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FILED
OCT - 1 2007
DEPARTMENT OF REAL ESTATE

Handwritten signature: R. Wiedersholz

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-30508 LA
MONTGOMERY ROBERTS,)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On November 17, 2004, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On July 13, 2006, 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.

I have considered Respondent's petition and the
evidence submitted and arguments in support thereof.
Respondent has failed to demonstrate to my satisfaction that
Respondent has undergone sufficient rehabilitation to warrant
the issuance to Respondent of an unrestricted real estate
salesperson license, in that:

I

In the Decision which revoked the real estate license of Respondent there was a Determination of Issues made that there was cause to revoke Respondent's real estate license pursuant to Business and Professions Code ("Code") Sections 490 and 10177(b).

On or about July 2, 2003, Respondent was convicted of violating Penal Code Sections 484(g) (fraudulent use of access card) and 459-460 (burglary second degree - commercial structure). Said crimes involve moral turpitude and are substantially related to the qualifications, functions and duties of a real estate licensee.

II

The burden of proving rehabilitation rests with the petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d 395).

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

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1 2911(i) - Respondent has not provided proof of
2 completion of, or sustained enrollment in, formal educational
3 or vocational training courses for economic self-improvement.

4 2911(l) - Respondent has not provided proof of
5 significant or conscientious involvement in community, church
6 or social programs.

7 2911(n)(2) - Respondent has not provided proof from
8 others of a change in attitude from that which existed at the
9 time of the conduct in question.

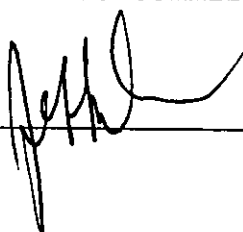
10 Given the fact that Respondent has not established
11 that he has complied with Regulations 2911(i), 2911(l) and
12 2911(n)(2), I am not satisfied that Respondent is sufficiently
13 rehabilitated to receive a real estate salesperson license.

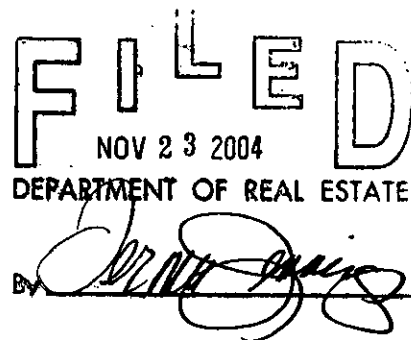
14 NOW, THEREFORE, IT IS ORDERED that Respondent's
15 petition for reinstatement of Respondent's real estate
16 salesperson license is denied.

17 This Order shall become effective at 12 o'clock noon
18 OCT 22 2007
19 on

20 DATED: _____

21 9-19-07
22 JEFF DAVI
23 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of)	No. H-30508 LA
)	L-2003120507
MONTGOMERY ROBERTS,)	
)	
Respondent.)	

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DECISION AFTER REJECTION

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The above-entitled matter came on for hearing before Samuel D. Reyes, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on May 17, 2004.

Complainant was represented by James R. Peel, Counsel. Respondent MONTGOMERY ROBERTS ("Respondent") was present at the hearing and was represented by Moses S. Hall, Esq.

Evidence was received and the matter stood submitted on May 17, 2004.

On June 14, 2004, the Administrative Law Judge ("Judge") submitted a Proposed Decision which was not adopted as the Decision of the Real Estate Commissioner.

1 On July 20, 2004, pursuant to Section 11517(c) of the
2 Government Code of the State of California, Respondent was served
3 with a copy of the Proposed Decision dated June 14, 2004, and
4 with notice that the case would be decided by me upon the record
5 including the transcript of proceedings held on May 17, 2004, and
6 upon any written argument offered by the parties.

7 Argument has been submitted on behalf of the Respondent
8 and Complainant.

9 I have given careful consideration to the record in
10 this case, including the transcript of proceedings of May 17,
11 2004, and Respondent and Complainant's arguments.

12 The following shall constitute the Decision of the Real
13 Estate Commissioner in this matter.

14 FINDINGS OF FACT

15 1. On November 25, 2003, Janice A. Waddell, Deputy
16 Real Estate Commissioner of the State of California, filed the
17 Accusation in her official capacity.

18 2. The California Department of Real Estate
19 ("Department") issued real estate license number 01253351 to
20 Respondent on February 9, 1999. The license expires on
21 February 8, 2007.

