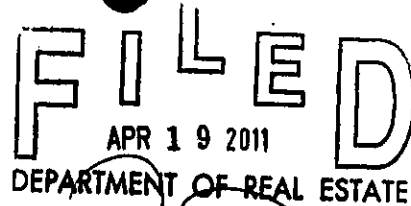


SAC TO: FMA



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-31081 LA
	)	
ROSE MARIE BELISLE,	)	
	)	
Respondent.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 22, 2004, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to apply for a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on January 18, 2005. Respondent's current restricted salesperson license expires January 17, 2013.

On or about October 22, 2009, Respondent petitioned for reinstatement of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following requirements:

- 6 1. Submittal of a completed application and pays the fee for a real estate
7 salesperson license within the 12 month period following the date of this Order; and
8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

13 This Order shall be effective immediately.

14 Dated: 3/30/2011

15 JEFF DAVIS
16 Real Estate Commissioner
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FILED
DEC 29 2004

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By

* * * * *

In the Matter of the Accusation of)

No. H-31081 LA

ROSE MARIE BELISLE,

L-2004080130

Respondent.)

DECISION

The Proposed Decision dated November 23, 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 January 18, 2005.

IT IS SO ORDERED December 22, 2004

JEFF DAVI
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator
Chief Deputy Commissioner

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

In the Matter of the Accusation of:

ROSE MARIE BELISLE,

Respondent.

No. H-31081 LA

OAH No. L2004080130

PROPOSED DECISION

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, on October 21, 2004, in Los Angeles, California. Complainant was represented by Kelvin K. Lee, Staff Counsel for the Department of Real Estate. Respondent, Rose Marie Belisle (Respondent), appeared and represented herself.

Oral and documentary evidence was received and argument was heard. The record was held open until November 4, 2004, to allow Respondent to submit additional evidence regarding expungement of her conviction and to allow Complainant to respond to any additional evidence submitted. Respondent timely submitted a copy of an expungement order, which was marked as Respondent's Exhibit B. Complainant having filed no response, Exhibit B was admitted. On November 4, 2004, the record was closed and the matter was submitted for decision. The Administrative Law Judge hereby makes her findings of fact, conclusions of law and orders, as follows:

FACTUAL FINDINGS

1. On July 7, 2004, Complainant, Maria Suarez, filed the Accusation in the above-captioned proceeding while acting in her official capacity as Deputy Real Estate Commissioner of the Department of Real Estate (Department), State of California.

2. Respondent is licensed by the Department as a real estate salesperson. Her license was originally issued on October 9, 1997, and will expire on October 8, 2005, unless renewed.

3a. On June 13, 2003, in the Superior Court for the State of California, County of Los Angeles, Case Number BA246358, entitled *The People of the State of California v. Rose Belisle*, Respondent was convicted, on her plea of nolo contendere, of one count of violating Welfare and Institutions Code section 10980, subdivision (c)(2) (Obtaining Aid by

Misrepresentation), a felony involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee.¹

3b. Respondent was placed on formal probation for five years and ordered to pay a \$200 fine and restitution in the amount of \$5,506. Respondent completed all of her probationary terms and paid all of the Court-ordered fines and restitution. On November 2, 2004, the Court dismissed the case pursuant to Penal Code section 1203.4.

3c. The facts and circumstances surrounding the conviction were as follows: From March 1, 2000, through February 28, 2002, Respondent fraudulently obtained public financial aid when she was not entitled to such assistance.

4. Respondent admitted responsibility for her crime, but stated that she did not intend to defraud the welfare system. Respondent explained that her conviction was based upon her failure to report her monthly earnings, but that she did not earn income monthly and, therefore, did not report it monthly. According to Respondent, she did a year-end balance of profits and losses to average out her monthly income. Using this method, rather than reporting income the month it was earned, allegedly brought her income within the requisite monthly level to qualify for aid. Despite her rationalization at the time of her crime, Respondent now acknowledges her mistake and seeks to assure the Department, "From this point on, I don't plan to involve myself in any illegal acts." As a factor in mitigation, the crime occurred after the birth of Respondent's only child, at a time when Respondent was a first-time, single mother, seeking to sustain income on a regular basis for her daughter. She continued obtaining aid to supplement her inconsistent earnings, because she was afraid to cancel the one source of consistent income at that point in her life.

5. Respondent provides the sole financial support for her child. She currently works as a sales associate for a property management company. She has discussed this case and her conviction with her broker, and he is willing to supervise her, should she be required to work under a restricted license.

