

FILED
FEB 13 2007
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-29686 LA
DENISE ROSE TOWNSEND,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On February 25, 2003, a Decision was rendered herein, denying Respondent's application for a real estate 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 April 18, 2003 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

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1 On or about November 17, 2005, Respondent petitioned
2 for the removal of restrictions attaching to Respondent's real
3 estate salesperson license.

4 I have considered the petition of Respondent and the
5 evidence submitted in support thereof. Respondent has
6 demonstrated to my satisfaction that Respondent meets the
7 requirements of law for the issuance to Respondent of an
8 unrestricted real estate salesperson license and that it would
9 not be against the public interest to issue said license to
10 Respondent.

11 NOW, THEREFORE, IT IS ORDERED that Respondent's
12 petition for removal of restrictions is granted and that a
13 real estate salesperson license be issued to Respondent subject
14 to the following understanding and conditions:

15 1. The license issued pursuant to this order shall
16 be deemed to be the first renewal of respondent's real estate
17 salesperson license for the purpose of applying the provisions
18 of Section 10153.4.

19 2. Within nine (9) months from the date of this order
20 Respondent shall:

21 (a) Submit a completed application and pay the
22 appropriate fee for a real estate salesperson license, and

23 (b) Submit evidence of having taken and successfully
24 completed the courses specified in subdivisions (a) (1),
25 (2), (3) and (4) of Section 10170.5 of the Real Estate
26 Law for renewal of a real estate license.

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3. Upon renewal of the license issued pursuant to
this order, respondent shall submit evidence of having taken and
successfully completed the continuing education requirements of
Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
real estate license.

This Order shall be effective immediately.

Dated: 1-23-07

JEFF DAVI
Real Estate Commissioner

cc: Denise R. Townsend
P.O. Box 1194
Newport Beach, CA 92659

FILED
FEB 28 2003

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

By K. Kneiderholt

In the Matter of the Application of)

No. H-29686 LA

DENISE ROSE TOWNSEND,

L-2002100295

Respondent.)

DECISION

The Proposed Decision dated January 31, 2002, 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, but the right to a restricted real estate salesperson license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

This Decision shall become effective at 12 o'clock noon on March 20, 2003.

IT IS SO ORDERED

February 25, 2003.
PAULA REDDISH ZINNEMANN
Real Estate Commissioner

Paula Reddish

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

DENISE ROSE TOWNSEND,

Petitioner.

Case No. H- 29686 LA

OAH No. L2002100295

PROPOSED DECISION

On January 13, 2003, in Los Angeles, California, Leonard L. Scott, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Elliott Mac Lennan, Real Estate Counsel, represented the complainant.

Denise Rose Townsend, respondent, appeared in her own behalf.

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

FACTUAL FINDINGS

1. Maria Suarez (Suarez), Deputy Real Estate Commissioner, Department of Real Estate (Department), State of California, filed the Statement of Issues against respondent. Suarez acted in her official capacity.

2. On or about December 3, 2001, respondent filed an application for licensure as a real estate salesperson with the Department.

Respondent has not successfully completed the courses required by Business and Professions Code section 10153.4.

3. On or about June 14, 2000, in the Superior Court of California, Central Division, County of San Diego, State of California, in the matter entitled People v. Denise Rose Townsend, case number M803680, respondent was convicted, on her plea of guilty, of a violation of Penal Code section 602(j) (trespass: intent to injure by taking the property of another), a misdemeanor and a crime involving moral turpitude. Respondent's crime is substantially related to the qualifications, functions and duties of the licensed activity

pursuant to the criteria enumerated in Title 10, California Code of Regulations, section 2910. Imposition of sentence was suspended and she was placed on summary probation for three years, ordered to pay fines and penalties totaling \$300 and ordered to attend a shoplifter's behavior modification course. She has paid the fines and penalties, attended the course and was released from probation early. On November 20, 2002, the court granted her relief from her conviction pursuant to Penal Code sections 1203.3 and 1203.4.

The facts and circumstances of the offense are that on June 6, 2000, respondent took a video camera and a backpack from a Costco store without paying for the merchandise. She was apprehended after exiting the store with the unpaid for merchandise in her possession. She admitted her guilt and plead guilty on June 14, 2000.

4. In early June of 2000, respondent was preparing to graduate with honors from the University of California, San Diego. She wanted a video camera to record her and her friends' graduations and the accompanying parties, but could not afford to buy one. With the encouragement of some of her then friends, respondent stole a video camera. She no longer associates with those friends. She has not been charged with or convicted of any other crimes. When she filled out her license application, she admitted her criminal conviction and took responsibility for it. She regrets taking the items, has learned her lesson and would not do it again.

