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FILED

JUL 28 2009

DEPARTMENT OF REAL ESTATE

By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of
EURLINE MILLS,
Respondent.

No. H-29404 LA

ORDER GRANTING UNRESTRICTED LICENSE

On September 17, 2002, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 18, 2002, and Respondent has operated as a restricted licensee since that time.

On June 2, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. 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.

- 2 -

FILED
SEP 20 2002
DEPARTMENT OF REAL ESTATE

Sandra B. Stone

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
EURLINE MILLS,)
Respondent.)

NO. H-29404 LA

L-2002030578

DECISION AFTER REJECTION

The above-entitled matter came on for hearing before N. Gregory Taylor, Administrative Law Judge, of the Office of Administrative Hearings, at Los Angeles, California, on April 23, 2002.

Complainant was represented by James R. Peel, Counsel. Respondent EURLINE MILLS, was present at the hearing and represented herself.

Evidence was received and the matter stood submitted on April 23, 2002.

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1 On May 16, 2002, the Administrative Law Judge submitted
2 a Proposed Decision which I declined to adopt as the Decision of
3 the Real Estate Commissioner.

4 On June 14, 2002, pursuant to Section 11517(c) of the
5 Government Code of the State of California, Respondent was served
6 with a copy of the Proposed Decision dated May 16, 2002, and with
7 notice that the case would be decided by me upon the record
8 including the transcript of proceedings held on April 23, 2002,
9 and upon any written argument offered by the parties.

10 Argument has been submitted on behalf of the parties.

11 I have given careful consideration to the record in
12 this case, including the transcript of proceedings of
13 April 23, 2002.

14 The following shall constitute the Decision of the Real
15 Estate Commissioner in this matter.

16 FINDINGS OF FACT

17 1. Maria Suarez, a Deputy Real Estate Commissioner of
18 the Department of Real Estate of the State of California
19 ("Department"), made and filed the Statement of Issues in her
20 official capacity.

21 2. On or about February 5, 2001, Respondent EURLINE
22 MILLS, filed an application with the Department for a real estate
23 salesperson license.

24 3. In response to Question 25 in the application,
25 Respondent indicated she had been convicted of violating the law.
26 She checked both the misdemeanor and felony boxes in answering
27

1 Question 27. (which asked for a detailed explanation of Question
2 25) and described a 1990 conviction.

3 4. On or about June 26, 1990, Respondent, on a plea of
4 nolo contendere, was convicted of violating Penal Code Section
5 424.1 - embezzlement by a public officer. She was placed on
6 three years probation and required to serve 60 days in County
7 Jail. The probation was terminated, conviction set aside and
8 case dismissed, on or about March 23, 1993, pursuant to Penal
9 Code Section 1203.4.

10 5. Respondent, on or about November 10, 1980, was
11 convicted on a plea of guilty of violating Penal Code Section
12 602(j)-trespass. This conviction involved theft of merchandise
13 from a store. She was placed on six months probation and fined
14 \$195.00. The fine was paid.

15 6. Both crimes of which Respondent was convicted
16 involved moral turpitude and were substantially related to the
17 qualifications, functions or duties of a real estate licensee.

18 7. At the administrative hearing, Respondent testified
19 as follows:

20 a. Respondent indicated that her 1990 conviction
21 arose in connection with her employment by the California
22 Department of Motor Vehicles. She, along with others, was
23 accused of voiding applications and pocketing the accompanying
24 fees. She stated that she did not feel she was guilty of the
25 charges but because of the circumstances her attorney persuaded
26 her to enter the nolo contendere plea rather than face the risk
27 of a long jail sentence. She had worked for the Department of

1 Motor Vehicles for 12 years. She expressed great regret over
2 becoming involved in the situation and acknowledged paying a
3 great price as a result of it.

4 b. With regard to the trespass conviction,
5 Respondent stated that it arose when she and her sister were
6 Christmas shopping. She said she was holding a bottle of cologne
7 for her sister and walked out of the store with it. Although she
8 checked both felony and misdemeanor boxes on her application, she
9 stated that her failure to discuss that conviction was an
10 oversight. She said that she felt the correspondence from the
11 Department subsequent to the filing of her application dealt with
12 her other conviction.

13 c. Respondent is currently employed as an
14 engineering technician by the California Department of
15 Transportation. She has been with Transportation for the past 12
16 years. At the time of her employment by that agency, an
17 investigation was done concerning her prior conviction. The
18 result of that investigation was to permit her to be hired.

