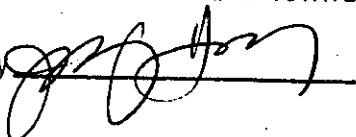


FILED
OCT 3 2003

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By 

* * * * *

In the Matter of the Application of) No. H-30114 LA
)
) L-2003060402
)
JEAN A. RUFFIN,)
)
)
Respondent.)

DECISION

The Proposed Decision dated August 29, 2003 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.

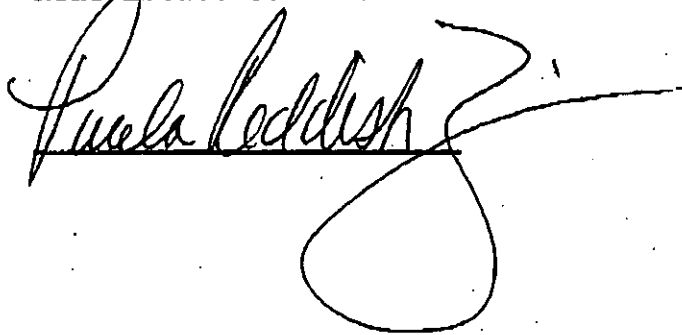
If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria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

This Decision shall become effective at 12 o'clock
noon on October 23, 2003.

IT IS SO ORDERED

 10/1/2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

JEAN A. RUFFIN,

Respondent.

Case No. H-30114 LA

OAH No. L2003060402

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on August 12, 2003.

James Peel, Staff Counsel, represented the complainant.

Respondent appeared in person and represented herself.

Oral and documentary evidence and evidence by way of official notice was received and the matter then argued and thereafter submitted.

The Administrative Law Judge now finds, concludes, and orders as follows:

FINDINGS OF FACT

1

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, filed the Statement of Issues in her official.

2

On or about August 5, 2002, Jean A. Ruffin, Respondent, applied to the Department of Real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result of that application would be subject to the conditions of *Business and Professions Code §10153.4*.

On or about October 20, 1999, in the Superior Court of California, County of San Bernardino, Respondent was convicted of violating *Penal Code* §487 (Grand Theft) and 470 (Forgery/Three Counts), crimes involving moral turpitude and substantially related to the qualifications, functions and duties of a real estate licensee in that the crime involved forged documents arising from respondent's business effecting approximately 5 individuals.

Four years have passed since the conviction. Respondent has suffered no other conviction. She did serve 180 days of time on weekends; did pay full restitution in the amount of \$3000 and did successfully complete probation in year 2001. She did petition for and did have the conviction relating to Grand Theft expunged.

Respondent has a change in attitude from that which existed at the time of the crime. That change was demonstrated by the testimony of respondent together with a character letter from her husband who is familiar with Respondent's crime and with her subsequent attitude and behavioral patterns.

Over the last four years respondent has been productively employed and has worked without deception or dishonesty. She continues to work in a paralegal business and also works, part time, for a Mortgage Company training there as a loan officer. She handles real estate documents on a daily basis and has done so for two years with diligence and competency.

Respondent has a stable marriage to her husband, a Reverend at a Baptist Church. The couple have four children aged 17, 14, 11 and 8 and both fulfill all parental and familial responsibilities. In particular respondent is a member of, and actively engaged in the PTAs of her children's schools: Fitzgerald Elementary, Kusera Middle School, and Eisenhower High School.

Respondent has formed a non-profit corporation: Women of Prosperity. That entity is geared to assist abused women, and their children, in business endeavors. She is also involved in neighborhood community meetings to address the concerns of her local community. She regularly attends Mr. Zion Baptist Church, assists at the children's ministry and assists her husband, the assistant pastor.

The rehabilitation set forth in Findings 4 through 8 is substantial rehabilitation from the crime set forth in Finding 3. Respondent did demonstrate that, at present, she is a socially and professionally responsible person.

CONCLUSIONS OF LAW

1

This proceeding is brought under the provisions of *Government Code §§11500 through 11528* and *Business and Professions Code §10100*.

2

Respondent's conviction set forth in Finding 3 constitutes cause for denial of Respondent's application for a real estate salesperson license pursuant to *Business and Professions Code §§480(a) and 10177(b)*. However by reason of Finding 9, Respondent did establish sufficient rehabilitation in accordance with *California Code of Regulations §2911* to allow licensure on a restricted status.

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
§10156.5 of the Business and Professions Code. The restricted license issued to the
Respondent shall be subject to all of the provisions of §10156.7 of the Business and
Professions Code and to the following limitations, conditions and restrictions imposed under
authority of §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.

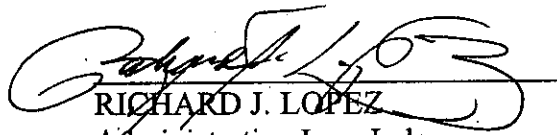
3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 2552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(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 shall within eighteen (18) months of the issuance of the restricted license under the provisions of §10153.4 of *Business and Professions Code*, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in §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 present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after issuance until respondent has submitted the required evidence of course completion and the Commissioner has given written notice to the Respondent of lifting of the suspension.

Dated: August 29, 2003


RICHARD J. LOPEZ
Administrative Law Judge
Office of Administrative Hearings

RJL:lp

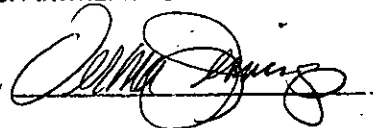
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1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

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

FILED
MAY 15 2003

DEPARTMENT OF REAL ESTATE

Ry 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 JEAN A. RUFFIN,)
13 Respondent.)

No. H-30114 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 JEAN A. RUFFIN (Respondent) is informed and alleges in
18 her official capacity as follows:

19 I

20 On or about August 5, 2002, 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.

26 ///

27 ///

1 II

2 On or about October 20, 1999, in the Superior Court of
3 California, County of San Bernardino, Respondent was convicted of
4 violating Penal Code Sections 487 (Grand Theft) and 470
5 (Forgery/Three Counts), crimes involving moral turpitude and
6 substantially related to the qualifications, functions and duties
7 of a real estate licensee.

8 III

9 The matters described in Paragraph II constitute cause
10 for denial of Respondent's application for a real estate
11 salesperson license under Sections 480(a) and 10177(b) of the
12 California Business and Professions Code.

13
14 The Statement of Issues is brought under the provisions
15 of Section 10100, Division 4 of the Business and Professions Code
16 of the State of California and Sections 11500 through 11528 of
17 the Government Code.

18 ///

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1 WHEREFORE, the Complainant prays that the above-
2 entitled 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 JEAN A. RUFFIN and for such other and
6 further relief as may be proper in the premises.

7 Dated at Los Angeles, California,

8 this 2nd day of May, 2003.

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11 
12 MARIA SUAREZ
13 Deputy Real Estate Commissioner
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24 cc: Jean A. Ruffin
25 Tracye Jean Sinclair
26 Maria Suarez
27 Sacto.
ODA