

**FILED**  
SEP 29 2004  
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

By: *[Handwritten Signature]*

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-30535 LA
)	)
MARIA DE LOS ANGELES SANCHEZ, )	L-2004010036
)	)
)	)
Respondent. )	)
)	)

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DECISION

The Proposed Decision dated July 29, 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 Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on October 19, 2004.

IT IS SO ORDERED September 3, 2004.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner  
By: *William B. Moran*  
Assistant Commissioner

*William F. Moran*

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

MARIA DE LOS ANGELES SANCHEZ,

Respondent.

Case No.: H-30535 LA

OAH No.: L2004010036

PROPOSED DECISION

This matter came on regularly for hearing before Ralph B. Dash, Administrative Law Judge with the Office of Administrative Hearings, on May 10 and July 20, 2004, at Los Angeles, California.

James R. Peel, Staff Counsel, represented Complainant.

Sean G. Erenstoft, Attorney at Law, represented Respondent.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge makes the following Proposed Decision.

\* \* \* \* \*

FINDINGS OF FACT

1. Maria Suarez made the First Amended Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.
2. At all times pertinent hereto, Respondent Maria De Los Angeles Sanchez ("Respondent") was and now is licensed by the Department of Real Estate ("Department") as a real estate salesperson.
3. On March 19, 2002, in the Municipal Court of the State of California, County of Los Angeles, Los Angeles Criminal Judicial District, Respondent was convicted on her plea of nolo contendere to one count of violating Penal Code section 529, false personation of another, a crime involving moral turpitude and one that is substantially related to the functions, duties and qualifications of a Department licensee.

Imposition of sentence was suspended and Respondent was placed on summary probation for a period of 12 months on condition she perform 40 hours of community service and pay a of fine of \$100.

4. The facts and circumstances of the crime are as follows. Respondent was introduced to an individual who wished to sell a property he owned. The introduction was made by a notary public with whom Respondent was acquainted. The seller executed a grant deed in Respondent's favor, and the same was recorded. Respondent made monthly payments on the mortgage which encumbered the property, but which was in the seller's name. She also paid the homeowners' association fees. The lender was not notified of the sale, and the mortgage remained in the seller's name. The charge of "false personation" stems from Respondent's not having notified the lender that she was the new owner of the property.

For reasons not disclosed by the evidence, after four years of making payments on the mortgage, the seller demanded the property back. Respondent was required to and did reconvey the property. Respondent has had no further contact with the notary public who introduced her to the seller of the property.

5. Respondent successfully completed her probation. On March 19, 2004, the court entered its order under the provisions of Penal Code Section 1203.4 whereby Respondent's plea of nolo contendere was vacated, a plea of not guilty entered, and the criminal complaint against Respondent dismissed.

6. Respondent has been a licensed real estate salesperson for almost 10 years. She did not realize that her failure to notify the mortgage company would cause any problems. She was purchasing the property with no money down. Respondent was not familiar with the "due on sale" clause that is present in most mortgages, at least those with a fixed interest rate. Although it was not specifically documented at the hearing, it appears the seller had a due on sale clause in his mortgage and Respondent should have notified the lender that she was the new owner of the property. This, in retrospect, actually worked to Respondent's disadvantage. Interest rates were beginning to decline at the time of the transaction in question. With rates going down, it is highly likely the lender would have been delighted to allow Respondent to assume the mortgage, rather than refinance at a lower rate. In any event, Respondent clearly did not attempt to hide her purchase. The homeowners' association knew she had purchased the property and the deed thereto was properly recorded.

7. Respondent is a single mother of three children for whom she was the sole support, and each of whom was well raised and educated. Her youngest child still resides with her. Respondent is rightfully proud of her achievement with her children. She is now helping with the care of her grandchildren. Respondent obtained her license to enable her to better support her family. She is also active in the community. She has volunteered at a local school for handicapped children where she worked as a translator. She also volunteers as a math tutor at the local high school.

8. At the hearing of this matter, Respondent called a number of character witness who each attested to Respondent's good reputation for honesty and veracity. In particular, Respondent's current employing broker testified not only to Respondent's good character, but to her abilities as well. Respondent, who has worked for the broker for the past four years, is consistently on time and accurate with all her paperwork and accountings. Those who work with her, including other licensees, escrow agents and clients, are said to have a very high opinion of her professionalism and ethics. Respondent has learned from her mistake, and is even more careful and conscientious in her practice.

