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FILED

JUN - 9 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
DEBORAH FLORENCE SODEN,
Respondent.

No. H-30567 LA

ORDER GRANTING UNRESTRICTED LICENSE

On May 7, 2004, a Decision was rendered herein denying the Respondent's application for a real estate salesperson 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 July 9, 2004, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On October 30, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

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

4 1. Within nine (9) months from the date of this order Respondent shall:

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

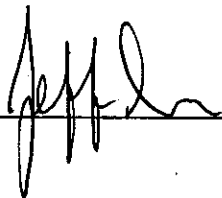
7 (b) Submit evidence of having taken and successfully completed the
8 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
9 of a real estate license.

10 This Order shall become effective immediately.

11 IT IS SO ORDERED

6-3-09

12 JEFF DAVI
13 Real Estate Commissioner

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FILED
MAY 11 2004

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Robert E. Heller

* * * * *

In the Matter of the Application of)

No. H- 30567 LA

DEBORAH FLORENCE SODEN,

L-2004020585

Respondent.)

DECISION

The Proposed Decision dated April 2, 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 JUN - 1 2004.

IT IS SO ORDERED

May 7, 2004

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY - 7 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of:

DEBORAH FLORENCE SODEN,

Respondent.

Case No. H-30567 LAy K. Wiederholt

OAH No. L2004010585

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 March 8, 2004.

Elliott MacLennan, 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 capacity.

2

On October 11, 2002, respondent made application 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 said application would be subject to the conditions of *Business and Professions Code §10153.4*.

3

On January 25, 2000, in the Municipal Court of Los Angeles, Van Nuys Judicial District, County of Los Angeles, State of California, respondent was convicted upon a guilty plea to one count of §23152(a) of the *California Vehicle Code* (DUI), a misdemeanor.

In response to Question 25 of said license application, to wit: "Have you ever been convicted of any violation of law? Convictions expunged under *Penal Code §1203.4* must be disclosed. However, you may omit minor traffic citations which do not constitute a misdemeanor or felony offense." Respondent checked the box denoting "No" despite having been convicted of the misdemeanor as set forth in Finding 3.

Respondent is a Senior Account Executive for the Special Broadcasting System and has been employed over the past 25 years in the broadcasting industry. Respondent has been successful in her career and has no record of dishonest or deceptive practices. She was forthright in her testimony. She completed the application in undue haste and did not take sufficient time to carefully review Question 25 despite knowing she had suffered a conviction. She was negligent but not deceitful in failing to accurately and fully answer Question 25 of the application. Her known false statement of fact, therefore, was a negligent and not intentional misrepresentation. In sum, there was no intent to mislead the Department.

CONCLUSIONS OF LAW

These proceedings are brought under the provisions of *§10100, Division 4 of the Business and Professions Code* and *§§11500 through 11528 of the Government Code*.

Respondent's conduct as set forth in Finding 4, constitutes grounds for denial of respondent's application for a real estate license pursuant to *Business and Professions Code §§480(c)*. However, in that the failure to disclose was negligent but not intentional, the issuance of a restricted license is consistent with the public interest.

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 *Business and Professions Code (BPC) §10156.5*. The restricted license issued to the respondent shall be subject to all the provisions of *BPC §10156.7* and to the following limitations, conditions and restrictions imposed under *BPC §10156.6*.

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 (2) 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 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.

Dated: 2 April 2004


RICHARD J. LOPEZ
Administrative Law Judge
Office of Administrative Hearings

RJL:rfm

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

FILED
FEB - 6 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

DEBORAH FLORENCE SODEN,

By *R. Mederholt*

Case No. H-30567 LA

OAH No. L-2004010585

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 **March 8, 2004**, 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 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: FEB - 6 2004

DEPARTMENT OF REAL ESTATE

By

Elliott MacLennan
ELLIOTT MAC LENNAN, Counsel

for

cc: Deborah Florence Soden
.Sacto/OAH/CW

*Info
JMS*

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
DEC 17 2003
DEPARTMENT OF REAL ESTATE

By *K. Kuderhult*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of)	No. H-30567 LA
DEBORAH FLORENCE SODEN,	)
Respondent.	)
	)
	)

STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against DEBORAH FLORENCE SODEN, 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 October 11, 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).

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2.

In response to Question 25 of said license application, to wit: "Have you ever been convicted of any violation of law? Convictions expunged under Penal Code Section 1203.4 must be disclosed. However, you may omit minor traffic citations which do not constitute a misdemeanor or felony offense." Respondent checked the box denoting "No".

3.

On January 25, 2000, in the Municipal Court of Los Angeles, Van Nuys Judicial District, County of Los Angeles, State of California, respondent was convicted upon a guilty plea to one count of Code Section 23152(a) of the California Vehicle Code (DUI), a misdemeanor.

4.

Respondent knowingly made a false statement of fact required to be revealed in her application for licensure, which is cause for denial of respondent's application for a real estate salesperson's license under Code Section 480(c).

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code of the State of California.

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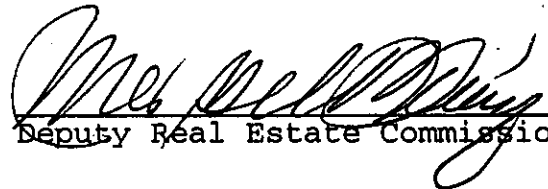
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1 WHEREFORE, Complainant prays that the above-entitled
2 matter be set for hearing and, that upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to respondent DEBORAH FLORENCE SODEN and for such other
6 and further relief as may be proper under other applicable
7 provisions of law.

8 Dated at Los Angeles, California

9 this *11th* day of *December* 2003,

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11 
12 Deputy Real Estate Commissioner
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24 cc: Deborah Florence Soden
25 Sacto
26 Maria Suarez
27 CW