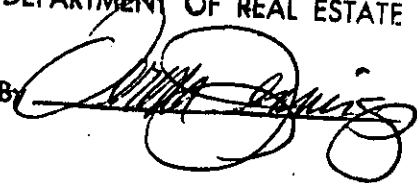


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FILED
MAR 19 2001
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-28619 LA
JENNIFER JO DOYLE,)	L-2000070509
)	
)	
Respondent.)	

DECISION AFTER REJECTION

The matter came on for hearing before W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on September 18, 2000.

Sean Crahan, Counsel, represented the complainant.

Respondent JENNIFER JO DOYLE appeared and was represented by Jere N. Sullivan, Esq..

Evidence was received, the hearing was closed, and the matter was submitted.

On October 13, 2000, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my Decision herein. Pursuant to Section 11517(c) of the Government

1 Code of the State of California, Respondent was served with
2 notice of my determination not to adopt the Proposed Decision of
3 the Administrative Law Judge along with a copy of said Proposed
4 Decision. Respondent was notified that the case would be decided
5 by me upon the record including the transcript of proceedings
6 held on September 18, 2000, and upon any written argument offered
7 by Respondent and complainant.

8 On December 14, 2000, the transcript of the September
9 18, 2000 hearing was received. On December 14, 2000, respondent
10 was notified of the receipt of said transcript and was requested
11 to submit argument within fifteen (15) days thereof. On December
12 28, 2001, Respondent submitted argument. On February 14, 2001,
13 complainant submitted argument.

14 I have given careful consideration to the record in
15 this case, including the transcript of proceedings of September
16 18, 2000 and to respondent's and complainant's arguments.

17 The following shall constitute the Decision of the Real
18 Estate Commissioner in the above-entitled matter.

19 FINDINGS OF FACT

20 The Factual Findings as set forth in the Proposed
21 Decision dated October 13, 2000 of the Administrative Law Judge,
22 are hereby adopted as the Findings of Fact of the Real Estate
23 Commissioner in the above-entitled matter.

24 DETERMINATION OF ISSUES

25 The Legal Conclusions of the Proposed Decision dated
26 October 13, 2000, of the Administrative Law Judge are hereby

27 ///

1 adopted as the Determination of Issues of the Real Estate
2 Commissioner in the above-entitled matter.

3 SUPPLEMENTAL DETERMINATION OF ISSUES

4 Over a seven (7) year period, respondent was convicted
5 of three crimes: issuing insufficient funds checks, giving false
6 information to a peace officer and defrauding an innkeeper. In
7 addition, at the hearing in this matter, respondent demonstrated
8 a cavalier attitude toward the courts that rendered all three
9 convictions. Respondent's last conviction occurred in December
10 1997 and since then, evidence suggests that respondent has
11 attempted to turn her life around. However, considering the long
12 period of criminal history, additional time is needed to
13 determine whether or not respondent has been rehabilitated.
14 Additionally, all of respondent's crimes are acts of dishonesty.
15 Real estate licensees, in dealing with the public, regularly
16 enter houses, make representations about properties or
17 transactions and may frequently receive cash, checks or other
18 things of value from principals. Given these considerations,
19 respondent has not sufficiently demonstrated her rehabilitation,
20 in terms of quantity and in terms of time. At this time, the
21 public would not be adequately protected by issuing her a
22 restricted license.

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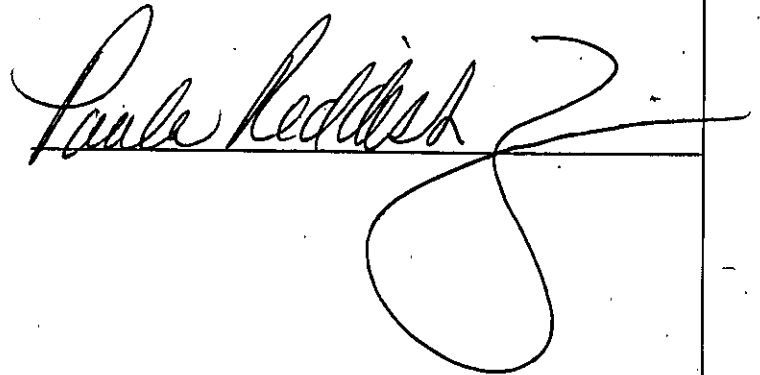
ORDER

The application by JENNIFER JO DOYLE for a conditional
real estate salesperson license is hereby denied.