22 3. On July 2, 2003, in the Superior Court, County of
23 Orange, State of California, in case number 02HF1670MA,
24 Respondent was convicted, following his plea of guilty, of
25 violating Penal Code Sections 484(g) (fraudulent use of access
26 card) and 459-460 (burglary second degree - commercial
27 structure), misdemeanors.

1 4. The Court suspended imposition of sentence and
2 placed Respondent on formal probation for three years on terms
3 and conditions that included payment of a \$100 fine, completion
4 of 30 days of community service (California Department of
5 Transportation or other physical labor), and payment of \$6,000 in
6 restitution.

7 5. Respondent's criminal conviction arose from his
8 purchase of merchandise at a store with a fraudulent credit card.

9 6. Respondent testified that he is complying with the
10 terms and conditions of probation. He paid the fine and the
11 restitution amount, and performed the community service. He
12 further testified that he has not suffered any other convictions.
13 Respondent testified that while shopping with a friend, the
14 friend gave him a credit card and asked him to pay for some
15 items. The credit card was fraudulent. Respondent testified
16 that he had consumed a number of alcoholic beverages before the
17 incident.

18 7. Respondent maintains his innocence, insisting he
19 did not know the card was fraudulent. Respondent testified he
20 agreed to plead guilty on advice of counsel because the charges
21 would be reduced to misdemeanors and because he did not have the
22 time or money to litigate the matter. He nevertheless accepts
23 responsibility for his actions in light of the plea and
24 conviction.

25 8. Respondent testified that he has worked for three
26 years for a mortgage loan broker, Dove Capital Corporation, and
27 wishes to continue his employment with the firm. He further

1 testified that he has competently discharged the duties of his
2 position and his employer wishes to retain him.

3 9. Respondent's crime is a crime of moral turpitude.
4 Crimes which reveal an applicant's dishonesty involve moral
5 turpitude. Clerici v. Department of Motor Vehicles (1990) 224
6 Cal.App.3d 1016, 1027. The Legislature intended to ensure that
7 real estate brokers and salespersons will be honest, truthful and
8 worthy of the fiduciary responsibilities which they will bear.
9 Ring v. Smith (1970) 5 Cal.App.3d 197, 205; Golde v. Fox (1976)
10 98 Cal.App.3d 167, 177; Harrington v. Department of Real Estate
11 (1989) 214 Cal.App.3d 394, 402.

12 10. Respondent's crime bears a substantial
13 relationship to the qualifications, functions and duties of a
14 real estate licensee. A real estate salesperson is entrusted with
15 and responsible for the real property and funds of clients. Theft
16 is an act directly contrary to the duties of the real estate
17 licensee.

18 CONCLUSIONS OF LAW

19 1. The Department has established cause, by clear and
20 convincing evidence, for discipline of Respondent's real estate
21 salesperson license and all licensing rights pursuant to Business
22 and Professions Code Sections 490 and 10177(b) by reason of his
23 criminal conviction, as set forth in Finding 3.

24 2. Respondent's criminal conviction is a crime of
25 "moral turpitude" within the meaning of Business and Professions
26 Code Section 10177(b), as set forth in Finding 9.

27 ///

1 3. Respondent's criminal offense is substantially
2 related to the qualifications, functions and duties of a real
3 estate licensee. His crime meets the criteria of substantial
4 relationship contained in Title 10, California Code of
5 Regulations, Section 2910 (a)(1), the fraudulent taking,
6 obtaining, appropriating or retaining of funds or property
7 belonging to another person; and Section 2910 (a)(8), doing of
8 any unlawful act with the intent of conferring a financial or
9 economic benefit upon the perpetrator or with the intent or
10 threat of doing substantial injury to the person or property of
11 another. Respondent's offense involved the elements of these
12 provisions.

13 4. Title 10, California Code of Regulations, Section
14 2912 sets forth the criteria developed by the Department of Real
15 Estate pursuant to Business and Professions Code Section 482(b)
16 for evaluating rehabilitation of a licensee following a criminal
17 conviction or act of dishonesty:

18 (a) The passage of not less than two years from
19 the most recent criminal conviction that is "substantially
20 related" to the qualifications, functions or duties of a licensee
21 of the Department. Respondent's criminal conviction occurred in
22 July of 2003. Two years have not passed since his conviction.

23 (b) Restitution to any person who has suffered
24 monetary losses through "substantially related" acts or omissions
25 of the licensee. Respondent made the required restitution.

