



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

PRISCILLA BROWN,

Respondent.

Case No. H-29074 LA

OAH No. L2001060415

**PROPOSED DECISION**

On January 10, 2002, in Los Angeles, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

David Edward Bruce, Real Estate Counsel, Department of Real Estate, represented complainant.

Respondent represented herself.

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

**FACTUAL FINDINGS**

1. Complainant Thomas McCrady made the Statement of Issues in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2. On December 8, 2000, respondent applied to the Department of Real Estate of the State of California for a real estate salesperson license. Her application was dated October 15, 2000. She signed the application under penalty of perjury.

3. On July 28, 1975, in Los Angeles County, respondent was convicted on her plea of guilty of violating section 484 (petty theft) of the Penal Code. This crime was a misdemeanor involving moral turpitude. It involved the fraudulent taking of the personal property of another, and is substantially related to the qualification, functions or duties of a

real estate salesperson. As a result of this conviction, respondent was fined \$65. The facts and circumstances surrounding this conviction are that respondent stole a pair of shoes from a retail store.

4. On February 18, 1986, in the Los Angeles County Superior Court, State of California, respondent was convicted on her plea of guilty of violating section 487.1 (Grand Theft) of the Penal Code. This crime was a felony involving moral turpitude. It involved the fraudulent obtaining of money belonging to another, an unlawful act intended to confer a financial benefit on respondent. It was substantially related to the qualifications, functions or duties of a real estate salesperson. As a result of this conviction, respondent received a suspended imposition of sentence and was placed on three years of formal probation. The terms of her probation included restitution in the amount of \$2,500. The facts and circumstances surrounding this conviction are that respondent received an illegal \$8,000 "grant" arranged by a friend of respondent.

5. Question 25 on respondent's application asked her if, "Have you ever been convicted of any violation of law?" Respondent answered "No" to this question, although she knew of the convictions set forth above.<sup>1</sup> Respondent's failure to reveal the above convictions in her application constitutes an attempt to procure a real estate license by fraud, misrepresentation or deceit or by making a material misstatement of fact. Respondent's explanations for this failure were not convincing. Her testimony that she believed she did not have to report the 1989 conviction for grand theft because it had been expunged contradicted other testimony that she had read the application, since the application expressly states that all convictions must be disclosed whether or not they were expunged. Respondent's testimony that she had forgotten about the petty theft conviction because it was 26 years ago, is not believable. Her testimony that she didn't read the application carefully and didn't read the "fine print", was contrary to other testimony that suggested that she did read the application and that she was not careless when she completed it. In view of respondent's failure to disclose the above convictions on her application, it cannot be found that she is rehabilitated with respect those convictions.

## LEGAL CONCLUSIONS

1. Grounds for denial of respondent's application for a real estate salesperson license was established pursuant to sections 480(a) and 10177(b) (convictions) of the Business and Professions Code ("Code"), by reason of Findings 3 and 4.

2. Said grounds were established for violation of sections 480(c) (knowing false statements on application) and 10177(a) (attempt to procure real estate license by fraud, misrepresentation, deceit, or misstatement) of said Code, by reason of Finding 5.

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<sup>1</sup> Question 18 on the application asked respondent, "Have you used any other names (i.e., Maiden name, aka's, etc.)?" Respondent also answered this question, "No". However, her 1975 conviction for petty theft was in the name Shirley Bowens.


3. In view of the seriousness of Conclusion 2 and the fact that respondent's failure to reveal her convictions on her application indicate she is not yet rehabilitated, her application should be denied at this time.

ORDER

WHEREFORE, the following order is hereby made:

The Application of Priscilla Brown for a real estate salesperson license is DENIED.