This Decision shall become effective on
April 9, 2001

IT IS SO ORDERED March 13, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



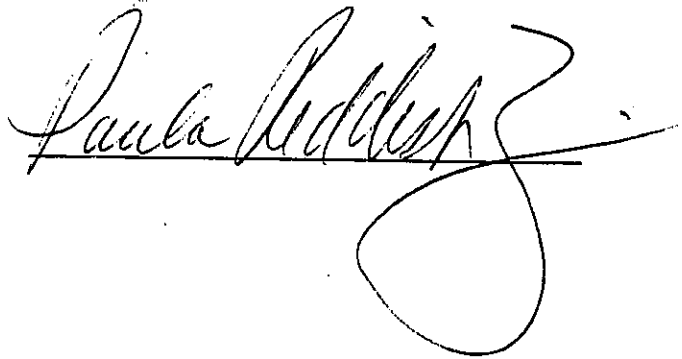
1 2000, and any written argument hereafter submitted on behalf of
2 respondent and complainant.

3 Written argument of respondent to be considered by me
4 must be submitted within fifteen (15) days after receipt of the
5 transcript of the proceedings of September 18, 2000, at the
6 Los Angeles office of the Department of Real Estate unless an
7 extension of the time is granted for good cause shown.

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

13 DATED: November 6, 2000.

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15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

JENNIFER JO DOYLE,

Respondent.

Case No. H-28619 LA

OAH No. L-2000070509

PROPOSED DECISION

This matter came on regularly for hearing before W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on September 18, 2000. Sean Crahan, Counsel, represented the complainant. The respondent was present and was represented by Jere N. Sullivan, Jr., Attorney at Law. Evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

1. Thomas McCrady made the Statement of Issues in his official capacity as a Deputy Real Estate Commissioner.
2. On or about November 19, 1999, respondent Jennifer Jo Doyle applied to the Department of Real Estate for a real estate salesperson license; any license issued as a result of that application would be subject to the conditions of Business and Professions Code section 10153.4.
3. On or about December 9, 1997, in the Grover Beach Municipal Court, San Luis Obispo County, California, respondent was convicted on her plea of nolo contendere of violating Penal Code section 476(a) (issuance of non-sufficient funds checks in 1996 not exceeding a total of \$200.00), a misdemeanor which is substantially related to the qualifications, functions, or duties of a real estate licensee. Respondent was placed on one year informal probation upon condition that she make restitution on all outstanding checks, which was completed on September 23, 1998.
4. (a) On or about June 26, 1995, in the Grover Beach Municipal Court, San Luis Obispo County, California, respondent was convicted on her plea of nolo contendere of violating Vehicle Code section 31 (giving false information to a peace officer), a misdemeanor which is substantially related to the qualifications, functions, or duties of a real estate licensee. Respondent was placed on one year informal probation and fined \$255.00.

(b) Respondent's conviction was a result of her trying to protect a friend by denying that the friend had been the driver of a car which was in an accident.

5. (a) On or about August 14, 1990, in the San Luis Obispo Municipal Court, San Luis Obispo County, California, respondent was convicted on her plea of nolo contendere of violating Penal Code section 537(a) (defrauding an innkeeper), a misdemeanor which is substantially related to the qualifications, functions, and duties of a real estate licensee. Respondent was placed on informal probation for one year upon conditions that she perform 25 hours of community service, pay a fine of \$325.00, and make restitution of \$424.70 plus a 10% fee.

(b) Respondent's conviction was a result of her boyfriend's paying for their stay at the Madonna Inn with his parents' credit card which, unknown to respondent, was invalid.