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1 (c) Expungement of the conviction or convictions
2 which culminated in the administrative proceeding to take
3 disciplinary action. The conviction has not been expunged.

4 (d) Expungement or discontinuance of a
5 requirement of registration pursuant to the provisions of Section
6 290 of the Penal Code. This item is not applicable to
7 Respondent.

8 (e) Successful completion or early discharge from
9 probation or parole. Respondent's three-year term of probation
10 will end in July 2006.

11 (f) Abstinence from the use of controlled
12 substances or alcohol for not less than two years if the criminal
13 conviction was attributable in part to the use of a controlled
14 substance or alcohol. Respondent testified that he attends AA
15 meetings at least three times a week.

16 (g) Payment of any fine imposed in connection
17 with the criminal conviction that is the basis for revocation or
18 suspension of the license. Respondent has paid the fine imposed
19 for his criminal conviction.

20 (h) Correction of business practices responsible
21 in some degree for the crime or crimes of which the licensee was
22 convicted. This item is not applicable to Respondent.

23 (i) New and different social and business
24 relationships from those which existed at the time of the
25 commission of the acts that led to the criminal conviction or
26 convictions in question. Respondent testified that he no longer
27 associates with the friend who gave him the credit card.

1 (j) Stability of family life and fulfillment of
2 parental and familial responsibilities subsequent to the criminal
3 conviction. Respondent is not married.

4 (k) Completion of, or sustained enrollment in,
5 formal educational or vocational training courses for economic
6 self-improvement. Respondent did not provide any evidence that he
7 is involved in formal education or vocational training.

8 (l) Significant or conscientious involvement in
9 community, church or privately-sponsored programs designed to
10 provide social benefits or to ameliorate social problems.

11 Respondent testified that he regularly attends church and is
12 involved in charitable community activities and volunteers at a
13 homeless center.

14 (m) Change in attitude from that which existed at
15 the time of the commission of the criminal acts in question as
16 evidenced by any or all of the following:

17 (1) Testimony of applicant.

18 (2) Evidence from family members, friends
19 or other persons familiar with the
20 licensee's previous conduct and with
21 subsequent attitudes and behavioral
22 patterns.

23 (3) Evidence from probation or parole
24 officers or law enforcement officials
25 competent to testify as to [licensee's]
26 social adjustments.

27 ///

1 (4) Evidence form psychiatrists, clinical
2 psychologists, sociologists or other
3 persons competent to testify with
4 regard to neuropsychiatric or
5 emotional disturbances.

6 (5) Absence of subsequent felony or
7 misdemeanor convictions that are
8 reflective of an inability to conform to
9 societal rules when considered in light
10 of the conduct in question.

11 Respondent has not shown a change in
12 attitude. He has not accepted full responsibility for his
13 actions. In addition, he has not provided proof from others of a
14 change in attitude.

15 5. The purpose of regulatory statutes is not to punish
16 but to protect members of the public when they deal with
17 licensees. Cf. Clerici v. Department of Motor Vehicles (1990)
18 224 Cal.App.3d 1016, 1027 (citing Brewer v. Department of Motor
19 Vehicles (1979) 93 Cal.App.3d 358, 367). Real estate licensees
20 must be honest and responsible for their actions. Real estate
21 licensees have access to the homes of sellers. They have access
22 to personal and financial records of clients. They must abide by
23 numerous statutes and regulations designed to protect clients and
24 to provide full disclosure to buyers, sellers and borrowers.

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1 6. Whether Respondent is a low risk to engage in
2 recidivism or will continue to avoid committing theft crimes is
3 unknown. After Respondent has spent a period of time without the
4 supervision of the criminal justice system, his actions can be
5 more fully evaluated and his level of rehabilitation can be more
6 accurately determined. Respondent is on probation until July
7 2006. California courts have held that little weight is placed on
8 the fact that a license applicant did not commit additional
9 crimes while in prison, or while on parole or probation. (See
10 In re Menna (1995) 11 Cal.4th 975; Seide v. Committee of Bar
11 Examiners (1989) 49 Cal.3d 933.) For example, In re Gossage
12 (2000) 23 Cal.4th 1080, the court noted that persons under the
13 direct supervision of correctional authorities are required to
14 behave in an exemplary fashion and gave little weight to the fact
15 that a licensee did not commit additional crimes during the
16 period of probation or while engaged in the disciplinary process.
17 Such is the case with Respondent.