While attending college full time, respondent worked as a volunteer at three schools. After graduation, she taught for a year at a Jewish community center. She now lives near her parents and works in her father's office. Since graduation, she has continued to volunteer her time and, with her mother, has delivered Meals on Wheels to the elderly and disabled.

Respondent is now 24 years of age and engaged to be married. She would like to receive a license so she can work with her father in his real estate firm, learn the business and eventually take over when he retires.

5. Michael Townsend, respondent's father, has been a licensed real estate broker for over 20 years without license discipline. He said that respondent has been a reliable and trustworthy employee while working in his office. If respondent receives a license, he will employ her and carefully supervise her work.

6. Respondent provided hearsay letters of support from friends and a relative attesting to her good character.

7. Respondent presented much evidence of her efforts to rehabilitate herself since her criminal conviction in June of 2000 and she disclosed the criminal conviction on her license application. When she was caught stealing the items in June of 2000, she admitted her wrongdoing and plead guilty about a week later. During the hearing, she honestly and forthrightly accepted responsibility for her criminal act which further supported her claim that she has learned from her wrongful action and will not repeat it. In addition, she received an early release from probation and was granted relief pursuant to Penal Code section

1203.4. Based upon all of this, she would appear to be a good candidate for a restricted license.

LEGAL CONCLUSIONS

1. Respondent's crime is substantially related to the licensed activity pursuant to Title 10, California Code of Regulations, section 2910(a)(1) the fraudulent taking of the property of another and (a)(8) an unlawful act that conferred an economic benefit on respondent.

2. However, respondent provided significant evidence of her rehabilitation pursuant to Title 10, California Code of Regulations, section 2911(a) the passage of at least two years since the criminal act, (c) expungement pursuant to Penal Code section 1203.4, (e) successful completion and early discharge from probation, (g) payment of fines and penalties, (m) she no longer associates with those friends who encouraged her to steal the camera, and (n) she has changed her attitude and would no longer allow her friends to talk her into such an act.

3 Cause for denial of respondent's application for a Real Estate Salesperson's license was established for violation of Business and Professions Code sections 480(a) and 10177(b), as found in Finding 3.

4. Respondent presented significant evidence of her rehabilitation pursuant to section 2911, which justifies issuing her a restricted conditional license.

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 two years have 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: January 31, 2003

Leonard L. Scott
LEONARD L. SCOTT

Administrative Law Judge
Office of Administrative Hearings

James J. [unclear]

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

FILED
OCT 30 2002
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

DENISE ROSE TOWNSEND,

By *K. Kneiber*

Case No. H-29686 LA

OAH No. L-2002100295

Respondent

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 **320 W. Fourth Street, Ste. 630, Los Angeles, CA** on **January 13, 2003**, 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 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 30, 2002

By *ELM*

ELLIOTT MAC LENNAN, Counsel

cc: Denise Rose Townsend
Michael D. Townsend
Sacto/OAH/AW

Sachs
gloss

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED
SEP 16 2002
DEPARTMENT OF REAL ESTATE

By K. Mederholt

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of
DENISE ROSE TOWNSEND,
Respondent.

No. H-29686 LA

STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against DENISE ROSE TOWNSEND (Respondent) is informed and alleges in her official capacity as follows:

1.

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about December 3, 2001, with the knowledge and understanding that any license issued as a result of said application would be subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

2.

On June 14, 2000, in the Superior Court of California, Central Division, County of San Diego, State of California, respondent was convicted upon a guilty plea to violating one count of Section 602(j) (trespass - with the underlying crime being theft of merchandise, a video camera), a misdemeanor, 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.

3.

This crime constitutes cause for denial of respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

These proceedings are brought under the provisions of Section 10100, Division 4 of the California Business and Professions Code and Sections 11500 through 11529 of the California Government Code.

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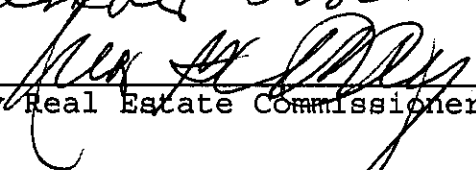
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1 WHEREFORE, the Complainant prays that above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5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

7 Dated at Los Angeles, California

8 this 4th day of September 2022.

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10 Deputy Real Estate Commissioner
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23 cc: Denise Rose Townsend
24 Michael D. Townsend
25 Maria Suarez
26 Sacto
27 AW