(c) Respondent, who was 18 years old at the time of her conviction, had a terrible time making her restitution payments. Probation was revoked and a warrant was issued. On August 18, 1992, her probation was reinstated and extended to October 18, 1993, with nine days in jail, restitution at \$45.00 per month beginning September 18, 1992. Respondent failing to make timely payments, her probation was revoked and a warrant was issued on January 13, 1993. Respondent appeared in court on October 4, 1993, and on November 2, 1993 when her probation was reinstated with five days in jail and a fine of \$305.00 in payments; restitution was continued through the probation office, and respondent served 30 hours of community service. As of October 31, 1994, respondent was delinquent in her fine payments. On September 25, 1995, probation was revoked and a warrant was issued. The probation violation hearing was set for December 11, 1995, at which time respondent failed to appear and a warrant was issued. On April 12, 1996, payment of restitution was completed. On April 30, 1996, respondent's probation was reinstated and terminated.

6. Respondent freely admits that she was foolish and irresponsible as a younger woman, slow to mature, and had no direction in her life. However, in more recent years she has changed her lifestyle dramatically. She married three years ago, and lives with her husband, their two-year-old son, and her ten-year-old stepson. From 1993 until her pregnancy with her son, she remained steadily employed in managerial positions where she scheduled all employees' times and had substantial money-handling responsibilities. She is now older, she has settled down into a life of stability looking toward the future, and she handles all of the day-to-day operations of the family's income properties.

* * * * *

Pursuant to the foregoing findings of fact, the following is the legal basis for the decision:

1. Cause exists to deny the application pursuant to Business and Professions Code sections 480(a) and 10177(b) for respondent's criminal convictions, by reason of Findings 3, 4, and 5.

2. It was not established that respondent's difficulties with the court described in Finding 5(c) constitute cause for denial of the application pursuant to Business and Professions Code sections 480(a) or 10177(f).

3. Upon consideration of all of the facts and circumstances herein, including observation of respondent's demeanor and comportment at the hearing, it would be consistent with the public interest to issue respondent a restricted license.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to the 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 said code:

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

(a) The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence 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 this restricted license.

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

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE552(Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

NOT RECORDED

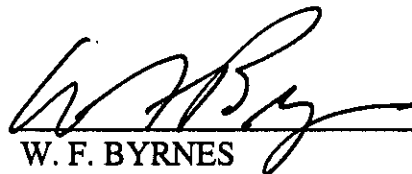
(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

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

4. Respondent's restricted real estate salesperson license is issued subject to the requirements of section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

5. Pursuant to section 10154, if Respondent has not satisfied the requirements for an unqualified license under section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to section 10153.4 until four years after the date of the issuance of the preceding restricted license.

Dated: October 13, 2000



W. F. BYRNES
Administrative Law Judge
Office of Administrative Hearings

WFB:sp

NOT ADAPTED

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
AUG - 1 2000
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of)
)
JENNIFER JO DOYLE,)
)
Respondent.)

Case No. H-28619 LA
OAH No. L-2000070509

By: 

NOTICE OF HEARING ON APPLICATION

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 Street, Suite 630, Los Angeles, California, on September 18, 2000, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: August 1, 2000.

DEPARTMENT OF REAL ESTATE

cc: Jennifer Jo Doyle
Jere N. Sullivan, Jr., Esq.
Farrell Smyth, Inc.
Sacto.
OAH

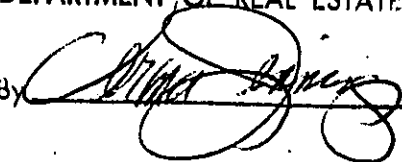
By: 
SEAN CRAHAN, Counsel

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SEAN CRAHAN, Counsel
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
State Bar No. 49351

(213) 576-6982 General
(213) 576-6982 Direct

FILED
JUN 21 2000
DEPARTMENT OF REAL ESTATE
By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of)	No. H-28619 LA
JENNIFER JO DOYLE,)	<u>STATEMENT OF ISSUES</u>
Applicant.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JENNIFER JO DOYLE ("Applicant") is informed and alleges, in his official capacity, as follows:

1.