18 7. It has not been shown that allowing Respondent to
19 retain a real estate license even on a restricted basis would be
20 in the public interest. A restricted license allows a licensee
21 to do the same thing any other licensee can do -- no one can
22 constantly monitor all activity. Our most effective means of
23 protecting the public is to refuse to allow a licensee to retain
24 a license when there is any doubt about the licensee's
25 rehabilitation.

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MONTGOMERY ROBERTS under the Real Estate Law are revoked.

This Decision shall become effective at 12 o'clock noon
on December 13, 2004

IT IS SO ORDERED

November 17 2009

JEFF DAVI
Real Estate Commissioner



5/20/04
Play

FILED
JUL 20 2004
DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-30508 LA
MONTGOMERY ROBERTS,)	
)	L-2003120507
Respondent.)	

NOTICE

TO: MONTGOMERY ROBERTS, Respondent, and MOSES S. HALL, his
Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision
herein dated June 14, 2004, of the Administrative Law Judge is
not adopted as the Decision of the Real Estate Commissioner. A
copy of the Proposed Decision dated June 14, 2004, 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 May 17,

1 2004, and any written argument hereafter submitted on behalf of
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of May 17, 2004, at the Los Angeles office of
6 the Department of Real Estate unless an extension of the time is
7 granted for good cause shown.

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

13 DATED: July 15, 2004

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15 JOHN R. LIBERATOR
16 Acting Real Estate Commissioner

17 John R. Liberator
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the matter of the Accusation of:)	
)	Case No. H-30508 LA
MONTGOMERY ROBERTS,)	
)	OAH No. L-2003120507
Respondent.)	
_____)	

PROPOSED DECISION

This matter was heard by Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, on May 17, 2004, in Los Angeles, California.

James R. Peel, Counsel, represented complainant Janice A. Waddell.

Moses S. Hall, Attorney at Law, represented respondent.

Oral and documentary evidence was presented at the hearing and the matter was submitted for decision.

FACTUAL FINDINGS

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

2. The Department issued real estate salesperson license number 1253351 to respondent on February 9, 1999. The license expires on February 8, 2007.

3. On July 2, 2003, in the Superior Court, County of Orange, State of California, in case number 02HF1670MA, respondent was convicted, following his plea of guilty, of violating Penal Code sections 484g (fraudulent use of access card) and 459-460 (burglary second degree – commercial structure), misdemeanors.

4. The Court suspended imposition of sentence and placed respondent on formal probation for three years on terms and conditions that included payment of a \$100 fine, completion of 30 days of community service (California Department of Transportation or other physical labor), and payment of \$6,000 in restitution.

5. The circumstances surrounding the conviction are as follows. Respondent and two friends were drinking and shopping at a local mall one evening in December 2001. They stopped at several shops and at a restaurant, where respondent consumed three to four alcoholic beverages. He had also drunk an unspecified number of alcoholic beverages at home before meeting his friends. While standing in line to purchase some items at one of the shops, Bernini's, respondent's friend, Inez Wilson Aguilar ("Aguilar"), asked him to pay for her items while she went to the restroom. She left him with the goods she wished to purchase and with a credit card. Respondent attempted to pay for Aguilar's items with the card she provided. The credit card was fraudulent, a fact respondent testified he did not know at the time. Although he intended to sign the sales slip, respondent did not actually affix his signature on the document, apparently because of his inebriated condition.

6. a. Respondent's conviction unfavorably reflects on his honesty and truthfulness, traits that the legislature and the courts have deemed desirable in real estate licensees. *See: Golde v. Fox*, (1979) 98 Cal.App.3d 167. Accordingly, the conviction is for a crime which is substantially related to the qualifications, functions, and duties of a real estate salesperson.

b. Additionally, respondent's conviction is substantially related to the qualifications, functions, and duties of a real estate salesperson by reason of Title 10, California Code of Regulations, section 2910(b), in that it involves an unlawful act for financial benefit.

7. The conviction is also one involving moral turpitude because it involves an unlawful act for financial gain. *Harrington v. Department of Real Estate* (1989), 214 CA3d 394.

8. Respondent is complying with the terms and conditions of probation. He paid the fine and the restitution amount, and performed the community service. He has not suffered any other convictions. He no longer associates himself with Aguilar.

