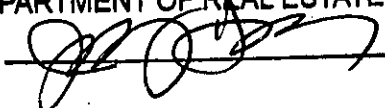


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FILED

JUN 12 2007

DEPARTMENT OF REAL ESTATE
BY: 

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

In the Matter of the Application of)	No. H-33235 LA
)	L-2006100232
MARTHA C. ISAZA DE LONGORIA,)	
)	
Respondent.)	
)	
)	

DECISION AFTER REJECTION

This matter was heard by Chris Ruiz, Administrative Law Judge of the Office of Administrative Hearings, on December 22, 2006, in Los Angeles, California.

The Complainant was represented by Cheryl Keily, Staff Counsel for the Department of Real Estate.

MARTHA C. ISAZA DE LONGORIA ("Respondent") was represented by Huey P. Cotton, Esq.

Oral and documentary evidence was received, the record was closed and the matter was submitted for decision on December 22, 2006. On January 18, 2007, Administrative Law Judge ("ALJ")

1 Ruiz, issued a Proposed Decision which I declined to adopt as my
2 Decision herein.

3 Pursuant to Section 11517(c) of the Government Code of
4 the State of California, Respondent was served with notice of my
5 determination not to adopt the Proposed Decision of the ALJ
6 along with a copy of said Proposed Decision. Respondent was
7 notified that I would decide the case upon the record, the
8 transcript of proceedings held on December 22, 2006, and upon
9 any written argument offered by Respondent and Complainant.

10 On March 29, 2007, Argument was submitted by
11 Respondent.

12 On April 23, 2007, Argument was submitted on behalf of
13 Complainant.

14 I have given careful consideration to the record in
15 this case including the transcript of proceedings of December
16 22, 2006. I have also considered the argument submitted by
17 Respondent and the argument submitted on behalf of Complainant.
18

19 The following shall constitute the Decision of the
20 Real Estate Commissioner in this proceeding:

21 FACTUAL FINDINGS

22 1. On September 18, 2006, Complainant Janice Waddell
23 filed the Statement of Issues while acting in her official
24 capacity as Deputy Real Estate Commissioner of the Department of
25 Real Estate ("Department"), State of California.

26 ///

27 ///

1 2. On April 1, 2005, Respondent submitted to the
2 Department an application for a real estate salesperson license
3 with the knowledge and understanding that any license issued as
4 a result of that application would be subject to the conditions
5 of Business and Professions Code section 10153.4.

6 3a. On or about July 20, 2005, in the California
7 Superior Court, Los Angeles County, Respondent was convicted on
8 her plea of nolo contendere of violating California Penal Code
9 section 118(a) (Perjury), a felony involving moral turpitude and
10 a crime substantially related to the qualifications, functions
11 and duties of a real estate licensee.

12 3b. Respondent was sentenced to three (3) years
13 formal probation, two (2) days jail with credit for two (2) days
14 served, court security assessment of \$20, restitution fine of
15 \$200, fine of \$1,000 plus penalty assessments and eighty (80)
16 hours of community service.

17 3c. The facts and circumstances surrounding the
18 conviction are as follows:

19 Respondent testified that in 1999 she used false
20 identification papers to obtain a driver's license from the
21 California Department of Motor Vehicles under the name "Caroline
22 Lozado." Respondent purchased the identification papers for
23 \$1,600. Respondent said that during the first year after her
24 arrival in the United States she used the name "Caroline Lozado"
25 to obtain factory work. As part of her arrangement with the
26 individual who sold her the fraudulent identity papers,
27

1 Respondent agreed that all income tax payroll deductions taken
2 from her earnings would go to the real "Caroline Lozado."

3 Respondent also testified that the falsehood that resulted in
4 her perjury conviction occurred when she reapplied for a
5 driver's license using her true name in 2004, and, in response
6 to a question on the application, denied under penalty of
7 perjury having previously applied for a driver's license using
8 another name.

9 4. Respondent testified that she married her current
10 husband in 2003. She is a member of Our Lady of Perpetual Help
11 church where she teaches catechism to children preparing for
12 their first communion, and otherwise assists with activities at
13 the church. Respondent also testified that she is the president
14 of the Chamber of Commerce of Columbo Hispanic America. This
15 organization works with the children of Latin immigrants
16 teaching them Latin culture. Respondent also participates in
17 the parents association at her son's school
18

19 5. Respondent testified that she is currently a tax
20 preparer, and that she has a license to do this work. Prior to
21 this employment Respondent sold jewelry.

