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FILED

JUN - 9 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
KIMBERLY RENEE PATTERSON,
Respondent.

No. H-28949 LA

ORDER DENYING REINSTATEMENT OF LICENSE
BUT GRANTING RIGHT TO RESTRICTED LICENSE

On May 14, 2001, in Case No. H-28949 LA, a Decision was entered revoking the real estate salesperson license of Respondent. The Decision became effective June 19, 2001.

On October 23, 2008, 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 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 unrestricted real estate salesperson license.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and

1 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
2 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

3 The Decision in this case found cause to revoke Respondent's license pursuant to
4 Section 10130 of the Business & Professions Code ("Code") in conjunction with Section
5 10177(d) of the Code and Section 10177(j) of the Code, on the ground Respondent represented
6 herself as an agent of corporate brokerage Top Line at a time when Top Line had no supervising
7 broker and Respondent had no supervising broker.

8 The Department has developed criteria in Section 2911 of Title 10, California
9 Code of Regulations ("Regulations") to assist in evaluating the rehabilitation of an applicant for
10 reinstatement of a license. Among the criteria relevant in this proceeding are:

11 Regulation 2911(a) The passage of not less than two years since the most recent
12 criminal conviction or act of the applicant that is a basis to deny the departmental action sought.
13 (A longer period will be required if there is a history of acts or conduct substantially related to
14 the qualifications, functions or duties of a licensee of the department.)

15 Based on Respondent's pattern of noncompliant conduct more time is needed to
16 permit Respondent to demonstrate rehabilitation.

17 Regulation 2911(k) Correction of business practices responsible in some degree
18 for the crime or crimes to which the licensee was convicted.

19 Given the violations found and the fact that Respondent has not engaged as a
20 salesperson in the conduct of real estate business or otherwise acted in a fiduciary capacity,
21 Respondent has not established that she has complied with Regulation 2911(k).

22 Consequently, I am not satisfied that Respondent is sufficiently rehabilitated to
23 receive an unrestricted real estate salesperson license. Additional time and evidence of correction
24 as a restricted real estate salesperson is necessary to establish that Respondent is rehabilitated.

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

27 ///

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

3 A restricted real estate salesperson license shall be issued to Respondent pursuant
4 to Section 10156.5 of the Code, if Respondent satisfies the following conditions prior to and as a
5 condition of obtaining a restricted real estate salesperson license within twelve (12) months from
6 the date of this Order:

7 1. Respondent shall qualify for and take and pass the real estate salesperson
8 license examination.

9 2. Respondent shall submit a completed application and pay the fee for a real
10 estate salesperson license.

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

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

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

23 C. Respondent shall not be eligible to apply for the issuance of an
24 unrestricted real estate license nor the removal of any of the limitations, conditions or restrictions
25 of a restricted license until two (2) years have elapsed from the date of the issuance of the
26 restricted license to Respondent.

27 ///

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

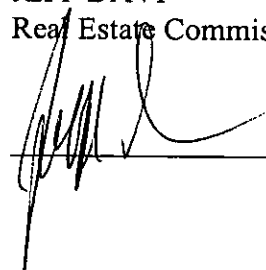
5 1. That the employing broker has read the Decision of the Commissioner
6 which granted the right to a restricted license; and

7 2. That the employing broker will exercise close supervision over the
8 performance by the restricted licensee relating to activities for which a real estate license is
9 required.

10 This Order shall become effective at 12 o'clock noon on JUN 30 2009

11 DATED: 6-3-09

12 JEFF DAVI
13 Real Estate Commissioner

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FILED
MAY 30 2001

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Laura B. Iron

* * * *

In the Matter of the Accusation of)	NO. H-28949 LA
)	
TOP LINE MORTGAGE CORPORATION,)	
and KIMBERLY RENEE PATTERSON,)	
)	
)	
Respondents.)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 4, 2001, and the findings of fact set forth herein are based on one or more of the following: (1) respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On February 2, 2001, Thomas Mc Crady, made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to respondents' last known mailing address on file with the Department on February 2, 2001.

On May 4, 2001, no notice of defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

II

TOP LINE MORTGAGE CORPORATION and KIMBERLY RENEE PATTERSON (hereinafter referred to as Respondents) are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code").

III

At all times herein mentioned, Respondent TOP LINE MORTGAGE CORPORATION possessed renewal rights to a corporate broker license and Respondent KIMBERLY RENEE PATTERSON was licensed by the Department of Real Estate of the State of California as a real estate salesperson or possessed renewal rights to said license.

IV

On or about April 9, 2000, Respondent TOP LINE MORTGAGE CORPORATION was served with a subpoena by the Department of Real Estate to produce for inspection and copying certain records, papers, books, accounts and documents in its possession or under its control.

