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FILED

SEP - 1 2006

DEPARTMENT OF REAL ESTATE
BY: Laura B. Cron

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28556 LA
MAGDALENA VILLEGAS DE SALAS,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 29, 2000, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On March 1, 2002, Respondent petitioned for
reinstatement of her real estate salesperson license. An Order
Granting Reinstatement of License was filed on July 9, 2004.
Said Order granted Respondent the right to apply for and be
issued a real estate salesperson license, if certain conditions
were met. Respondent failed to meet the required conditions.

On January 24, 2006, Respondent again petitioned for
reinstatement of her real estate salesperson license and the
Attorney General of the State of California has been given
notice of the filing of said petition.

///

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

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent, if Respondent
11 satisfies the following conditions within twelve (12) months
12 from the date of this Order:

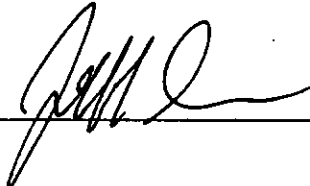
13 1. Submittal of a completed application and payment
14 of the fee for a real estate salesperson license.

15 2. Submittal of evidence satisfactory to the Real
16 Estate Commissioner that Respondent has, since Respondent's
17 license was revoked, taken and passed the written examination
18 required to obtain a real estate salesperson license.

19 This Order shall be effective immediately.

20 Dated: 8-15-06
21 _____

22 JEFF DAVI
23 Real Estate Commissioner

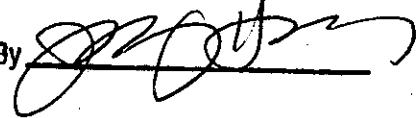
24 
25 _____

26 cc: Magdalena Villegas De Salas
27 2025 W. Willow Avenue
Orange, CA 92868

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FILED
JUL 09 2004
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28556 LA
MAGDALENA VILLEGAS DE SALAS,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

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

On March 1, 2002, Respondent petitioned for
reinstatement of said real estate salesperson license and
the Attorney General of the State of California has been
given notice of the filing of said petition.

I have considered the petition of Respondent and
the evidence and arguments 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 salesperson license and that it would
not be against the public interest to issue said license to
Respondent MAGDALENA VILLEGAS DE SALAS.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement is granted and that a real estate
3 salesperson license be issued to Respondent, if Respondent
4 satisfies the following conditions within twelve (12) months
5 from the date of this Order:

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


8 2. Submittal of evidence satisfactory to the Real
9 Estate Commissioner that Respondent has, since her license was
10 revoked, taken and passed the written examination required to
11 obtain a real estate salesperson license.

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

17 This Order shall be effective immediately.

18 Dated: July 2, 2004.

19
20 JOHN R. LIBERATOR
21 Acting Real Estate Commissioner

22 
23
24

25
26 cc: Magdalena Villegas De Salas
27 2025 W. Willow Avenue
 Orange, CA 92868

FILED
DEC 7 2000
DEPARTMENT OF REAL ESTATE

By Laura B. Cross

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

MAGDALENA VILLEGAS DE SALAS,)

Respondent.)

NO. H- 28556 LA
L- 2000060342

ORDER DENYING RECONSIDERATION

On September 29, 2000, a Decision was rendered in the above-entitled matter, revoking Respondent's real estate salesperson license. The Decision was to become effective on October 24, 2000, and was stayed by separate Orders to December 7, 2000.

On November 7, 2000, Respondent petitioned for reconsideration of the Decision of September 29, 2000.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of September 29, 2000, and reconsideration is hereby denied.

IT IS SO ORDERED December 4, 2000.

PAULA REDDISH ZINNEBANN
Real Estate Commissioner

Paula Reddish Zinnemann

facto

FILED
NOV 16 2000
DEPARTMENT OF REAL ESTATE

By Laura B. Orma

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-28556 LA
MAGDALENA VILLEGAS DE SALAS,) L-2000060342
Respondent(s).)
_____)

ORDER STAYING EFFECTIVE DATE

On September 29, 2000, a Decision was rendered in the above entitled matter to become effective October 24, 2000, (which effective date was stayed to November 27, 2000).

IT IS HEREBY ORDERED that the effective date of the Decision of September 29, 2000, is stayed for an additional 10 days.

The Decision of September 29, 2000, shall become effective at 12 o'clock noon on December 7, 2000.

DATED: November 16, 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner
Paula Reddish Zinnemann
RANDOLPH BRENDIA
Regional Manager

facto. neg

FILED
OCT 23 2000
DEPARTMENT OF REAL ESTATE

By *Laura B. Orr*

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-28556 LA
MAGDALENA VILLEGAS DE SALAS,) L-2000060342
Respondent.)

ORDER STAYING EFFECTIVE DATE

On September 29, 2000, a Decision was rendered in the above-entitled matter to become effective October 24, 2000.