Dated: January 24, 2002

  
\_\_\_\_\_  
JOHN D. WAGNER  
Administrative Law Judge  
Office of Administrative Hearings

SACTO

FILED  
OCT 24 2001  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By 

In the Matter of the Application of )  
 )  
 PRISCILLA BROWN, )  
 )  
 )

Case No. H-29074 LA  
OAH No. L-2001060415

Respondent(s)

NOTICE OF CONTINUED HEARING ON APPLICATION

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, Suite 630, Los Angeles, CA 90013-1105 on THURSDAY, JANUARY 10, 2002, at the hour of 1:30 P.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 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: October 24, 2001

By   
DAVID EDWARD BRUCE, Counsel

cc: Priscilla Brown  
M. Lynda Sheridan  
Clarion Mortgage Capital Inc.  
Sacto.  
OAH



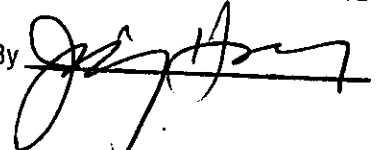
SACTO

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of ) Case No. H-29074 LA  
 )  
 PRISCILLA BROWN, ) OAH No. L-2001060415  
 )  
 \_\_\_\_\_ )  
 Respondent(s)

**FILED**  
JUN 26 2001  
DEPARTMENT OF REAL ESTATE

**NOTICE OF HEARING ON APPLICATION**

By 

**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, Suite 630, Los Angeles, CA 90013-1105 on THURSDAY, AUGUST 2, 2001, at the hour of 1:30 P.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.

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DEPARTMENT OF REAL ESTATE

Dated: June 26, 2001

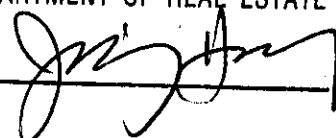
By   
DAVID EDWARD BRUCE, Counsel

cc: Priscilla Brown  
    ✓ Sacto.  
    OAH

for

50210

1 DAVID EDWARD BRUCE, SBN 212539  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105  
5  
6  
7  
8 Telephone: (213) 576-6905 (direct)  
9 -or- (213) 576-6982 (office)

**FILED**  
MAY 31 2001  
DEPARTMENT OF REAL ESTATE  
By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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11	In the Matter of the Application of	)	No. H- 29074 LA
12	PRISCILLA BROWN,	)	<u>STATEMENT OF ISSUES</u>
13	Respondent.	)	

15 The Complainant, Thomas McCrady, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against PRISCILLA BROWN (Respondent) aka Priscilla Marie Brown  
18 and Shirley Bowens is informed and alleges in his official  
19 capacity as follows:

20 1

21 Respondent made application to the Department of Real  
22 Estate of the State of California for a real estate salesperson  
23 license on or about December 8, 2000, under the Real Estate Law  
24 (Part 1 of Division 4 of the California Business and Professions  
25 Code) (Code).

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In response to Question 25 of said license application, to wit: "Have you ever been convicted of any violation of law? (You may omit convictions for drunk driving, reckless driving, and minor traffic citations which do not constitute a misdemeanor or felony offense)." Respondent checked the box denoting "No". However, Respondent failed to disclose the convictions set forth in Paragraphs 3 and 4.

3

On May 8, 1986, in the Los Angeles County Superior Court, State of California, Respondent was convicted upon a guilty plea to one count of violating Section 487.1 of the California Penal Code (grand theft), a felony crime, which by its facts and circumstances involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee. This conviction was dismissed pursuant to Penal Code Section 1203.4 on April 19, 1989.

4

On July 28, 1975, in the Inglewood Municipal Court, State of California, Respondent was convicted upon a guilty plea to one count of violating Section 484 of the California Penal Code (petty theft), a misdemeanor crime, which by its facts and circumstances involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California

1 Code of Regulations, to the qualifications, functions or duties  
2 of a real estate licensee.

3 5

4 Respondent's failure to reveal the convictions set  
5 forth in Paragraphs 3 and 4, in her application, constitutes an  
6 attempt to procure a real estate license by fraud,  
7 misrepresentation or deceit or by making a material misstatement  
8 of fact on her application, which is cause for denial of  
9 Respondent's application for a real estate salesperson's license  
10 under Code Sections 475(a), 480(c) and 10177(a).

11 6

12 The facts as alleged in Paragraphs 3 and 4, above,  
13 constitute cause for the denial of Respondent's application for a  
14 real estate license under Sections 480(a) and 10177(b) of the  
15 Code.

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

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WHEREFORE, Complainant prays that the above-titled matter be set for hearing and, that 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 Respondent PRISCILLA BROWN, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California  
this 31st day of May, 2001.

  
Deputy Real Estate Commissioner

cc: Priscilla Brown  
Thomas McCrady  
Sacto  
LF  
Lawrence O. Marr