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FILED

MAY 14 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
BARBARA JEAN CORNELIUS,
Respondent.

No. H-29652 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 2, 2003, a Decision was rendered herein revoking the real estate broker license of Respondent effective June 2, 2003.

On July 17, 2008, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker license and that it would not be against the public interest to issue said license to Respondent.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement is granted and that a real estate broker license be issued to Respondent if Respondent satisfies the following conditions within nine months from the date of this Order:

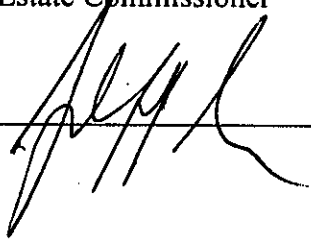
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1. Respondent shall take and pass the real estate broker license examination.
2. Submittal of a completed application and payment of the fee for a real estate broker license.

This Order shall become effective immediately.

IT IS SO ORDERED 4-21-09

JEFF DAVI
Real Estate Commissioner

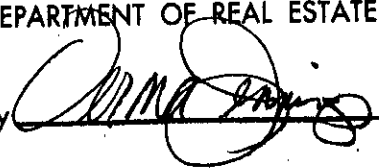


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FILED
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DEPARTMENT OF REAL ESTATE

By



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-29652 LA
)
BARBARA JEAN CORNELIUS,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On May 2, 2003, a Decision was rendered herein
revoking Respondent's real estate broker license.

On or about July 22, 2004, Respondent petitioned
for reinstatement of said license and the Attorney General
of the State of California has been given notice of the
filing of the petition.

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1 I have considered Respondent's petition and
2 the evidence and arguments in support thereof. Respondent
3 has failed to demonstrate to my satisfaction that Respondent
4 has undergone sufficient rehabilitation to warrant the
5 reinstatement of Respondent's real estate broker license,
6 in that:
7

8 I

9 In the Decision which revoked Respondent's real
10 estate license there were Determination of Issues made that
11 there was cause to revoke Respondent's real estate license
12 pursuant to Business and Professions Code ("Code") Sections
13 490 and 10177(b), for a criminal conviction.
14

15 On February 9, 2001, Respondent was convicted of
16 violating California Insurance Code Section 11880
17 (misrepresentation to obtain insurance at less than proper
18 rate), a felony crime involving moral turpitude which is
19 substantially related to the qualifications, functions and
20 duties of a real estate licensee.

21 The facts underlying the conviction were that during
22 the period of 1995 through 1997, Respondent was the owner of a
23 construction firm that contracted with Cal Trans to do concrete
24 and other construction work. Her business failed. When the
25 business failed it was determined that she owed money to the
26 State Compensation Fund and another supplier. In determining
27 the amount owed, it was determined that in 1996, Respondent
signed false payroll records and submitted them to the State

1 Compensation Insurance Fund and the Employment Development
2 Department.

3 II

4 The burden of proving rehabilitation rests with the
5 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).

6 A petitioner is required to show greater proof of honesty and
7 integrity than an applicant for first time licensure. The proof
8 must be sufficient to overcome the prior adverse judgment on the
9 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
10 395).

11 The Department has developed criteria in Title 10,
12 Chapter 6, California Code of Regulations ("Regulation") 2911
13 to assist in evaluating the rehabilitation of an applicant for
14 reinstatement of a license. Among the criteria relevant in
15 this proceeding are:

16 2911 (n)(1) - Change in attitude from that which
17 existed at the time of the conduct in question as evidenced
18 by the testimony of Respondent. Respondent has not evidenced
19 such change by the following:

20 1. In response to question number 4. of her Petition
21 Application, to wit: "Have you ever been a defendant in any
22 civil court litigation, including small claims court?",
23 Respondent marked the box denoting "no" and failed to disclose
24 a civil court action against her.

25 ///

26 ///

27 ///

1 In 1993, a civil judgment in the amount of \$2,000
2 was rendered against Respondent in the Municipal Court of
3 California, County of Kern, Case No. 105388.