19 d. Respondent currently has a son who is in
20 college and is supporting a granddaughter.

21 e. Respondent is a volunteer for The Wellness
22 Community-South Bay Cities. In that capacity, she and her
23 husband have trained its Strides for Hope Marathon team for the
24 past 2 races. She has given additional hours of service to that
25 organization.

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1 f. In reference to completing her real estate
2 license application Respondent stated that she did check the
3 misdemeanor box for the trespass conviction. However, she was so
4 focused on making sure that she completed all the information for
5 the conviction relating to her employment with the Department of
6 Motor Vehicles that it was an oversight on her part not to list
7 the trespass conviction as well, and elaborate on it.

8 8. Four character witnesses testified on behalf of
9 Respondent. Three were people who have worked with her in excess
10 of ten years. All of them agreed that she was dedicated,
11 hardworking and trustworthy. The fourth person was her husband
12 who married her in 2000. He shared the views of the others.

13 9. Respondent submitted her personnel evaluations from
14 the Department of Transportation and Department of Motor
15 Vehicles. All of them showed that she received good ratings.

16 10. It has been nearly 12 years since Respondent was
17 convicted of the Penal Code Section 424.1 violation. The
18 conviction has been set aside and the case dismissed. Twenty-one
19 years have passed since her conviction of the Penal Code Section
20 602(j) violation. The fine has been paid. With the exception of
21 these matters, her record is clean. She has been continuously
22 employed by the California Department of Transportation for the
23 past 12 years. Her performance reports indicate she is a good
24 employee. She has a stable family life and is involved in a
25 volunteer community activity. Her long time associates have
26 testified to her good character.

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1 establishing rehabilitation specified by the Department in its
2 regulations.

3 ORDER

4 Respondent's application for a real estate salesperson
5 license is denied; provided, however, a restricted real estate
6 salesperson license shall be issued to Respondent pursuant to
7 Section 10156.5 of the Business and Professions Code. The
8 restricted license issued to the Respondent shall be subject to
9 all of the provisions of Section 10156.7 of the Business and
10 Professions Code and to the following limitations, conditions and
11 restrictions imposed under authority of Section 10156.6 of said
12 Code:

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

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

20 (b) The receipt of evidence that Respondent has
21 violated provisions of the California Real Estate Law, the
22 Subdivided Lands Law, Regulations of the Real Estate Commissioner
23 or conditions attaching to this restricted license.

24 2. Respondent shall not be eligible to apply for the
25 issuance of an unrestricted real estate license nor the removal
26 of any of the conditions, limitations or restrictions attaching
27

1 to the restricted license until two(2) years have elapsed from
2 the date of issuance of the restricted license to Respondent.

3 3. With the application for license, or with the
4 application for transfer to a new employing broker, Respondent
5 shall submit a statement signed by the prospective employing real
6 estate broker on a form RE 552 (Rev. 1/99) approved by the
7 Department of Real Estate which shall certify as follows:

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

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

15 4. Respondent's restricted real estate salesperson
16 license is issued subject to the requirements of Section 10153.4
17 of the Business and Professions Code, to wit: Respondent shall,
18 within eighteen (18) months of the issuance of the restricted
19 license, submit evidence satisfactory to the Commissioner of
20 successful completion, at an accredited institution, of two of
21 the courses listed in Section 10153.2, other than real estate
22 principles, advanced legal aspects of real estate, advanced real
23 estate finance or advanced real estate appraisal. If Respondent
24 fails to timely present to the Department satisfactory evidence
25 of successful completion of the two required courses, the
26 restricted license shall be automatically suspended effective
27 eighteen (18) months after the date of its issuance. Said

1 suspension shall not be lifted unless, prior to the expiration of
2 the restricted license, Respondent has submitted the required
3 evidence of course completion and the Commissioner has given
4 written notice to Respondent of lifting of the suspension.

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

12 This Decision shall become effective at 12 o'clock noon
13 on October 10, 2002.

14 IT IS SO ORDERED

September 17, 2002
15 PAULA REDDISH ZINNEBANN
16 Real Estate Commissioner

17 *Paula Reddish*
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Yates

FILED
JUN 14 2002
DEPARTMENT OF REAL ESTATE

Diana B. Chen

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
EURLINE MILLS,)	No. H-29404 LA
)	
)	L-2002030578
)	
Respondent.)	