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

The Decision of September 29, 2000, shall become effective at 12 o'clock noon on November 27, 2000.

DATED: October 23, 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

By: *Randolph Brendia*
RANDOLPH BRENDIA
Regional Manager

lbo

facto
done

FILED
OCT 4 2000
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By *Laura B. Jona*

* * * * *

In the Matter of the Accusation of)	No. H-28556 LA
MAGDALENA VILLEGAS DE SALAS,)	
)	L-2000060342
)	
)	
Respondent.)	
_____)	

DECISION

The Proposed Decision dated September 5, 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.

Pursuant to Section 11517(c) of the Government Code, the following corrections are made:

1. In line 5, Page 3, Finding #11, the word "Accusation" is replaced with the word, "Application".
2. In line 5, Page 5, the first full paragraph, the word "Accusation" is replaced with the word, "Application".

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 October 24, 2000

IT IS SO ORDERED

September 29, 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A handwritten signature in cursive script, reading "Paula Reddish Zinnemann", written over a horizontal line.

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

In the Matter of the Accusation Against)	
)	
MAGDALENA VILLEGAS DE SALAS,)	File No. : H- 28556 LA
)	OAH NO.: L 2000060342
Respondent.)	
_____)	

PROPOSED DECISION

This matter came on regularly for hearing before Barbara Bailey Barnes, Administrative Law Judge with the Office of Administrative Hearings, State of California, on August 4, 2000.

Complainant, Thomas McCrady, was represented by Martha Rosett, Staff Counsel.

Respondent, Magdalena Villegas De Salas ("Respondent"), appeared and represented herself. She was assisted by Doris Gibson Small, Respondent's sponsoring broker.

Oral and documentary evidence was received. Upon the unopposed motion by the Complainant, the Accusation was amended on page 3, lines 3-4, to strike the name, Richard Miller Reycraft, and insert in its stead the Respondent's true name, Magdalena Villegas De Salas. The record was closed and the matter was submitted for decision.

FACTUAL FINDINGS

1. The Accusation was made by Thomas McCrady, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in his official capacity.
2. On January 22, 1998, Respondent applied to the Department of Real Estate of the State of California ("the Department"), for licensure as a real estate salesperson. A conditional real estate salesperson's license, number 0123334, was issued to the Respondent by the Department on January 23, 1998. The conditional license is due to expire on January 22, 2002.

3. In response to Question 25 of Respondent's application for licensure, filed with the Department on January 22, 1998, Respondent knowingly gave false and misleading information and withheld a material fact, when she failed to disclose to the Department a previous conviction.

4. Question 25 asks: "*Have you ever been convicted of any violations of law?*" Respondent answered "No".

5. Question 27 of the application for licensure requires the applicant to give a detailed explanation of each conviction, including, "whether each conviction was a misdemeanor or felony at the time the conviction occurred and whether *"the conviction has been changed or reduced"*. Respondent did not provide any information in response to this question.

6. On August 13, 1997 in the Municipal Court, Downey Judicial District, Los Angeles County, State of California, in case number 7DW07638, Respondent was convicted, on her plea of guilty, of violation of section 484 (a) of the California Penal Code ("P.C."), *petty theft*. Respondent was not represented by legal counsel. Although, initially charged with a misdemeanor, the offense was reduced to an infraction on the conviction date. The infraction, however, is one involving moral turpitude and is an offense which is substantially related to the qualifications, functions and duties of a real estate licensee.

7. As a result of her conviction, Respondent was ordered to pay a fine of \$100, a penalty assessment of \$170, and a civil assessment of \$35. The total amount (\$305) was to be paid in installments of \$30 per month, commencing on September 16, 1997.

8. On August 4, 1998, in case number DW07638, upon Respondent's petition, the Court ordered that the plea, verdict, or finding of guilty be set aside and vacated, a plea of not guilty entered and the complaint dismissed pursuant to 1203.3 and 1203.4 P.C. In addition, the order stated, "*Further, if this order is granted pursuant to the provisions of 1203.4, the defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office for licensure by any state or local agency, or for contracting with the California State Lottery.*" (emphasis added)

9. The facts and circumstances surrounding Respondent's conviction are as follows: Based upon Respondent's testimony, she went to Costco with her children to retrieve film she had left for developing. Displeased with the way the pictures looked, she angrily tossed them into a trash can and left the store without paying. According to Respondent's account, the value of the tossed pictures was \$2.47. She was detained by store security and cited to appear in court on the 484 P.C. charge.

///

10. Respondent is remorseful for her involvement in the petty theft offense, stating she is still experiencing the terrible consequences. She satisfied all of the court's conditions and was never placed under probationary supervision. She has no prior or subsequent convictions.