9. Respondent is exceptionally embarrassed by her conviction. She expressed deep remorse for her conduct, and did not try to hide behind the ignorance which led to it. Respondent was highly respectful of the Department and these proceedings. As the hearing progressed it became quite clear Respondent had not attempted to defraud anyone. The criminal court apparently recognized this as well, as evidenced by the exceptionally lenient sentence handed out, and the quick entry of the Penal Code section 1203.4 order. This conduct appears to have been an aberration that is not likely to recur. Respondent's broker, with full knowledge of the conviction, is nevertheless willing, even anxious, to have Respondent continue in her employ, and is ready to continue with her close supervision of Respondent's work.

\* \* \* \* \*

#### CONCLUSIONS OF LAW

1. Cause for license discipline under the provisions of Business and Professions Code sections 490 and 10177, subdivision (b), has been established based on the conviction set forth in Finding 3.

2. In California Code of Regulations, title 10, section 2912, the Department sets forth the criteria it considers relevant in making the determination as to whether a licensee who has been convicted of a crime is sufficiently rehabilitated to warrant continued licensure. Respondent has met every single criterion applicable to her, based on Findings 4 through 9. These include subdivisions (a) (passage of at least two years since the criminal conduct); (b) (restitution, in this case, the reconveyance); (c) (expungement of the conviction); (e) (successful completion of probation); (g) (payment of fine imposed); (h) (correction of business practices); (i) (different business relationships, i.e. no further contact with the notary); (j) (stability of family life); (l) (community activity); (m) (change in attitude as attested to by character witnesses).

\* \* \* \* \*

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent Maria de Los Angeles Sanchez 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 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 Real Estate 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.

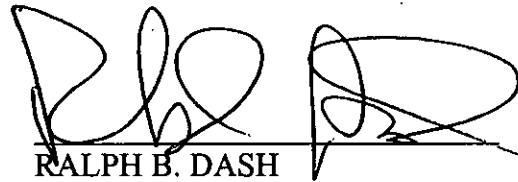
4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(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 close 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.

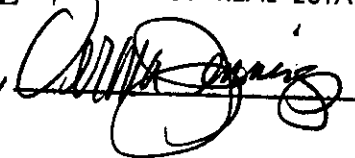
Date: 7.29.04

  
RALPH B. DASH  
Administrative Law Judge  
Office of Administrative Hearings

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FILED  
JUN 10 2004

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
By 

In the Matter of the Accusation of

MARIA DE LOS ANGELES SANCHEZ

Case No. H-30535 LA

OAH No. L-2004010036

Respondent

CONTINUED  
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 July 20, 2004, 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.

DEPARTMENT OF REAL ESTATE

Dated: June 10, 2004

By

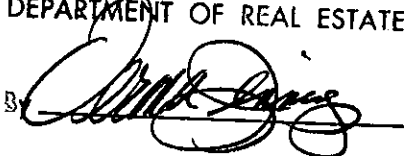
  
JAMES R. PEEL, Counsel

cc: Maria DLA Sanchez  
Steven J. Haber, Esq.  
J.M. Atherley/Sacto./OAH

Sacto. Reg

FILED  
MAR 10 2004  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

By 

In the Matter of the Accusation of

MARIA DE LOS ANGELES SANCHEZ

}

Case No. H-30535 LA

OAH No. L-2004010036

Respondent

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 10 2004, 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.

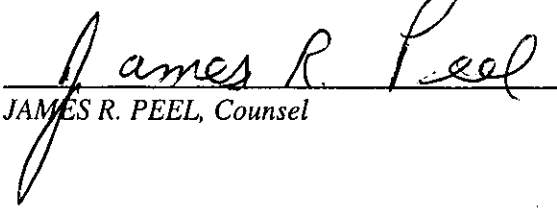
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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.

DEPARTMENT OF REAL ESTATE

Dated: March 10, 2004

By   
JAMES R. PEEL, Counsel

cc: Maria D. Sanchez  
Steven J. Haber, Esq.  
J. M. Atherley/Sacto./OAH



SACD.  
Flay

FILED  
JAN - 9 2004  
DEPARTMENT OF REAL ESTATE

By *[Signature]*

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)

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )	No. H-30535 LA
12 MARIA DE LOS ANGELES SANCHEZ )	<u>FIRST AMENDED</u>
13 Respondent. )	<u>ACCUSATION</u>
14 )	

15  
16 The Complainant, Maria Suarez, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of accusation  
18 against MARIA DE LOS ANGELES SANCHEZ alleges as follows:

19 I

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

23 II

24 MARIA DE LOS ANGELES SANCHEZ aka Angela Sanchez  
25 (hereinafter referred to as "Respondent") is presently licensed  
26 and/or has license rights under the Real Estate Law (Part 1 of  
27 Division 4 of the Business and Professions Code, hereinafter

referred to as the "Code").