22 6. With respect to the status of the sentence imposed
23 as a result of her perjury conviction, Respondent testified that
24 she still has one and one-half years remaining on her probation.
25 She also testified that she has paid all fines and fees imposed
26 by the court, and has performed all her community service.
27

1 7. Respondent introduced the testimony of two
2 witnesses who have known her for several years. One of the
3 witnesses is a social friend and the other a friend from
4 Respondent's church and her son's school. Both Respondent's
5 witnesses testified to Respondent's reputation for honesty and
6 integrity, and, further, despite their knowledge of Respondent's
7 criminal conviction, attested to their continued high opinion of
8 her integrity.

9 8. Respondent also introduced three letters of
10 recommendation attesting to Respondent's strong moral character
11 and willingness to volunteer her time to benefit her community.
12 One of the letters came from a realtor, who participates along
13 with Respondent at the chamber of commerce. Another was from the
14 principal at Respondent's son's school. The final letter came
15 from the coordinator of the Spanish education program at
16 Respondent's church. All praised Respondent for the
17 contributions Respondent has made to their organization. None
18 made reference to their knowledge of Respondent's perjury
19 conviction. Respondent's own testimony, though, was that members
20 of her church were aware of her conviction though individuals at
21 her son's school were not.

22 LEGAL CONCLUSIONS

23 1. Cause exists to deny the application of
24 Respondent for a real estate salesperson license pursuant to
25 Business and Professions Code sections 475(a)(2), 480(a)(1) and
26 10177(b), for the felony conviction set forth in Factual Finding
27

1 3. The underlying facts of the crime set forth in Factual
2 Finding 3 involve moral turpitude. In In re Kritovich (1976) 18
3 Cal.3d 468, 472-473, the court said: "We have repeatedly
4 regarded the offense of perjury, which entails a willful false
5 statement, contrary to oath, as to a material matter which one
6 knows to be false, to involve moral turpitude." Further, the
7 underlying facts of the crime set forth in Factual Finding 3 are
8 substantially related to the qualifications, functions and
9 duties of a real estate licensee in that they involve the
10 uttering of a false statement and the employment of bribery,
11 fraud, deceit, falsehood or misrepresentation to achieve an end.

12 Criteria of Rehabilitation:

13 2. The Department has developed criteria to evaluate
14 the rehabilitation of license applicants. The criteria for
15 rehabilitation is set forth in Section 2911, title 10, Chapter
16 6, California Code of Regulations. Section 2911 provides as
17 follows: "The following criteria have been developed by the
18 department pursuant to Section 482(a) of the Business and
19 Professions Code for the purpose of evaluating the
20 rehabilitation of an applicant for issuance ... of a license in
21 considering whether or not to deny the issuance or reinstatement
22 on account of a crime or act committed by the applicant:"

24 (a) The passage of not less than two years since the
25 most recent criminal conviction or act of the applicant
26 that is a basis to deny the departmental action sought. (A
27 longer period will be required if there is a history of

1 acts or conduct substantially related to the
2 qualifications, functions or duties of a licensee of the
3 department.)

4 (b) Restitution to any person who has suffered
5 monetary losses through "substantially related" acts or
6 omissions of the applicant.

7 (c) Expungement of criminal convictions resulting from
8 immoral or antisocial acts.

9 (d) Expungement or discontinuance of a requirement of
10 registration pursuant to the provisions of Section 290 of
11 the Penal Code.

12 (e) Successful completion or early discharge from
13 probation or parole.

14 (f) Abstinence from the use of controlled substances
15 or alcohol for not less than two years if the conduct which
16 is the basis to deny the departmental action sought is
17 attributable in part to the use of controlled substances or
18 alcohol.

19 (g) Payment of the fine or other monetary penalty
20 imposed in connection with a criminal conviction or quasi-
21 criminal judgment.

22 (h) Stability of family life and fulfillment of
23 parental and familial responsibilities subsequent to the
24 conviction or conduct that is the basis for denial of the
25 agency action sought.