11. Regarding her failure to disclose her conviction to the Department, Respondent denied that this was an intentional act. Stating, "It didn't dawn on me that I lied", Respondent explained that she knew that she had paid her fine and that the charge was being reduced to an infraction. She admitted, however, that after receiving the Department's Accusation in approximately June 1997, she contacted a lawyer who advised her of the form she was to file in the Municipal Court to request reduction of the charge. After she completed payment of the fine ordered in the matter, on August 3, 1998 she filed the petition for dismissal, pursuant to 1203.4 (a) P.C.

12. On March 22, 2000, Respondent was interviewed by a Department investigator. Respondent completed and signed a Confidential Report of Interview. Therein Respondent disclosed the 1997 conviction for 484 P.C., *petty theft*. In response to the query, "*Was disclosure made on RE license application?*", Respondent wrote, "No. I forgot."

13. Respondent resides with two of her three children, ages 14 and 17 years old. From 1994 to the present she has been a full-time employee with the Los Angeles County Registrar-Recorder's Office. She started studying real estate in 1995 and passed the real estate exam in December, 1998. For the last two years, she has worked part-time for Century 21, J.R. Gibson Company, located in Santa Ana, California. Doris Gibson Small is her sponsoring broker.

14. Doris Gibson Small, who has thirty (30) years experience as a broker, testified on behalf of Respondent at the hearing of this matter. Ms. Small emphasized that she is well recognized in the real estate community and has never had a complaint filed against her at any time by the Department or any other agency. In describing the Respondent, Ms. Small stated, "I have never seen an agent who has worked harder. She works diligently with her clients, not one complaint." Ms. Small voiced her frustration with the Department's handling of the Respondent's case over what she described as a \$2.47 incident.

Ms. Small admitted that she did not become aware of Respondent's conviction until March 2000, but was unable to get adequate information about it from the Department. Regarding Respondent's failure to reveal the conviction to the Department, Ms. Small stated, "I believe that she [Respondent] felt it would be a non-issue." Ms. Small feels that Respondent has paid the penalty for her act. "She made the wrong decision." Although Respondent will generally come to her with any questions, Respondent did not solicit her help in completing the application for licensure.

///

15. Ms. Small supervises all of Respondent's transactions and is willing to continue to do so. She described one occasion where Respondent made a mistake in calculations, discovered the mistake herself, and paid the difference from her own money. Ms. Small does not believe discipline of Respondent's license is appropriate.

16. Based upon the Department's records, Respondent has completed two (2) out of three (3) educational courses required by Section 10153.2 of the Business and Professions Code.

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

1. Cause exists for the suspension or revocation of Respondent's real estate salesperson's license pursuant to Business and Professions Code Sections 498 and 10177 (a), due to her procurement of said license by fraud, misrepresentation and deceit, by knowingly failing to disclose a material fact to the Department in her application, the 1997 conviction for 484 P.C., *petty theft*, an infraction, as set forth in Findings 3 through 9.

2. Although the crime for which Respondent was convicted was reduced to an infraction, the crime involved an act of dishonesty, and thus, moral turpitude. Respondent was not represented by legal counsel at the criminal proceedings. However, her conviction of the crime stands. An offense involving dishonesty is one that is substantially related to the qualifications, functions and duties of a real estate salesperson.

3. Respondent by no means meets the criteria of a career offender. She has been convicted of only one infraction. The offense for which she was convicted appears to have been the result of a combination of anger and very poor judgment and has been an isolated incident in her life. However, it is just that poor judgment that causes concern. At the time of the petty theft incident, she was accompanied by her children. Yet, instead of taking the time to investigate alternatives, she simply threw down the photos and walked out of the store without paying.

4. Compounding circumstances is the fact that Respondent failed to disclose the conviction to the Department. This is further cause for concern. Respondent verbalized much remorse during her testimony. For two years, based upon her broker's assessment, she has been an honest and trusted employee, with no complaints from clients. Yet, Respondent's testimony as to her reasons for the non-disclosure is not credible and is, at most, conflicting.

5. Respondent was placed on notice by the clear and unambiguous language in Question 25 of the application. The language in Item 27 of the application further clarified the required information.

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Respondent argued that it didn't occur to her that she was being untruthful, because she knew the charge was being reduced and dismissed. However, Respondent, by her own admission, did not and could not apply for dismissal until she had completed the payment of her fine. She applied for dismissal, by her own admission, after receiving the Department's Accusation. Respondent's intelligence and ability to maintain other demanding employment belies this excuse. There is no evidence that Respondent has difficulty understanding the written word.

In March, 2000 Respondent wrote, as she was being interviewed by the Department, that she failed to disclose because she "forgot". When Respondent's petition for dismissal pursuant to 1203.4 P.C was granted, the court's Order again placed her on notice of the requirements of disclosure, as noted in Finding 8.