NOTICE

TO: EURLINE MILLS, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated May 16, 2002, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated May 16, 2002, is attached for your information.

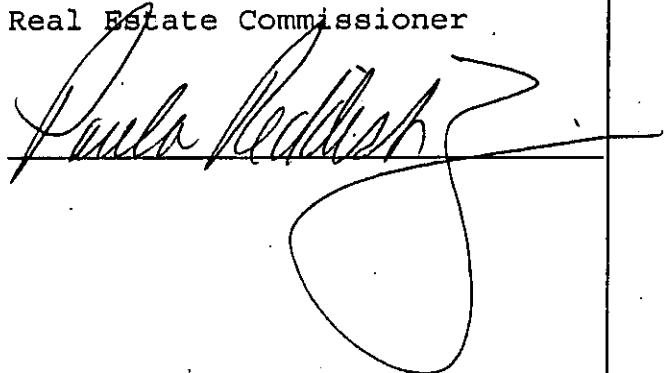
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on April 23, 2002, and any written argument hereafter submitted on behalf of Respondent and Complainant.

1 Written argument of Respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of April 23, 2002, at the Los Angeles office
4 of the Department of Real Estate unless an extension of the time
5 is granted for good cause shown.

6 Written argument of Complainant to be considered by me
7 must be submitted within 15 days after receipt of the argument of
8 Respondent at the Los Angeles office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED: June 11, 2002

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13 PAULA REDDISH ZINNEMANN
14 Real Estate Commissioner
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
)	No. H-29404 LA
EURLINE MILLS,)
)	OAH No. L 2002030578
Respondent)	
_____)	

PROPOSED DECISION

N. Gregory Taylor, Administrative Law Judge, Office of Administrative Hearings, heard the above captioned matter in Los Angeles, California, on April 23rd, 2002.

James R. Peel, Counsel, represented the complainant. Respondent, Eurline Mills, was present throughout the hearing and represented herself.

Oral and documentary evidence was received. The record was closed at the conclusion of the hearing and the matter submitted for decision.

FINDINGS OF FACT

1. Maria Suarez, a Deputy Real Estate Commissioner of the Department of Real Estate of the State of California ("Department"), made and filed this Statement of Issues in her official capacity.
2. On or about February 5th, 2001, Respondent, Eurline Mills, filed an application with the Department for a Real Estate salesperson license.
3. In response to Question 25 in the application, Respondent indicated she had been convicted of violating the law. She checked both the misdemeanor and felony boxes in answering Question 27 and described a 1990 conviction.
4. On or about June 26, 1990, Respondent, on a plea of nolo contendere, was convicted of violating Penal Code Section 424.1 – embezzlement by a public officer. She was placed on three years probation and required to serve 60 days in County Jail. The probation was terminated, conviction set aside and case dismissed, on or about March 23, 1993, pursuant to Penal Code Section 1203.4.

5. Respondent, on or about November 10, 1980, was convicted on a plea of guilty of violating Penal Code Section 602(j) – trespass. This conviction involved theft of merchandise from a store. She was placed on six months probation and fined \$195.00. The fine was paid.

6. Both crimes of which Respondent was convicted involved moral turpitude and were substantially related to the qualifications, functions or duties of a real estate licensee.

7. Respondent indicated that her 1990 conviction arose in connection with her employment by the California Department of Motor Vehicles. She, along with others, was accused of voiding applications and pocketing the accompanying fees. She stated that she did not feel she was guilty of the charges but because of the circumstances her attorney persuaded her to enter the nolo contendere plea rather than face the risk of a long jail sentence. She had worked for the Department of Motor Vehicles for 12 years. She expressed great regret over becoming involved in the situation and acknowledged paying a great price as a result of it.

8. With regard to the trespass conviction, she stated that it arose when she and her sister were doing Christmas shopping. She said she was holding a bottle of cologne for her sister and walked out of the store with it. Although she checked both felony and misdemeanor boxes on her application, she stated that her failure to discuss that conviction was an oversight. She said that she felt the correspondence from the Department subsequent to the filing of her application dealt with her other conviction.

9. Respondent is currently employed as an engineering technician by the California Department of Transportation. She has been with Transportation for the past 12 years. At the time of her employment by that agency, an investigation was done concerning her prior conviction. The result of that investigation was to permit her to be hired.