26 (i) Completion of, or sustained enrollment in, formal
27

1 education or vocational training courses for economic self-
2 improvement.

3 (j) Discharge of, or bona fide efforts toward
4 discharging, adjudicated debts or monetary obligations to
5 others.

6 (k) Correction of business practices resulting in
7 injury to others or with the potential to cause such
8 injury.

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

13 (m) New and different social and business relationships
14 from those which existed at the time of the conduct that is
15 the basis for denial of the departmental action sought.

16 (n) Change in attitude from that which existed at the
17 time of the conduct in question as evidenced by any or all
18 of the following:

19 (1) Testimony of applicant.

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

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

26 (4) Evidence from psychiatrists or other persons
27

1 competent to testify with regard to neuropsychiatric or
2 emotional disturbances.

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

7 Evidence bearing on the issue of Respondent's
8 rehabilitation was that less than two years have elapsed since
9 her criminal conviction. Further, Respondent remains on formal,
10 supervised probation until July, 2008, and has not obtained
11 expungement of her conviction.

12 Respondent also failed to demonstrate a change of
13 attitude from that which existed at the time of her criminal
14 conduct. In her testimony Respondent maintained that she did
15 not understand that providing false identity papers to the
16 Department of Motor Vehicles was not truthful. She also
17 testified that after she discovered that her plea of nolo
18 contendere in her criminal prosecution meant that she was guilty
19 of the crime of perjury she tried to reopen the case with a
20 different attorney to change her plea. "Fully acknowledging the
21 wrongfulness of past actions is an essential step toward
22 rehabilitation." Seide v. Committee of Bar Examiners (1989) 49
23 Cal.3d 933, 940.

24
25 From a review of the evidence introduced concerning
26 Respondent's rehabilitation it is apparent that Respondent fails
27

1 to fulfill the criteria of subsections (a), (c), (e) and (n)(1)
2 of Section 2911.

3 3. I disagree with the ALJ's Proposed Decision to
4 the extent that the ALJ suggests that the evidence established
5 that Respondent is rehabilitated and unlikely to repeat her past
6 criminal conduct and, further, characterizes the act which lead
7 to her perjury conviction as having occurred in the remote past.
8 Respondent's dishonest conduct goes to the heart of the
9 obligations placed on real estate licensees. "Honesty and
10 integrity are deeply and daily involved in various aspects of
11 the practice." Golde v. Fox (1979) 98 Cal.App.3d 167, 176.
12 Contrary to the ALJ's perception of the evidence, Respondent's
13 dishonesty commenced with her purchase of fraudulent identity
14 documents in 1999 and continued until shortly before her 2005
15 perjury conviction. Respondent's use of the fraudulent identity
16 documents to obtain a California driver's license and employment
17 under someone else's name was simply one of a series of
18 decisions made by Respondent which ultimately lead to her
19 commission of the crime of perjury in 2004. When faced with the
20 choice of being truthful or continuing to lie, Respondent
21 repeatedly made the wrong decision. There is nothing in the
22 facts underlying Respondent's conviction which excuses her from
23 the requirement that she establish compliance with the
24 rehabilitation criteria set forth in Section 2911, title 10,
25 Chapter 6, California Code of Regulations.
26
27

1 4. The Real Estate Law and the disciplinary
2 procedures provided for in the Real Estate Law are designed to
3 protect the public and to achieve the maximum protection for the
4 purchasers of real property and those dealing with real estate
5 licensees (Business and Professions Code Section 10050 and
6 Handeland v. Department of Real Estate (1976) 58 Cal.App.3d
7 513).

8 5. Real estate licensees occupy a unique position of
9 trust and responsibility toward the consuming public. They can
10 function with little supervision. The possession of a real
11 estate license entitles the holder to enter the homes and have
12 access to the property of others without supervision. Such
13 licensees must be trustworthy. See Ring v. Smith (1970) 5 Cal.
14 App.3rd 197, 205; Harrington v. Department of Real Estate (1989)
15 214 Cal.App.3d, 394, 402.

16 6. The ALJ concluded that the public welfare would be
17 adequately protected by the issuance of a restricted real estate
18 salesperson license to Respondent. I disagree. Given the
19 nature of her crime and the fact that Respondent failed to
20 establish her fulfillment of the criteria for rehabilitation,
21 the issuance of a restricted real estate salesperson license to
22 Respondent would not be in the public interest.

