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DEC 3 2001
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By *Jana B. Crane*

* * * * *

In the Matter of the Application of)	No. H-29144 LA
TRACIE CAROLYN TILLETLOVE,	L-2001080602
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))
))
Respondent.)
))

DECISION

The Proposed Decision dated November 9, 2001, 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 application for a real estate salesperson license is denied. There is no statutory restriction on when application may again be made for this license. If and when application is again made for this license, all competent evidence of rehabilitation presented by respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on December 24, 2001.

IT IS SO ORDERED *November 28, 2001.*

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish Zinnemann

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues)	CASE NO. H-29144 LA
Against:)	
)	OAH NO. L2001080602
TRACIE CAROLYN TILLETLOVE,)	
)	
Respondent.)	
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PROPOSED DECISION

This matter was heard on October 30, 2001, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings. The complainant was represented by James R. Peel, Counsel. The respondent was present and represented herself.

FACTUAL FINDINGS

1. On or about June 5, 2000, respondent, whose true is Tracie Carolyn Tillett Love, not Tillettlove, submitted an application to the Department of Real Estate for a real estate salesperson license. The application has not been granted. Instead, Thomas McCrady, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, made this Statement of Issues.

2. On or about June 4, 1994, in Case No. S2-4:92CR307 of the United States District Court for the Eastern District of Missouri, respondent was convicted (under the name Tracy Love) of violating 18 USC 1952(a)(3) (Unlawful Activity in Interstate Travel), a crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate salesperson. The facts and circumstances of the crime, according to respondent, were that she held a large amount of drug money for a friend. She was sentenced to six months imprisonment, to be followed by two years supervised release.

3. On or about August 5, 1996, in Case No. 95M08788 of the Municipal Court of Inglewood Judicial District, County of Los Angeles, State of California, respondent was convicted (under the name Tracie Carolyn Tillett) of violating Penal Code section 502.7(A)(4) (Tamper with Phone Equipment), a crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate salesperson. Execution of sentence was suspended, and she was placed on three years summary probation. The facts and circumstances of the crime, according to respondent, were that she had a "cloned" cell phone in her car, that is, a phone on

which calls are illegally charged to another person. Her petition to have this conviction set aside under Penal Code section 1203.4 is pending.

4. On or about February 26, 1999, in Case No. MA016950 of the Superior Court, County of Los Angeles, State of California, respondent was convicted (under the name Tracie Love) of violating Penal Code section 118 (Perjury), a crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate salesperson. The facts and circumstances of the crime, according to respondent, were that she failed to disclose a previous name on a Department of Motor Vehicles application. Imposition of sentence was suspended, and she was placed on five years formal probation. On October 15, 2001, the conviction was reduced to a misdemeanor, probation was terminated, and the conviction was set aside pursuant to Penal Code section 1203.4.

5. Respondent stated that she is a single parent with four children who currently works with her father (a real estate licensee) doing loan processing. She stated that she attends church at least twice a week, leads the children's choir at her church, and is a supervising mother of her daughter's drill team.

LEGAL CONCLUSIONS

1. The convictions set forth in Factual Findings 2, 3, 4, and each of them, constitute cause for denial of respondent's application under Business and Professions Code sections 480(a) and/or 10177(b).

2. The fact that respondent's conviction in No. Case No. MA016950 was reduced to a misdemeanor, the probation terminated early, and the conviction set aside, speaks very well for her. Nevertheless, she did not establish, in view of her relatively extensive criminal record for so young a person, that she has achieved a sufficient degree of rehabilitation to be granted a real estate license at this time.

ORDER

Respondent's application for a real estate salesperson license is denied.

DATED: November 9, 2001



JERRY MITCHELL
Administrative Law Judge

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DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

By Laura B. Orm

In the Matter of the Application of) Case No. H-29144 LA
) L-2001080602
TRACIE C. TILLETLOVE,)
)
Respondent(s))

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 **OCTOBER 30, 2001** 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: October 1, 2001

DEPARTMENT OF REAL ESTATE

By: James R. Peel
JAMES R. PEEL, Counsel

cc: Tracie Carolyn Tilletlove
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AUG 28 2001
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

By Laura B. Brown

In the Matter of the Application of) Case No. H-29144 LA
)) L-2001080602
TRACIE C. TILLETLOVE,)
)
Respondent(s))

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 25, 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.

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 28, 2001

DEPARTMENT OF REAL ESTATE

By: James R. Peel
JAMES R. PEEL, Counsel

cc: Tracie Carolyn Tillettlove
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RE 500 JRP:lbo

*Seeks
J.R.*

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JUL 24 2001
DEPARTMENT OF REAL ESTATE

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
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6
7
8 Telephone: (213) 576-6982
9 -or- (213) 576-6913 (Direct)

By *Laura B. Iron*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11	In the Matter of the Application of)	No. H-29144 LA
12	TRACIE CAROLYN TILLETLOVE,)	<u>STATEMENT OF ISSUES</u>
13	Respondent.)	
14)	

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against TRACIE CAROLYN TILLETLOVE (Respondent) is informed and
18 alleges in his official capacity as follows:

I

20 On or about June 5, 2000, Respondent applied to the
21 Department of Real Estate of the State of California for a real
22 estate salesperson license with the knowledge and understanding
23 that any license issued as a result of that application would be
24 subject to the conditions of Section 10153.4 of the Business and
25 Professions Code.

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1 II

2 On or about January 4, 1994, in the US District Court
3 for the Eastern District of Missouri, Respondent was convicted of
4 violating 18 USC 1952(a)(3) (Unlawful Activity in Interstate
5 Travel), a crime involving moral turpitude.

6 III

7 On or about August 5, 1996, in the Municipal Court for
8 the County of Los Angeles, State of California, Respondent was
9 convicted of violating Penal Code Section 502.7(A)(4) (Tamper
10 With Phone Equipment), a crime involving moral turpitude.

11 IV

12 On or about February 26, 1999, in the Superior Court
13 for the County of Los Angeles, State of California, respondent
14 was convicted of violating Penal Code Section 118 (Perjury), a
15 crime involving moral turpitude.

16 V

17 The crimes of which respondent was convicted bear a
18 substantial relationship to the qualifications, functions or
19 duties of a real estate licensee.

20 VI

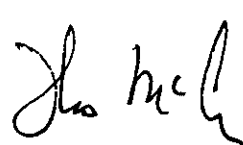
21 The crimes of which respondent was convicted, as
22 described in Paragraph II, III and IV, constitute cause for
23 denial of her application for a real estate license under
24 Sections 480(a) and 10177(b) of the California Business and
25 Professions Code.

26 The Statement of Issues is brought under the provisions
27 of Section 10100, Division 4 of the Business and Professions Code

1 of the State of California and Sections 11500 through 11528 of
2 the Government Code.

3
4 WHEREFORE, the Complainant prays that the above-
5 entitled matter be set for hearing and, upon proof of the charges
6 contained herein, that the Commissioner refuse to authorize the
7 issuance of, and deny the issuance of, a real estate salesperson
8 license to Respondent TRACIE CAROLYN TILLETLOVE, and for such
9 other and further relief as may be proper in the premises.

10 Dated at Los Angeles, California
11 this 24th day of July, 2001.

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13 
14 _____
15 Deputy Real Estate Commissioner
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23
24

25 cc: Tracie Carolyn TillettLove
26 Sacto.
27 Thomas McCrady
EC