4 This was a material misstatement. The failure to
5 disclose relevant information in the Petition Application
6 prevents or hinders a full investigation into the extent of
7 rehabilitation. Information regarding civil judgments and
8 actions and past due debts, may reflect on Respondent's
9 business practices and qualifications for a real estate
10 license. A failure to disclose material facts shows a lack
11 of candor and diligence expected of a licensee, is a dishonest
12 act and is additional cause pursuant to Code Section 10177(a)
13 to deny Respondent's Petition Application.
14

15 2. As part of the petition process, Respondent had
16 an interview with a Deputy Real Estate Commissioner. At the
17 interview Respondent failed to accept responsibility for her
18 criminal conviction.

19 Given the fact that Respondent has not established
20 that Respondent has complied with Regulations 2911(n)(1) and
21 is in violation of Code Section 10177(a), I am not satisfied
22 that Respondent is sufficiently rehabilitated to receive a
23 real estate broker license.
24

25 ///

26 ///

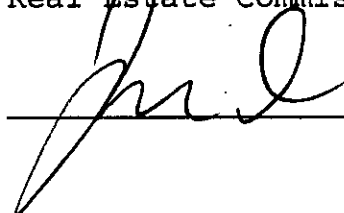
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1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of Respondent's broker license is
3 denied.

4
5 This Order shall become effective at 12 o'clock noon
6 on June 21, 2006.

7 DATED: 5-10-06.

8 JEFF DAVI
9 Real Estate Commissioner

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25 cc: Barbara J. Cornelius
26 4508 Martin Luther King Blvd., # 31
27 Los Angeles, CA 90016

By Walt Davis

No. H-29652 LA
L-2002100831

Real Estate Commissioner

Paula Reddish

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BARBARA JEAN CORNELIUS,

Respondent.

CASE No. H-29652 LA

OAH No. L2002100831

PROPOSED DECISION

On January 27, 2003, in Los Angeles, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by James R. Peel, Counsel, Department of Real Estate.

Respondent represented herself.

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

FACTUAL FINDINGS

1. Complainant Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

2. Respondent Barbara Jean Cornelius is presently licensed and has license rights under the Real Estate Law. She is licensed as a real estate broker. She was originally licensed as a salesperson in 1997. Her broker license was issued on May 13, 1999. It will expire on May 12, 2002, unless renewed.

3. On February 9, 2001, in the Superior Court of California, Metropolitan Division, County of Kern, respondent was convicted, on her plea of no contest, on two counts of violating section 11880(misrepresentation to obtain insurance at less than proper rate) of the insurance code. These crimes were felonies involving moral turpitude. They involve dishonesty and are substantially related to the qualifications, functions or duties of a real estate licensee. As a result of these convictions, respondent received a suspended imposition of sentence and was placed on formal probation for 5 years. She was referred to a work release program. The terms and conditions of her probation included restitution in the amount of \$13,770.70 and 500 hours of community service.

The facts and circumstances surrounding this conviction are that in 1996, respondent signed false payroll records and submitted them to the State Compensation Insurance Fund and the Employment Development Department.

4. Respondent is not rehabilitated. During the period of 1995 through 1997, respondent was the owner of a construction firm that contracted with Cal Trans to do concrete and other construction work. Her business eventually failed. When the business failed she owed money to the State Compensation Fund and another supplier. Determining the amount owed led to the above convictions.

While it is true, as respondent contended in her testimony, the above convictions were directly related to a failed business, it is also true that her convictions involved dishonest conduct on her part.

Respondent is in the process of rehabilitating herself. On May 30, 2002, approximately 15 months after her convictions, the above court reduced the convictions to misdemeanors and terminated her probation. But not nearly enough time has elapsed since her convictions and the termination of her probation to find that she is rehabilitated.

LEGAL CONCLUSIONS

1. Cause for discipline of respondent's license was established pursuant to sections 490(convictions of substantially related crimes) and 10177(b)(conviction of felony or crime involving moral turpitude) of the Business and Professions Code, by reason of finding 3.