23 A restricted license allows licensees to perform the
24 same acts as a non-restricted license including the same access
25 to monies and into homes of members of the public and no one can
26 constantly monitor all activity.
27

1 7. Our most effective means of protecting the public
2 is to refuse to issue a licensee where there is any doubt as to
3 the existence of the applicant's rehabilitation.

4 ORDER

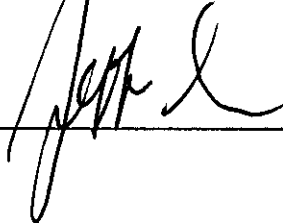
5 WHEREFORE, THE FOLLOWING ORDER is hereby made:

6 The application of Respondent, MARTHA C. ISAZA DE
7 LONGORIA, for a real estate salesperson license is denied.

8 This Decision shall become effective at 12 o'clock
9 noon on July 2, 2007.

10
11 IT IS SO ORDERED 6-5-07.

12 JEFF DAVI
13 Real Estate Commissioner

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FILED

FEB 14 2007

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-33235 LA
))
MARTHA C. ISAZA DE LONGORIA,)	L-2006100232
))
Respondent.))
))

NOTICE

TO: MARTHA C. ISAZA DE LONGORIA, Respondent, and HUEY P. COTTON,
her Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision
herein dated January 18, 2007, of the Administrative Law Judge is
not adopted as the Decision of the Real Estate Commissioner. A
copy of the Proposed Decision dated January 18, 2007, 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 December 22,

///

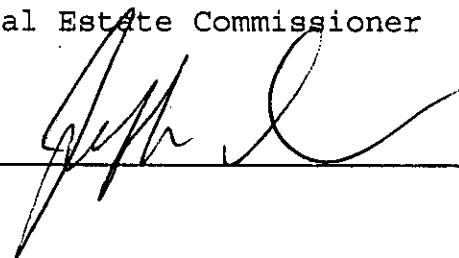
1 2006, and any written argument hereafter submitted on behalf of
2 Respondent and Complainant.

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 December 22, 2006, at the Los Angeles
6 office of the Department of Real Estate unless an extension of
7 the time is 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: _____, 2007. *2-8*

14
15 JEFF DAVI
16 Real Estate Commissioner

17 
18 _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of:

MARTHA C. ISAZA DE LONGORIA,

Respondent.

Dept. No. H-33235 LA

OAH No. L2006100232

PROPOSED DECISION

This matter was heard on December 22, 2006, in Los Angeles, by Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California.

Martha C. Isaza De Longoria (Respondent) was present and was represented by Huey P. Cotton, Esq.

Janice Waddell, Deputy Real Estate Commissioner (Complainant), was represented by Cheryl Keily, Counsel for the Department of Real Estate (Department).

Oral and documentary evidence was received and the matter was submitted for decision.

At hearing, the Statement of Issues was amended as follows: The allegations from page 2, line 19, through page 3, line 6, were deleted.

Leticia Wilczynski, a friend of Respondent, translated (English to Spanish and Spanish to English) for Respondent. Ms. Wilczynski was qualified as a non-certified interpreter under Government Code section 11435.55, subdivision (a).

FACTUAL FINDINGS

1. Complainant brought the Statement of Issues in her official capacity.
2. On April 1, 2005, Respondent made an application to the Department for a real estate salesperson license.
3. On July 20, 2005, in the Superior Court of California, County of Los Angeles, case number LA048947, Respondent was convicted, on her plea of nolo contendere, of violating California Penal Code section 118, subdivision (a) (perjury), a felony. Respondent was sentenced to three years formal probation with terms and conditions which included: serve two days in jail (with

credit for two days previously served), pay \$1220.00 in fines, and perform 80 hours of community service. Respondent completed her community service and paid all her criminal fines. She remains on probation until July 2008.

4. The underlying events leading to Respondent's conviction were: Respondent came to the United States in 1999. She was informed that she needed "papers" to work. A man offered her such papers, but with another person's name. Respondent was told that by assuming another person's name she would actually be "helping" that person. Respondent took on the identity of another person and used the "papers" to secure employment. Thereafter, in October 1999, she applied for a driver's license under her given name. When asked on the subject Department of Motor Vehicles (DMV) form whether she had ever used any other names, she denied using any other names. This form was submitted under penalty of perjury.

