DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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FILED
APR 28 2005
DEPARTMENT OF REAL ESTATE
By

In the Matter of the Application of) No. H-31492 LA
)
) L-2005010339
DEBORAH T. REED,)
)
)
Respondent.)
)

DECISION

The Proposed Decision dated March 16, 2005, 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 May 18, 2005.

IT IS SO ORDERED 4-18-05.

JEFF DAVI
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:	Case No. H-31492
DEBORAH T. REED	OAH No. L2005010339

PROPOSED DECISION

Ralph B. Dash, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on February 28, 2005, at Los Angeles, California.

James R. Peel, Staff Counsel, represented Complainant.

Respondent Deborah T. Reed (Respondent) represented herself.

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 Statement of Issues in her official capacity as a Deputy Real Estate Commissioner of the State of California.

2. Respondent filed her application, dated October 15, 2003, with the Department of Real Estate (Department), for licensure as a real estate salesperson. The application was denied and this hearing ensued.

3. On May 1, 2000, in the Superior Court of the State of California, County of Los Angeles, case number SA033985, Respondent was convicted on her plea of nolo contendere to one count of violating Penal Code section 203, mayhem, a crime involving moral turpitude and substantially related to the functions, duties and qualifications of a Department licensee.

Imposition of sentence was suspended, and Respondent was placed on formal probation for a period of three years on condition that she serve 180 days in county jail, with credit for 42 days (28 days actual custody and 14 days good time/work time) served. She was also fined $200.

The conviction arose out of an October 10, 1998 incident in which Respondent was involved in a bar fight with another female patron. After bumping into each other while dancing, Respondent and the victim, both of whom had been drinking, exchanged words, then began fighting. Both ended up on the floor, with the victim suffering a severe gash on her nose from broken glass.

4. The conviction was a "sobering" experience for Respondent. After she completed her jail sentence, she began attending Cerritos College, and was able to obtain her high school Graduate Equivalency Degree. Respondent began working in the accounting field, and has been steadily employed for the past five years, the last two with the same employer. She also has become very active with her church. In addition to regular attendance at worship services, Respondent attends weekly Bible study sessions, and hosts a Bible study group every other week. She has close family ties, visiting her mother and her nephew weekly. Respondent supports her two children and is actively involved in her daughter's schooling. She no longer goes to bars or nightclubs, preferring to be a "homebody." She also is licensed by the California Board of Barbering and Cosmetology. Her license is in good standing. In short, it appears that Respondent, who was 24 at the time of the incident and is now over 30 years old, has dramatically altered her life and her lifestyle. She has remained law abiding and community active for the past six and one-half years.

* * * * *

CONCLUSIONS OF LAW

1. Respondent's conviction, as set forth in Finding 3, is substantially related to the functions, duties and qualifications of a Department licensee, within the meaning of California Code of Regulations, title 10, section 2910, subdivision (a)(8).

2. The Department's criteria for rehabilitation from criminal conduct, such as would safeguard the public in the event of Respondent's licensure, are set forth California Code of Regulations, title 10, section 2911. That section lists 13 areas that should be examined to determine whether an applicant has been rehabilitated. The only criterion applicable to, but not met by Respondent, is the expungement of her conviction. Almost five years have passed since the conviction. The conduct itself is well over six years old. Respondent has formed new and different social relationships, has a stable family life and has undergone a significant and real change in attitude from that which existed at the time of the conduct, all

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as set forth in the Finding 4. Under the circumstances, it cannot be said that Respondent's licensure would pose a threat to the public, provided the license is conditioned as set forth below.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of Respondent Deborah T. Reed for a real estate salesperson's license is denied; provided, however, a restricted salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. 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 issued under authority of Section 10156.6 of said Code.

1. Said restricted license may be suspended without hearing by order of the Real Estate Commissioner in the event that Respondent is convicted, including a conviction by plea of nolo contendere, to a crime which bears a significant relation to Respondent's fitness or capacity as a real estate licensee.

2. Said restricted license may be suspended without 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 report in writing to the Department of Real Estate as the Real Estate Commissioner shall directed by separate written order issued while the restricted license is in effect, such information concerning Respondent's activities for which a real estate license is required as the Commissioner shall deem appropriate to protect the public interest.

4. 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 of a restricted license until two (2) years have elapsed from the effective date of this order.

5. Respondent shall within eighteen (18) months of the issuance of the restricted license under the provisions of Section 10153.4 of the Business and Professions Code, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of one 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 present satisfactory evidence of successful completion of said courses, the restricted license shall be automatically suspended effective eighteen (18) months after issuance of the restricted license. Said suspension shall not be lifted until

Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

6. Respondent shall submit with her application for a restricted license under an employing broker -- or her application for transfer to a new employing broker -- a statement signed by the prospective employing broker which shall certify:

(a) That he or she has read the decision of the Commissioner which granted the right to a restricted license;

(b) That he or she will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

Date: 3-16-05

RALPH B. DASH
Administrative Law Judge
Office of Administrative Hearings

JAMES R. PEEL, Counsel (SBN 47055)
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320 West Fourth Street, Ste. 350
Los Angeles, California 90013-1105

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FILED
NOV 17 2004
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of DEBORAH T. REED, Respondent.	No. H-31492 LA STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against DEBORAH T. REED (Respondent) is informed and alleges in her official capacity as follows:

I

On or about December 18, 2003, Respondent applied 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 that application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

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II

On or about May 1, 2000, in the Superior Court of Los Angeles, West Judicial District, County of Los Angeles, Respondent was convicted of violating Penal Code Section 203 (mayhem).

III

The matter described above in Paragraph II involves moral turpitude and is substantially related to the functions, duties and responsibilities of a real estate licensee.

IV

The matter described in Paragraph II constitutes cause for denial of Respondent's application for a real estate salesperson license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

The Statement of Issues is 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.

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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent DEBORAH T. REED and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California,
this 28th day of September, 2004.

MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Deborah T. Reed
Maria Suarez
Sacto.
WA