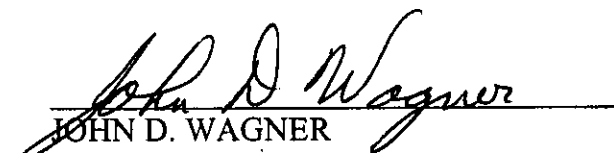
2. In view of the fact that respondent is not yet rehabilitated, her license should be revoked.

ORDER

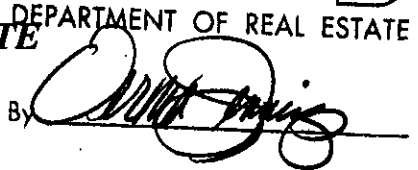
Wherefore, the following order is hereby made:

All licenses and license rights of Barbara Jean Cornelius under the real estate law are
revoked.

Dated: March 11, 2003


JOHN D. WAGNER
Administrative Law Judge
Office of Administrative Hearings

SACTO.
#19

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DEPARTMENT OF REAL ESTATE
By 

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of

BARBRA JEAN CORNELIUS

Respondent

}

Case No. H-29652 LA

OAH No. L-2002100831

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

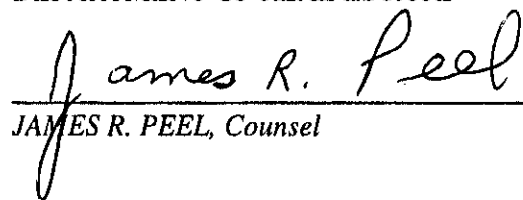
You are hereby notified that a hearing will be held before the Department of Real Estate at **Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California**, on **Monday, January 27, 2003**, at the hour of **1:30 p.m.**, or as soon thereafter as the matter can be heard, upon the Accusation 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.

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.

Dated: November 19, 2002.

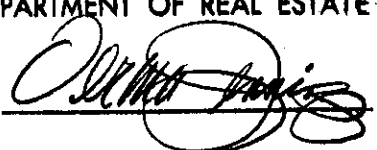
DEPARTMENT OF REAL ESTATE
By 
JAMES R. PEEL, Counsel

Barbra Jean Cornelius
Sacto./OAH

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

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

FILED
AUG 22 2002
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-29652 LA
12 BARBRA JEAN CORNELIUS,) ACCUSATION
13 Respondent.)
14

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against BARBRA JEAN CORNELIUS alleges as follows:

18 I

19 The Complainant, Maria Suarez, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation in
21 her official capacity.

22 II

23 BARBRA JEAN CORNELIUS (hereinafter referred to as
24 "Respondent") is presently licensed and/or has license rights
25 under the Real Estate Law (Part 1 of Division 4 of the Business
26 and Professions Code, hereinafter referred to as the "Code").
27

1 III

2 At all times herein mentioned, Respondent was licensed
3 by the Department of Real Estate of the State of California as a
4 real estate broker.

5 IV

6 On or about March 14, 2001, in the Superior Court of
7 California, Metropolitan Division, County of Kern, Respondent was
8 convicted of two counts of violating Insurance code Section 11880
9 (Misrepresentation to Obtain Insurance at Less Than Proper Rate),
10 a felony involving moral turpitude.

11 V

12 The crime of which Respondent was convicted bears a
13 substantial relationship to the qualifications, functions or
14 duties of a real estate licensee.

15 VI

16 Respondent's criminal conviction is cause under
17 Sections 490 and 10177(b) of the Code for suspension or
18 revocation of all licenses and license rights of Respondent under
19 the Real Estate Law.

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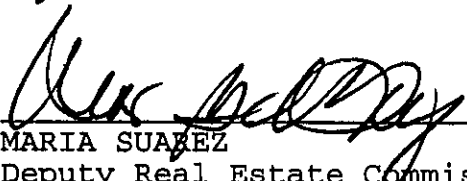
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 BARBRA JEAN CORNELIUS under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California,
10 this 14th day of August, 2002.

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14 MARIA SUAREZ
15 Deputy Real Estate Commissioner
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25 cc: Barbra Jean Cornelius
26 Maria Suarez
27 Sacto.
LWA