10. Respondent currently has a son who is in college and is supporting a grand daughter.

11. Respondent is a volunteer for The Wellness Community-South Bay Cities. In that capacity, she and her husband have trained its Strides for Hope Marathon team for the past 2 races. She has given additional hours of service to that organization.

12. Four character witnesses testified on behalf of Respondent. Three were people who have worked with her in excess of ten years. All of them agreed that she was dedicated, hardworking and trustworthy. The fourth person was her husband who married her in 2000. He shared the views of the others.

13. Respondent submitted her personnel evaluations from the Department of Transportation and Department of Motor Vehicles. All of them showed that she received good ratings.

14. It has been nearly 12 years since Respondent was convicted of the Penal Code Section 424.1 violation. The conviction has been set aside and the case dismissed. Twenty-one years have passed since her conviction of the Penal Code Section 602(j) violation. The fine has been paid. With the exception of these matters, her record is clean. She has been continuously employed by the California Department of Transportation for the past 12 years. Her performance reports indicate she is a good employee. She has a stable family life and is involved in a volunteer community activity. Her long time associates have testified to her good character.

CONCLUSIONS OF LAW

1. Cause exists, by virtue of Business and Professions Code Sections 480(a)(1) and 10177(b), to deny Respondent's application for a Real Estate Salesperson license in that she has been convicted of a crimes involving moral turpitude and substantially related to the qualifications, functions or duties of a Real Estate Salesperson as more fully set forth in Paragraphs 2 through 8 of the Findings of Fact.

2. Based upon the evidence presented, the evidence is insufficient to establish that Respondent in filing her license application committed a violation of 480(c) or 10177(a) of the Business and Professions Code.

3. Respondent's 1990 conviction involves a very serious charge. However, she has satisfied all of the terms of the court order and the conviction has been set aside and case expunged. When she applied for a position with another state agency following that time, she was hired after an investigation into the facts and circumstances surrounding the conviction. She now has worked for that agency (the Department of Transportation) for 12 years. Other than the two matters disclosed, she has a clean criminal record. She has become involved in volunteer community activities. She has recently married and supporting a child in college and another family member. Clearly, her life is very positively directed. She produced a series of character witnesses who testified to her good character. These people have known her over a long period of time and some were aware of her prior conviction. Respondent has met the criteria for establishing rehabilitation specified by the Department in its regulations.

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ORDER

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 RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

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

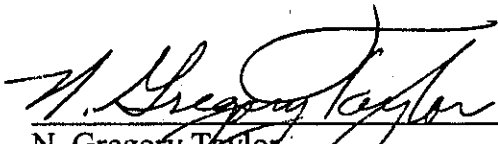
(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

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: May 16, 2002.


N. Gregory Taylor
Administrative Law Judge
Office of Administrative Hearings

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FILED
FEB 28 2002

DEPARTMENT OF REAL ESTATE

Laura B. Don

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

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 EURLINE MILLS,)
13 Respondent.)

No. H-29404 LA

STATEMENT OF ISSUES

14
15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against EURLINE MILLS aka Eurline Marbley (Respondent) is
18 informed and alleges in her official capacity as follows:

19 I

20 On or about February 5, 2001, 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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II

In response to Question 25 of the said license application, to wit, "Have you ever been convicted of any violation of law?", Respondent answered "Yes" and disclosed the conviction set forth in Paragraph III.

III

On or about May 21, 1990, in the Superior Court for the County of Los Angeles, State of California, Respondent was convicted of violating Penal Code Section 424.1 (Embezzlement by Public Officer), a crime involving moral turpitude and substantially related to the qualifications, functions or duties of a real estate licensee.

IV

On or about November 10, 1980, in the Municipal Court for the County of Los Angeles, State of California, Respondent was convicted of violating Penal Code Section 602(j) (Trespass), a crime or underlying conduct involving moral turpitude in that Respondent stole merchandise from Montgomery Wards.

V

Respondent's convictions in the matters referred to in Paragraphs III and IV are cause under Sections 480(a)(1) and 10177(b) of the Business and Professions Code for denying Respondent's application for a real estate license.

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VI

Respondent's failure to reveal the matter set forth in Paragraph IV in said application, constitutes the attempted procurement of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in said application, which failure is cause for denying Respondent's application for a real estate license under Sections 480(c) and 10177(a) of the Business and Professions Code of the State of California.

The Statement of Issues is 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 Respondent EURLINE MILLS, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California
this 28th day of February , 2002.


MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Eurline Mills
Sacto.
Maria Suarez
CW

lbo