V

Respondent refused and continues to refuse to comply with the terms and conditions of the subpoena, or has only partially complied with such terms and conditions.

VI

During 1998, 1999 and 2000, Respondent KIMBERLY RENEE PATTERSON, on behalf of others in expectation of compensation, engaged in the business, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the Code, including soliciting borrowers and lenders and negotiating loans on real property.

DETERMINATION OF ISSUES

I

The conduct of Respondent TOP LINE MORTGAGE CORPORATION, as found above, is in violation of Section 10148 of the Code, and subjects its real estate licenses and license rights to suspension or revocation pursuant to Section 10177(d) of the Code.

II

The conduct of Respondent KIMBERLY RENEE PATTERSON, as found above, was in violation of Section 10130 of the Code and subjects her real estate license and license rights to suspension or revocation pursuant to Sections 10177(d) and 10177(j) of the Code.

III

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

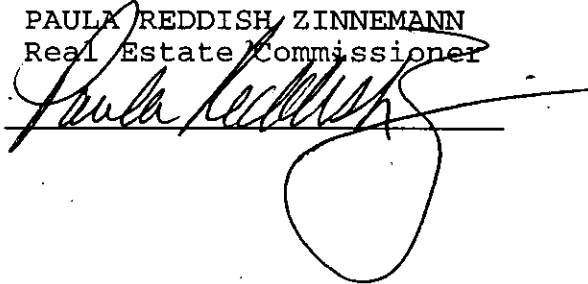
The licenses and license rights of Respondents TOP LINE MORTGAGE CORPORATION and KIMBERLY RENEEE PATTERSON under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on JUN 19 2001

DATED

May 14, 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



lbo

FILED
MAY 4 2001

DEPARTMENT OF REAL ESTATE

By Laura B. Orma

1 Department of Real Estate
2 320 W. Fourth Street, Suite 350
3 Los Angeles, CA 90013

4 Telephone: (213) 576-6982
5 (213) 576-6913 (Direct)

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)	No. H-28949 LA
12 TOP LINE MORTGAGE CORPORATION,)	
13 and KIMBERLY RENEE PATTERSON,)	<u>DEFAULT ORDER</u>
14 Respondents.)	

15
16 Respondents, TOP LINE MORTGAGE CORPORATION, and
17 KIMBERLY RENEE PATTERSON, having failed to file a Notice of
18 Defense within the time required by Section 11506 of the
19 Government Code, are now in default. It is, therefore, ordered
20 that a default be entered on the record in this matter.

21 IT IS SO ORDERED May 4, 2001

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

24 Dolores Ramos
25 By: Dolores Ramos
26 Regional Manager

27 lbo

Amey Jones

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Los Angeles, California 90013-1105

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

FILED
FEB - 2 2001
DEPARTMENT OF REAL ESTATE

By *K. McCrady*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-28949 LA
TOP LINE MORTGAGE CORPORATION,)	
and KIMBERLY RENEE PATTERSON,)	A C C U S A T I O N
Respondents.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TOP LINE MORTGAGE CORPORATION and KIMBERLY RENEE PATTERSON (hereinafter "Respondents") is informed and alleges as follows:

I

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

II

TOP LINE MORTGAGE CORPORATION and KIMBERLY RENEE PATTERSON (hereinafter referred to as Respondents) are presently

1
2 licensed and/or have license rights under the Real Estate Law
3 (Part 1 of Division 4 of the Business and Professions Code,
4 hereinafter "Code").

5 III

6 At all times herein mentioned, Respondent TOP LINE
7 MANAGEMENT CORPORATION possessed renewal rights to a corporate
8 broker license and Respondent KIMBERLY RENEE PATTERSON was
9 licensed by the Department of Real Estate of the State of
10 California as a real estate salesperson or possessed renewal
11 rights to said license.

12 IV

13 On or about April 9, 2000, Respondent was served with a
14 subpoena by the Department of Real Estate to produce for
15 inspection and copying certain records, papers, books, accounts
16 and documents in its possession or under its control.

17 V

18 Respondent TOP LINE MORTGAGE CORPORATION refused and
19 continues to refuse to comply with the terms and conditions of
20 the subpoena, or has only partially complied with such terms and
21 conditions.

22 VI

23 During 1998, 1999 and 2000, Respondent KIMBERLY RENEE
24 PATTERSON, on behalf of others in expectation of compensation,
25 engaged in the business, acted in the capacity of, advertised or
26 assumed to act as a real estate broker in the State of California
27 within the meaning of Section 10131(d) of the Code, including

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of respondents TOP LINE MORTGAGE CORPORATION and KIMBERLY RENEE PATTERSON under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 2nd day of February, 2001.

THOMAS MC CRADY
Deputy Real Estate Commissioner

cc: Top Line Mortgage Corporation
Kimberly Renee Patterson
Sacto
SR