

FILED
APR - 1 2004
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

R. M. Maderholt

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In the Matter of the Application of)	No. H-30442 LA
)	
)	L-2003110430
SHERRY L. FORREST,	)
)	)
)	)
Respondent.	)
)	)

DECISION

The Proposed Decision dated March 3, 2004, 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 APR 21 2004~~

IT IS SO ORDERED April 1, 2004

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of Application of

SHERRY L. FORREST,

Respondent.

Case No. H – 30442 LA

OAH No. L-2003110430

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on February 10, 2004.

Elliott Mac Lennan, Counsel, represented Maria Suarez, a Deputy Real Estate Commissioner in the Department of Real Estate of the State of California ("Department").

Respondent Sherry L. Forrest was present throughout the hearing and represented herself.

The matter was submitted on February 10, 2004.

FACTUAL FINDINGS

1. Complainant Maria Suarez, a Deputy Real Estate Commissioner in the Department, filed the Statement of Issues in this proceeding in her official capacity.
2. On or about August 30, 2002, Respondent filed an application with the Department for a real estate salesperson license. In that application, she disclosed that she had a misdemeanor conviction in 1999.
3. On or about May 15, 2000, Respondent in the Superior Court of Los Angeles County, Central Judicial District, pled guilty to violation of Penal Code Section 532 A (2), benefiting from a false financial statement, a felony. The court placed Respondent on formal probation for a period of three years on the condition that she perform 300 hours of community service and pay a restitution fine of \$200.00. Respondent paid the fine and promptly completed the community service at the Sherman Oaks Chamber of Commerce.
4. On or about August 15, 2001, the Court, after reading the report of the Probation Department, reduced the crime of which Respondent was convicted to a misdemeanor,

pursuant to Penal Code Section 17 b, and terminated her probation pursuant to Penal Code Section 1203.3. This was 21 months prior to the time that her probation would have ended.

5. The crime of which Respondent was convicted involves moral turpitude and is substantially related to the qualifications, functions or duties of a real estate licensee.

6. Respondent has not been involved in any other criminal matter or administrative complaint. Initially, she was employed in banking positions (having taken necessary educational courses). From 1992 to 1997, Respondent was the Branch Manager of Manpower Temporary Services at Los Angeles International Airport. Prior to that, she was a sales manager in Santa Monica and a service representative in Glendale. Following her completion of community service, she was hired by the Sherman Oaks Chamber of Commerce. At the present time she is self employed.

7. In 1991, upon the referral of her hairdresser, Respondent went to a credit repair company, CA People's Benefits. She was having credit problems and could not rent an apartment. That business advised her that there were two ways to cure her problem. One was to attempt to repair her credit under her Social Security number which would be difficult, costly and ineffective. The alternative was to obtain a "taxpayer identification number" which could be used in place of a Social Security number. She paid that firm \$300 and received a taxpayer identification number. She had heard that a taxpayer number was legal on a radio program. No use of the number initially was made. She used the number on three occasions. They were to rent an apartment, secure a credit card and purchase an automobile.

8. In 1993, she purchased an automobile. She stated that all information given at that time for financing the vehicle was correct but she used the taxpayer ID number instead of her Social Security number. She made all payments on the automobile until the filing of criminal charges in 1999. The criminal charges were filed as the result of an investigation by the California Highway Patrol into a car theft ring. A man with whom she was romantically involved was the central figure along with a number of other people. Because of her romantic involvement, her attorney advised her to plead to charge of improper use of the taxpayer identification number. Respondent said that she was unaware of the activities of the person with whom she was involved or the other people who were also charged.

9. Respondent now lives in Pasadena with her six year old child. She volunteers at her child's kindergarten and at the First AME Church. She is diligently endeavoring to get into a career where she can reestablish herself and be successful.

10. Respondent was clear and direct in her testimony. She was very credible. She greatly regrets her past problem and has done everything she can to correct and get the single criminal matter behind her.

LEGAL CONCLUSIONS

1. Cause exists for denial of Respondent's application to the Department for a real estate salesperson license, pursuant to the provisions of Business and Professions Code Sections 480 (a) and 10177 (b), in that she was convicted of a crime involving moral turpitude and which, pursuant to the provisions of Title 10 of the California Code of Regulations Section 2910 (a) (8), is substantially related to the qualifications, functions or duties of a real estate licensee as more fully set forth in Paragraphs 2 through 8 of the Factual Findings.

2. Grounds exist, pursuant to Title 10 of the California Code of Regulations Section 2911, to find that Respondent has met the requirements for rehabilitation for purposes of the issuance of a license from the Department due to the passage of appropriate time since the commission of the event, restitution has been made, proceedings have been terminated, there was an early discharge from probation, fine has been paid, Respondent's family life with her child has stabilized, she displays a positive attitude to never be involved in such a situation again and she is participating in community activities in her child's school and church, all as more particularly set forth in Paragraphs 2 through 10 of the Factual Findings.

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:

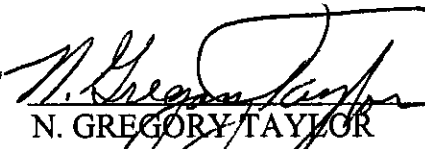
(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(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: March 3, 2004.


N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

Handwritten signature

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

FILED
FEB - 2 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

By *K. Niederholz*

SHERRY L. FORREST,

} Case No. H-30442 LA

} OAH No. L-2003110430

Respondent

**CORRECTED
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, California** on **February 10, 2004**, 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.

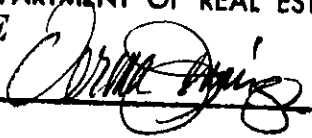
The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: February 2, 2004

DEPARTMENT OF REAL ESTATE
By *James R. Peel*
JAMES R. PEEL, Counsel

cc: Sherry L. Forrest
.Sacto/OAH/OA

5/20/04

FILED
JAN - 2 2004
DEPARTMENT OF REAL ESTATE
By 

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

In the Matter of the Application of

SHERRY L. FORREST,

}

Case No. H-30442 LA

OAH No. L-2003110430

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, California** on **February 10, 2004**, at the hour of **10:00 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.

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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: January 2, 2004

By 
ELLIOTT MAC LENNAN, Counsel

cc: Sherry L. Forrest
Sacto/OAH/OA

Handwritten initials

FILED
NOV - 5 2003
DEPARTMENT OF REAL ESTATE

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)

By *K. Mederholt*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	No. H-30442 LA
SHERRY L. FORREST,	)	<u>STATEMENT OF ISSUES</u>
Respondent.	)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against SHERRY L. FORREST (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 August 30, 2002, 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 May 15, 2000, in the Superior Court of California, Central Judicial District, County of Los Angeles, State of California, respondent was convicted upon a guilty plea to one count of Penal Code Section 532(a) (benefited from false financial statement), a felony crime, 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. On August 15, 2001, this crime was reduced to a misdemeanor and probation terminated pursuant to Penal Code Section 1203.3.

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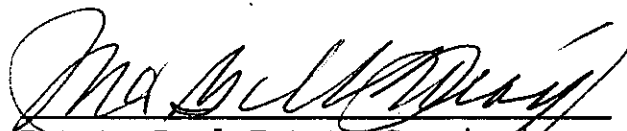
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1 WHEREFORE, the Complainant prays that above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5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

7 Dated at Los Angeles, California

8 this *31st* day of *October* 2003.
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11 Deputy Real Estate Commissioner
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23 cc: Sherry L. Forrest
24 Maria Suarez
25 Sacto
26 ODA
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