6. Respondent submitted several letters of reference, characterizing her as ethical, professional and honest. The evidence did not establish that any of the references had knowledge of Respondent's conviction.

7. Respondent has had no complaints filed with the Department regarding her real estate dealings and has had no prior discipline imposed against her license.

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¹ The felony charge was later reduced to a misdemeanor, pursuant to Penal Code section 17, subdivision (b)(3).

LEGAL CONCLUSIONS

1. Cause exists to suspend or revoke Respondent's real estate salesperson's license, pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), and California Code of Regulations, title 10, section 2910, subdivision (a)(8), for her criminal conviction, which is a crime of moral turpitude, substantially related to the duties, qualifications, and functions of a real estate licensee, as set forth in Factual Finding 3a and 3c.

2. Respondent has complied with many of the Department's rehabilitation criteria set forth in California Code of Regulations, title 10, section 2912, as follows:

- (1) Respondent has paid restitution to the victim in the criminal case.
[Subdivision (b)];
- (2) Respondent's conviction was dismissed pursuant to Penal Code section 1203.4.
[Subdivision (c)];
- (3) Respondent has successfully completed her probation.
[Subdivision (e)];
- (4) Respondent has paid all fines and monetary penalties imposed in connection with her criminal conviction.
[Subdivision (g)];
- (5) Respondent has a stable family life and is fulfilling her familial responsibilities.
[Subdivision (j)];
- (6) Respondent has had a change in attitude since her conviction, as set forth in Factual Finding 4.
[Subsection (m)].

3. Only one year has transpired since the conviction, and Respondent was only recently released from probation. However, her unlawful actions do not appear to have transferred into her professional dealings. Furthermore, some rehabilitation efforts have been shown. Therefore, while some form of discipline is warranted to protect the public, in this case, outright revocation would be overly harsh discipline.

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ORDER

All licenses and licensing rights of Respondent, Rose Marie Belisle, 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 four (4) 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.

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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: November 23, 2004



JULIE CABOS-OWEN
Administrative Law Judge
Office of Administrative Hearings

50210

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

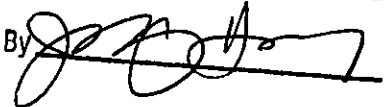
In the Matter of the Accusation of)
ROSE MARIE BELISLE,)
_____)
Respondent.

Case No. H-31081 LA
OAH No. L-2004080130

FILED
AUG 25 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By 

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on THURSDAY, OCTOBER 21, 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.

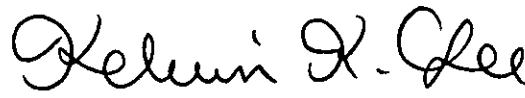
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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.

DEPARTMENT OF REAL ESTATE

Dated: August 25, 2004

By

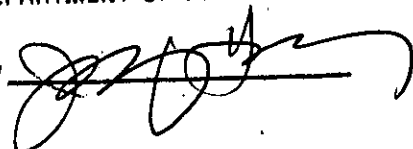

KELVIN K. LEE, Counsel

cc: Rose M. Belisle
Team Equity LA Property Management Inc.
Sacto.
OAH

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KELVIN K. LEE, Counsel (SBN 152867)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6905



By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-31081 LA
)
ROSE MARIE BELISLE,) A C C U S A T I O N
)
Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against ROSE MARIE BELISLE ("Respondent") alleges as follows:

I

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

II

Respondent is presently licensed and/or has license
rights under the Real Estate Law, Part 1 of Division 4 of the
California Business and Professions Code ("Code"), as a real
estate salesperson.

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III

On or about June 13, 2003, in the Superior Court of California, County of Los Angeles, Respondent ROSE MARIE BELISLE, was convicted of one (1) count of violating Section 10980, subdivision (c)(2) of the California Welfare and Institutions Code (Obtaining Public Aid of Over \$400 by Misrepresentation.) This crime involves moral turpitude, and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV.

The crime of which Respondent was convicted, as described in paragraph III above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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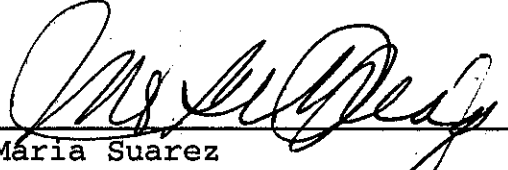
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, ROSE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

9 Dated at Los Angeles, California

10 this 7th day of July, 2004.

11 
12 Maria Suarez
13 Deputy Real Estate Commissioner

14 cc: ROSE MARIE BELISLE
15 Team Equity LA Property Management Inc.
16 Maria Suarez
Sacto.
AE