III

Respondent was licensed by the Department of Real Estate of the State of California ("Department") as a real estate salesperson from December 30, 1994, through February 9, 2003. Respondent renewed her license effective February 10, 2003.

IV

On or about March 19, 2002, in the Municipal Court of California, County of Los Angeles, Respondent was convicted of violating Penal Code Section 529 (false personation of another), a crime involving moral turpitude.

V

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

VI

Respondent's criminal conviction set forth in Paragraph IV is cause under Code Sections 490 and 10177)b) for suspension or revocation of all licenses and license rights of Respondent.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent

1 MARIA DE LOS ANGELES SANCHEZ under the Real Estate Law (Part 1 of  
2 Division 4 of the Business and Professions Code) and for such  
3 other and further relief as may be proper under other applicable  
4 provisions of law.

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7  
8 Dated at Los Angeles, California,

9 this 14 day of January, 2004.

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13 MARIA SUAREZ  
14 Deputy Real Estate Commissioner

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23 cc: Maria de Los Angeles Sanchez  
24 Jennifer M. Atherley  
25 Maria Suarez  
26 Sacto.  
27 EE  
Steven J. Haber, Esq.

*SANCO  
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)

**FILED**  
DEC - 3 2003  
DEPARTMENT OF REAL ESTATE  
*[Signature]*

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-30535 LA  
12 MARIA DE LOS ANGELES SANCHEZ, ) 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 MARIA DE LOS ANGELES SANCHEZ 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 MARIA DE LOS ANGELES SANCHEZ (hereinafter referred to  
24 as "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").  
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III

Respondent was licensed by the Department of Real Estate of the State of California ("Department") as a real estate salesperson from December 30, 1994, through February 9, 2003. Respondent renewed her license effective February 10, 2003.

IV

In response to Question 3 of Respondent's renewal application filed with the Department on January 6, 2003, to wit, "Within the past four year period, have you been convicted of any violation of law?", Respondent answered "Yes" and disclosed the matter set forth in Paragraph V.

V

On or about March 19, 2002, in the Municipal Court of California, County of Los Angeles, Respondent was convicted of violating Penal Code Section 529 (false personation of another), a crime involving moral turpitude.

VI

On or about June 14, 2002, in the Municipal Court of California, County of Los Angeles, Respondent was convicted of violating Penal Code Section 114 (use false document to conceal citizenship), a crime involving moral turpitude.

VII

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

VIII

1 Respondent's criminal convictions set forth in  
2 Paragraphs V and VI are cause under Code Sections 490 and  
3 10177(b) for suspension or revocation of all licenses and license  
4 rights of Respondent under the Real Estate Law.  
5

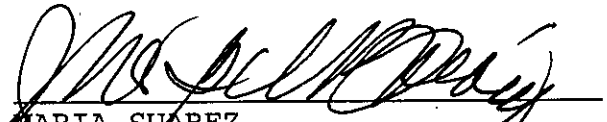
6 IX

7 Respondent's failure to disclose the matter set forth  
8 in Paragraph VI, above, in said application constitutes the  
9 procurement of a real estate salesperson license by  
10 misrepresentation, fraud, or deceit, or by knowing  
11 misrepresentation of a material fact in said application which is  
12 cause under Sections 498 and 10177(a) of the Code for suspension  
13 or revocation of all licenses and license rights of Respondent  
14 under the Real Estate Law.  
15

16 WHEREFORE, Complainant prays that a hearing be  
17 conducted on the allegations of this Accusation and that upon  
18 proof thereof, a decision be rendered imposing disciplinary  
19 action against all licenses and license rights of Respondent  
20 MARIA DE LOS ANGELES SANCHEZ under the Real Estate Law (Part 1 of  
21 Division 4 of the Business and Professions Code) and for such  
22 other and further relief as may be proper under other applicable  
23 provisions of law.  
24  
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26  
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1 Dated at Los Angeles, California,

2 this 28<sup>th</sup> day of November, 2003.

3  
4   
5 MARIA SUAREZ  
6 Deputy Real Estate Commissioner  
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15 cc: Maria de Los Angeles Sanchez  
16 Maria Suarez  
17 Sacto.  
18 EE  
19 Jennifer M. Atherley  
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