Therefore, the only conclusion that can be reached is that Respondent intended to deceive. Whether from embarrassment or desperation, she was dishonest in her application.

The Department's reliance on Harrington v. Department of Real Estate, 214 Cal. App.3d., 394 is well taken. The court's comments are especially pertinent and relevant to the instant case and are worth repeating:

"...appellant's lack of candor in completing his license application is itself sufficient to sustain a finding that appellant does not yet appreciate the need to speak honestly about and to accept responsibility for one's actions." The Court agrees that "one's character trait for honesty and integrity is an important qualification to be a real estate salesperson inasmuch as clients rely on the licensee's integrity in representing them, disclosing important facts about the properties he is privy to and holding monies in a fiduciary capacity."


The public has a right to expect that "the licensee must have demonstrated a degree of honesty and integrity in order to have obtained a license." Golde v. Fox, 98 Cal. App.3d at p. 178. Respondent has failed to demonstrate this acceptance of responsibility and her level of trustworthiness is indeed questionable. It is in this light that the following Order is made.

ORDER

WHEREFORE, the following Order is hereby made:

The real estate salesperson's license issued to Magdalena Villegas De Salas is hereby revoked.

September 5, 2000


BARBARA BAILEY BARNES
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILE
JUL - 7 2000
DEPARTMENT OF REAL EST.

In the Matter of the Accusation

Case No. H-28556 LA

MAGDALENA VILLEGAS DE SALAS,

OAH No. L-2000060342

By James B. Dean

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 AUGUST 4, 2000, at the hour of 1:30 p.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: 7/6/00

DEPARTMENT OF REAL ESTATE

By:

Martha J. Rosett
MARTHA J. ROSETT, Counsel

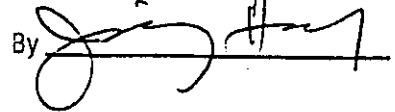
cc: Magdalena Villegas De Salas
Doris Gibson Small
Sacto.
OAH

6210
1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth Street, #350
4 Los Angeles, CA 90013

5 (213) 576-6982
6 (213) 576-6914

FILED
MAY 17 2000

DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-28556 LA
12 MAGDALENA VILLEGAS DE SALAS, aka,) A C C U S A T I O N
13 "Magdalena Villegas Salas," and,)
14 "Magdalena Villegas Garcia,")
Respondent.)

15
16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against MAGDALENA VILLEGAS DE SALAS, aka "Magdalena Villegas
19 Salas," and "Magdalena Villegas Garcia," is informed and alleges
20 as follows:

21 1

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

25 2

26 On or about January 22, 1998, Respondent, pursuant to
27 the provisions of Section 10153.3 of the Business and Professions
Code, (hereinafter "Code"), made application to the Department of

1 Real Estate of the State of California ("Department") for a real
2 estate salesperson license, with the knowledge and understanding
3 that any license issued as a result of said application would be
4 subject to the conditions of Section 10153.4 of the Code.

5 3

6 In response to Question 25 of said application, to wit:
7 "Have you ever been convicted of any violation of law?"
8 Respondent responded, "No." In reliance upon said application,
9 the Department issued a conditional real estate salesperson
10 license to Respondent on or about January 23, 1998.

11 4

12 On or about August 13, 1997, in the Los Angeles County
13 Municipal Court, Downey Judicial District, in Case Number
14 7DW07638, Respondent was convicted on her plea of guilty to
15 violating Penal Code Section 484(a) (petty theft). Although the
16 charges were reduced to an infraction, the crime was one of moral
17 turpitude, reflecting dishonesty.

18 5

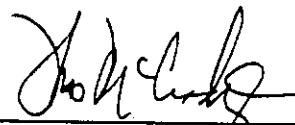
19 Respondent's failure to accurately reveal the
20 conviction set forth in Paragraph 4 above in her application for
21 a real estate license constitutes the procurement of a real
22 estate license by fraud, misrepresentation, deceit or by making a
23 material misstatement of fact and omitting material facts in said
24 application, which procurement is cause for suspension,
25 revocation or other restriction of Respondent's license and/or
26 license rights under Sections 498 and 10177(a) of the Code.

27 WHEREFORE, Complainant prays that a hearing be



1 conducted on the allegations of this Accusation and that upon
2 proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and/or license rights of RICHARD
4 MILLER REYCRAFT, under the Real Estate Law and for such other and
5 further relief as may be proper under applicable provisions of
6 law.

7 Dated at Los Angeles, California
8 this 17th day of May, 2000.

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10 
11 Deputy Real Estate Commissioner
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20 cc: MAGDALENA VILLEGAS DE SALAS
21 Sacto.
22 CW
23 Thomas McCrady
24 Doris Gibson Small
25
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