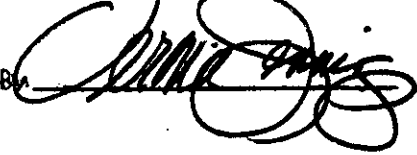


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FILED
JUN 23 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-28508 LA
ARLETT THERESE HAMILTON,)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 1, 2000, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent or about November 1, 2000, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

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1 On or about October 14, 2004, Respondent petitioned
2 for reinstatement of said real estate broker license and the
3 Attorney General of the State of California has been given
4 notice of the filing of said petition.
5

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

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

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

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

25 ///

26 ///

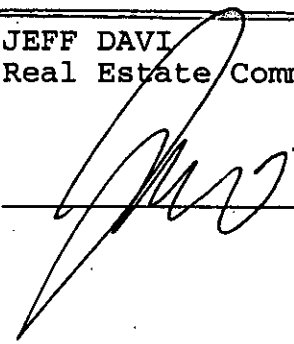
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This Order shall become effective immediately.

DATED: 5-29-05

JEFF DAVI
Real Estate Commissioner



cc: Arlett Hamilton
P.O. Box 2962
Culver City, CA 90231

1 Department of Real Estate
2 320 West Fourth Street, Ste. 320
3 Los Angeles, California 90013

4 (213) 576-6913

FILED
SEP 11 2000
DEPARTMENT OF REAL ESTATE

By K. V. Kerkhof

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11	In the Matter of the Accusation of)	No. H-28508 LA
12	ARLETT THERESE HAMILTON,)	<u>STIPULATION AND AGREEMENT</u>
13	Respondent.)	
14	_____)	

15 It is hereby stipulated by and between ARLETT THERESE
16 HAMILTON (sometimes referred to as Respondent) and her attorney,
17 Frank M. Buda, and the Complainant, acting by and through James R.
18 Peel, Counsel for the Department of Real Estate, as follows for
19 the purpose of settling and disposing of the Accusation filed on
20 April 19, 2000, in this matter.

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

1
2 2. Respondent has received, read and understands the
3 Statement to Respondent, the Discovery Provisions of the APA and
4 the Accusation filed by the Department of Real Estate in this
5 proceeding.

6 3. On April 27, 2000, Respondent filed a Notice of
7 Defense, pursuant to Section 11506 of the Government Code for the
8 purpose of requesting a hearing on the allegations in the
9 Accusation. Respondent hereby freely and voluntarily withdraws
10 said Notice of Defense. Respondent acknowledges that she
11 understands that by withdrawing said Notice of Defense she will
12 thereby waive her right to require the Commissioner to prove the
13 allegations in the Accusation at a contested hearing held in
14 accordance with the provisions of the APA and that she will waive
15 other rights afforded to her in connection with the hearing, such
16 as the right to present evidence in defense of the allegations in
17 the Accusation and the right to cross-examine witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, although not admitting or denying the truth of the
20 allegations, will not contest the factual allegations contained in
21 the Accusation filed in this proceeding and the Real Estate
22 Commissioner shall not be required to provide further evidence of
23 such allegations.

24 5. It is understood by the parties that the Real Estate
25 Commissioner may adopt the Stipulation and Agreement as her
26 decision in this matter thereby imposing the penalty and sanctions
27 on Respondent's real estate license and license rights as set

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forth below in the "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

7. This Stipulation is entered into by each party with the express understanding and agreement that it is to be used for the purposes of settling these proceedings only and that this Stipulation shall not be deemed, used, or accepted as an acknowledgment or stipulation in any other civil or administrative proceeding to which this Department is not a party.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

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I

The conduct of Respondent, ARLETT THERESE HAMILTON, as alleged in the Accusation, is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Section 10177(j) of the Business and Professions Code.

ORDER

All licenses and license rights of Respondent ARLETT THERESE HAMILTON under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent ARLETT THERESE HAMILTON 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.

/

1
2 2. The restricted license issued to Respondent may
3 be suspended prior to hearing by Order of the Real Estate
4 Commissioner on evidence satisfactory to the Commissioner
5 that Respondent has violated provisions of the California
6 Real Estate Law, the Subdivided Lands Law, Regulations of the
7 Real Estate Commissioner or conditions attaching to the
8 restricted license.

9 3. Respondent shall not be eligible to apply for
10 the issuance of an unrestricted real estate license nor for
11 the removal of any of the conditions, limitations or
12 restrictions of a restricted license until two years have
13 elapsed from the effective date of this Decision.