9. Respondent maintains his innocence, insisting he did not know the card was fraudulent. Respondent testified he agreed to plead guilty on advice of counsel, because the charges would be reduced to misdemeanors and because he did not have the time or money to litigate the matter. He nevertheless accepts responsibility for his actions in light of the plea and conviction. He realizes alcohol consumption placed him in a precarious situation and has stopped his drinking; respondent attends Alcoholics Anonymous meetings at least three times per week.

10. Respondent has worked for three years for a mortgage loan broker, Dove Capital Corporation, and wishes to continue his employment with the firm. He has competently discharged the duties of his position and his employer wishes to retain him

11. Respondent regularly attends church and is involved in charitable community activities. He volunteers time at a homeless center in Laguna Beach.

LEGAL CONCLUSIONS

1. Grounds exist pursuant to Business and Professions Code section 490 to suspend or revoke respondent's license because he was convicted of a crime substantially related to the qualifications, functions, and duties of a real estate salesperson, by reason of finding of fact numbers 3 through 6.

2. Grounds exist pursuant to Business and Professions Code section 10177(b) to suspend or revoke respondent's license because he was convicted of a crime involving moral turpitude and substantially related to the qualifications, functions, and duties of a real estate salesperson, by reason of finding of fact numbers 3 through 7.

3. All evidence offered in mitigation and rehabilitation has been considered. The conviction represents an isolated incident. The incident occurred while he was under the influence of alcoholic beverages and he no longer consumes said beverages. He was apparently manipulated by a friend with whom he no longer associates. He is discharging the duties of his employment without incident. Accordingly, the order that follows, which is necessary in light of the conviction, will adequately protect the public interest.

ORDER

NOT ADOPTED { All licenses and licensing rights of Respondent Montgomery Roberts under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to 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 that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner ("Commissioner") in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.


3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

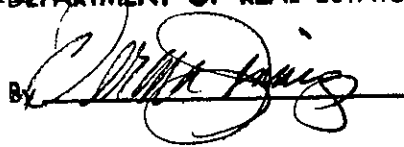
- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, 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. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: 6/14/04


SAMUEL D. REYES
Administrative Law Judge
Office of Administrative Hearings

Sacto. Reg.

FILED
JAN 21 2004
DEPARTMENT OF REAL ESTATE
By 

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

In the Matter of the Accusation of

MONTGOMERY ROBERTS

Respondent

} Case No. H-30508 LA

} OAH No. L-2003120507

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 **May 17, 2004**, at the hour of **11:00 a.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: January 21, 2004

DEPARTMENT OF REAL ESTATE

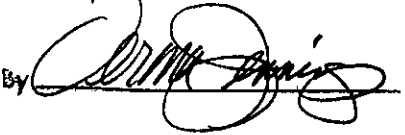
By


JAMES R. PEEL, Counsel

cc: Montgomery Roberts
Moses S. Hall, Esq.
Sacto./OAH

SACD.
Play

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)
7

FILED
NOV 25 2003
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-30508 LA
12 MONTGOMERY ROBERTS,) ACCUSATION
13 Respondent.)
14

15 The Complainant, Janice A. Waddell, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 accusation against MONTGOMERY ROBERTS alleges as follows:

18 I

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

22 II

23 MONTGOMERY ROBERTS (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 salesperson.

5 IV

6 On or about July 2, 2003, in the Superior Court of
7 California, County of Orange, Respondent was convicted of
8 violating Penal Code Sections 484(g) (Fraudulent Use of Access
9 Card) and 459-460(b) (Burglary), crimes involving moral
10 turpitude.

11 V

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

15 VI

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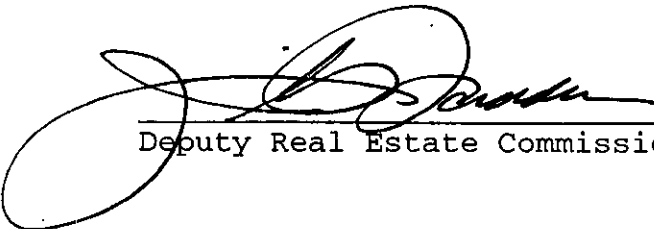
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 MONTGOMERY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

9 Dated at Los Angeles, California,

10 this 12th day of November, 2003.

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14 Deputy Real Estate Commissioner
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17

18 cc: Montgomery Roberts
19 Lawrence V. Jackson
20 Sacto.
21 CW
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