him until the Accusation herein came to light.
7. Respondent's explanation for not having disclosed the conviction on her application is found to wholly implausible. Her failure to disclose the conviction and the name under which she was convicted and her wholly implausible explanation, which was made under oath at this hearing, indicate that she is not rehabilitated.

LEGAL CONCLUSIONS

1. Respondent argues that the crime of which she was convicted was not one for which her application for a real estate license could have been denied and, therefore, her failure to disclose it is immaterial. The argument is without merit. Respondent's crime and

her underlying conduct would constitute grounds to deny her application under Business and Professions Code section 480.

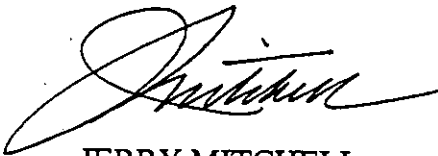
2. Respondent's failure to disclose her conviction, and the name under which she was convicted, in her application for a real estate license constitutes the procurement of a real estate license by fraud, misrepresentation, deceit, or by making a material misstatement of fact in her application, which constitutes cause under Business and Professions Code sections 498 and 10177(a) for suspension or revocation of her license and license rights under the Real Estate Law.

3. The evidence indicates that respondent lacks the integrity required of a real estate licensee; therefore, it would be against the public interest to allow her to continue to be licensed as a real estate salesperson.

ORDER

All licenses and license rights of respondent under the Real Estate Law are revoked.

DATED: June 12, 2000



JERRY MITCHELL
Administrative Law Judge

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
JESSICA M. ADAM,)
_____))
Respondent (s)

Case No. H-28415 LA

OAH No. L-2000030047

FILED
MAR - 8 2000
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent (s):

By Chris Leong

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, Suite 630, Los Angeles, CA 90013-1105 on WEDNESDAY, APRIL 12, 2000, at the hour of 10:00 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

CHRIS LEONG

CHRIS LEONG, Counsel

Dated: March 8, 2000

By

cc: Jessica M. Adam
Sacto.
OAH

SAC

1 CHRIS LEONG, Counsel
2 State Bar Number 141079
3 Department of Real Estate
4 320 West Fourth Street, Suite 350
5 Los Angeles, California 90013-1105
6
7
8 Telephone: (213) 567-6982
9 -or- (213) 576-6910 (Direct)

FILED
FEB 16 2000
DEPARTMENT OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of)
JESSICA M. ADAM,) NO. H-28415 LA
Respondent.) A C C U S A T I O N

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The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JESSICA M. ADAM (Respondent), is informed and alleges as follows:

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I

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

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II

At all times herein mentioned, Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code), as a conditional real estate salesperson. Said license



1 was issued on about May 15, 1999. Said license was issued as a
2 result of Respondent's application to the Department for a
3 conditional real estate salesperson license on or about
4 May 7, 1999. This license is subject to Code Section 10153.4.

5 III

6 On or about June 24, 1994, in the Superior Court of
7 California, County of San Diego, Respondent was convicted of
8 violating Section 10980(c)(2) of the Welfare & Institutions Code
9 (Aid by misrepresentation), a crime involving moral turpitude
10 which is substantially related under Section 2910, Title 10,
11 California Code of Regulations, to the qualifications, functions
12 or duties of a real estate licensee.

13 APPLICATION

14 IV

15 In response to Question 25 of said application, to
16 wit: "Have you ever been convicted of any violation of law?",
17 Respondent marked the box denoting "No".

18 V

19 In response to Question 18 of said application, to
20 wit: "Have you ever used any other names? If yes. list names
21 used", Respondent listed the names "Byrd, Lapsley". Respondent
22 failed to reveal that she used other names including Jessica
23 Maria Dimino and Jessica Dimino.

24 VI

25 Respondent's failure to reveal the criminal conviction
26 set forth in Paragraph III above and the other names, in said
27 application, constitutes the procurement of a real estate



1 license by fraud, misrepresentation, deceit, or by making a
2 material misstatement of fact in said application, which failure
3 to reveal is cause under Code Sections 498 and 10177(a) for the
4 suspension or revocation of all licenses and license rights of
5 Respondent under the Real Estate Law.

6
7 WHEREFORE, Complainant prays that a hearing be
8 conducted on the allegations of this Accusation and that upon
9 proof thereof, a decision be rendered imposing disciplinary
10 action against all licenses and license rights of Respondent,
11 JESSICA M. ADAM, under the Real Estate Law (Part 1 of Division 4
12 of the Business and Professions Code), and for such other and
13 further relief as may be proper under other applicable
14 provisions of law.

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

17
18 THOMAS MCCRADY
19 Deputy Real Estate Commissioner

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26 cc: Jessica M. Adam
27 Thomas McCrady
Sacto.
LF