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

27 5. Respondent shall, within six months from the
effective date of this Decision, take and pass the

1 Professional Responsibility Examination administered by the
2 Department including the payment of the appropriate
3 examination fee. If Respondent fails to satisfy this
4 condition, the Commissioner may order suspension of
5 Respondent's license until Respondent passes the examination.
6

7 Petition for reinstatement of a revoked real estate
8 license is controlled by Section 11522 of the Government
9 Code. A copy of Section 11522 is attached hereto for the
10 information of respondent.

11 If and when application is made for a real estate
12 license through a petition for reinstatement, all competent
13 evidence of rehabilitation presented by the respondent will
14 be considered by the Real Estate Commissioner. A copy of
15 the Commissioner's Criteria of Rehabilitation is attached
16 hereto.

17 DATED: Aug. 14, 2000

18 James R. Peel
19 JAMES R. PEEL
20 Counsel for Complainant

21 * * * * *

22 I have read the Stipulation and Agreement, and its
23 terms are understood by me and are agreeable and acceptable
24 to me. I understand that I am waiving rights given to me by
25 the California Administrative Procedure Act (including but
26 not limited to Sections 11506, 11508, 11509 and 11513 of the
27 Government Code), and I willingly, intelligently and
voluntarily waive those rights, including the right of
requiring the Commissioner to prove the allegations in the

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Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 8-7-00

Arlett Therese Hamilton
ARLETT THERESE HAMILTON
Respondent

DATED: 8-2-00

Frank M. Buda
FRANK M. BUDA, ESQ.
Counsel for Respondent

* * * * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on October 2, 2000.

IT IS SO ORDERED September 1, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner
Paula Reddish Zinnemann

Sacto
3/20/00

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 21 2000
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ARLETT THERESE HAMILTON,

By K. Kneidel

Case No. H-28508 LA

OAH No. L-2000050292

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 West Fourth St., Ste. 350, Los Angeles, CA on July 26, 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: June 21, 2000

By James R. Peel
Counsel

RE 501 (Rev. 8/97)

cc: Arlett Therese Hamilton
Frank M. Buda, Esq.
Sacto
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LK

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Sacto
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 23 2000
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ARLETT THERESE HAMILTON,

} By *K. Mederholt*
Case No. H-28508 LA
OAH No. L-2000050292

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 90013 on July 19, 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: May 23, 2000

By

James R. Peel

Counsel

cc: Arlett Therese Hamilton
Sacto
LK
OAH

RE 501 (Rev. 8/97)

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FILED
APR 19 2000
DEPARTMENT OF REAL ESTATE

JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013

By Jana B. Orma

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-28508 LA
ARLETT THERESE HAMILTON,)	<u>ACCUSATION</u>
Respondent.)	

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ARLETT THERESE HAMILTON, alleges as follows:

I

The Complainant, Thomas Mc Crady, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California makes this Accusation against ARLETT THERESE HAMILTON.

II

ARLETT THERESE HAMILTON, (hereinafter referred to as 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, hereinafter referred to as the "Code".

1 III

2 At all times herein mentioned, respondent was licensed
3 by the Department of Real Estate of the State of California as a
4 real estate broker.

5 IV

6 On or about November 25, 1997, respondent made
7 application to Home Savings of America ("lender") for a loan on
8 real property located at 1301 W. 58th Place, Los Angeles,
9 California ("Property").

10 V

11 As part of the loan transaction, respondent, with the
12 intent to induce the lender to make the loan to respondent,
13 submitted falsified income tax returns to the lender for the
14 years 1995 and 1996 which substantially overstated respondent's
15 income for those years.

16 VI

17 The conduct of respondent, as alleged above, subjects
18 her real estate licenses and license rights to suspension or
19 revocation under Sections 10177(f) and 10177(j) of the Business
20 and Professions Code.

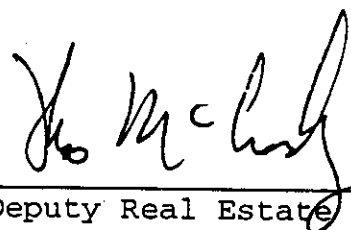
21
22 WHEREFORE, Complainant prays that a hearing be
23 conducted on the allegations of this Accusation and that upon
24 proof thereof, a decision be rendered imposing disciplinary
25 action against all licenses and license rights of respondent
26 ARLETT THERESE HAMILTON, under the Real Estate Law (Part 1 of
27

/

1 Division 4 of the Business and Professions Code) and for such
2 other and further relief as may be proper under other applicable
3 provisions of law.

4 Dated at Los Angeles, California

5 this 19th day of April,, 2000.



Deputy Real Estate Commissioner

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CC: Arlett Therese Hamilton
Sacto.
LK
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JRP:lbo