Or about November 19, 1999, Applicant applied to the Department of Real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result of that application would be subject to the conditions of Sections 10153.4 of the Business and Professions Code.

2.

(a) On or about December 9, 1997, in the Grover Beach Municipal Court, San Luis Obispo County, State of California, in Case No. M000250371, Applicant, was convicted of violating Section 476(a) of the California Penal Code [issuance of non-sufficient funds checks], a crime of moral turpitude and/or a crime which is substantially related to the qualifications, functions or duties of a real estate licensee under Section 2910, Title 10, Chapter 6 of the California Code of Regulations. Applicant was sentenced to one-year probation with a condition of restitution on all outstanding checks, which was completed on September 23, 1998.

(b) In aggravation of the conviction, Applicant failed to appear for arraignment set for November 14, 1996.

3.

(a) On or about June 26, 1995, in the Grover Beach Municipal Court, San Luis Obispo County, State of California, in Case No. M000229996, Applicant was convicted of violating California Vehicle Code Section 31 [giving false information to a peace officer], a crime of moral turpitude and/or a crime which is substantially related to the qualifications, functions or duties of a real estate licensee under Section 2910, Title 10, Chapter 6 of the California Code of Regulations. Applicant was sentenced to one-year probation with a \$255 fine.

(b) In aggravation of the conviction, Applicant failed to timely pay the fine. Probation was revoked November 7, 1995, reinstated and fine was paid by August 27, 1996.



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3 (a) On or about August 14, 1990, in the San Luis Obispo
4 Municipal Court, San Luis Obispo County, State of California, in
5 Case No. M000159960, Applicant was convicted of violating Section
6 537(a) of the California Penal Code [defrauding an innkeeper,
7 Madona Inn over \$400], a crime of moral turpitude and/or a crime
8 which is substantially related to the qualifications, functions or
9 duties of a real estate licensee under Section 2910, Title 10,
10 Chapter 6 of the California Code of Regulations. Applicant was
11 sentenced to one-year probation, restitution and a \$325 fine,
12 25 hours of alternative work. Time was extended to pay the fine
13 balance.

14 (b) In aggravation of the conviction, Applicant failed
15 to timely pay the restitution, probation was revoked and a warrant
16 was issued for her appearance on August 18, 1992. Applicant
17 appeared. Probation was reinstated and extended to October 18,
18 1993, with nine days in jail, restitution at \$45.00 per month
19 beginning September 18, 1992. Applicant again failed to timely
20 make restitution payments. On January 13, 1993, probation was
21 revoked and a bench warrant issued. A probation violation hearing
22 was set for September 3, 1993, and continued to October 4, 1993,
23 then to November 2, 1993, at which time the probation violation
24 was admitted. Probation was reinstated. Applicant spent five
25 days in jail and fined \$305, due on December 2, 1993, Restitution
26 was continued through the probation office. As of October 31,
27 1994, Applicant was delinquent on payment of the fine. A
probation violation hearing was set for September 25, 1995.



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Applicant failed to appear and probation was revoked and a bench warrant issued. The probation violation hearing was set for December 11, 1995, at which time Applicant failed to appear. Probation was again revoked and a bench warrant was issued. A probation violation hearing was set for March 26, 1996, continued to April 26, 1996. Restitution was completed on April 12, 1996, and probation was terminated on April 30, 1996.

5.

The crimes of which Applicant was convicted, as described in Paragraphs 2, 3 and 4, above, constitute cause for denial of Applicant's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

6.

Applicant's conduct in not complying with court orders, as set forth in Paragraphs 2(b), 3(b), and 4(b), constitutes cause for denial of Applicant's application for a real estate license under Sections 480(a) and 10177(f) of the California Business and Professions Code.


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

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Applicant JENNIFER JO DOYLE.

Dated at Los Angeles, California
this 21st day of June, 2000.



Deputy Real Estate Commissioner

cc: Jennifer Jo Doyle
Farrell Smyth, Inc.
Thomas McCrady
Sacto.
JN