5. Respondent is 47 years of age and was married in 2003. She has been a permanent resident of the United States for three years and presently only uses a drivers license with her given name. Respondent helps at her church by assisting the children before First Communion. She also is the Chair President of the Los Angeles County Colombo Hispanic American Chamber of Commerce. Respondent has been self-employed as a tax preparer for the last two years. Respondent expressed sincere remorse for her criminal conduct.

6. Respondent presented three letters, which attested to her good moral character and her involvement in the community. Respondent also presented four witnesses who testified that Respondent is an honest person.

LEGAL CONCLUSIONS AND DISCUSSION

Based upon the foregoing factual findings, the Administrative Law Judge makes the following legal conclusions:

1. Cause does not exist to deny Respondent's application for a real estate salesperson license pursuant to Business and Professions Code sections 480, subdivision (a), and 475, subdivision (a)(2) based on the holding in *Petropoulos v. Department of Real Estate* (2006) 142 CA4th 554. In *Petropoulos* (supra), the court held Business and Professions Code section 490 did not provide independent statutory authority for the Department to discipline a licensee based on criminal convictions. This same analysis should apply to Business and Profession Code sections 480 and 475, which are similar to Business and Professions Code section 490, except that they apply to an applicant for a licensure rather than a person who already possesses a license. (Factual Findings 1-3.)

2. Cause exists to deny Respondent's application for a real estate salesperson license pursuant to Business and Professions Code section 10177, subdivision (b), in that her conviction is a felony, is substantially related to the duties of a real estate salesperson, and involves moral turpitude, as discussed below.

Substantial Relationship

Title 10, California Code of Regulations, section 2910, defines by regulation instances where acts are deemed to be substantially related to the qualifications, functions, or duties of a licensee. Under subsection (a)(4), the employment of fraud, deceit, or misrepresentation to achieve an end is substantially related to the qualifications, functions, or duties of a licensee. Respondent's conviction is substantially related to the qualifications, functions, or duties of a real estate salesperson under this subsection in that she was fraudulently using another person's identity and then stated under penalty of perjury that she had not used another name. (Factual Findings 3-4.)

Moral Turpitude Discussion

a. A criminal conviction can form the basis for denial of an application for a real estate salesperson's license if the crime is a felony or a crime involving moral turpitude. (Bus. & Prof. Code, § 10177, subd. (b).)

b. Although not amenable to a precise definition, "moral turpitude" connotes a readiness to do evil, an act of baseness, vileness or "depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." (*People v. Forster* (1994) 29 Cal.App.4th 1746, 1757, quoting from *People v. Mansfield* (1988) 200 Cal.App.3d 82, 87.)

c. Conviction of some crimes, such as murder and fraud, establishes moral turpitude per se. Other crimes do not necessarily establish moral turpitude per se; however, the particular circumstances of the underlying offense must be reviewed to determine if the conviction involved moral turpitude. (*In re Hurwitz* (1976) 17 Cal. 3d 562.) In this case, Respondent's conviction for felony perjury is a crime of moral turpitude because it involved dishonesty. (*In re Kristovich* (1976) 18 Cal. 3d 468.) (Factual Findings 2-4.)

3. Criteria have been developed by the Department, pursuant to Business and Professions Code section 482, subdivision (a), for the purpose of evaluating the rehabilitation of an applicant for licensure in considering whether or not to deny the issuance of a license on account of a crime committed by the applicant. These criteria, found at California Code of Regulations, title 10, section 2911, are summarized as follows:

- Subsection (a) passage of at least two years since the conviction;
- Subsection (b) restitution;
- Subsection (c) expungement of the conviction;
- Subsection (d) expungement of the requirement to register as an offender;
- Subsection (e) completion of the criminal probation;
- Subsection (f) abstinence from drugs or alcohol that contributed to the crime;
- Subsection (g) payment of any criminal fines or penalties;
- Subsection (h) stability of family life;
- Subsection (i) enrollment in or completion of educational or training courses;

Subsection (j) discharge of debts to others;
Subsection (k) correction of business practices causing injury;
Subsection (l) significant involvement in community, church or private programs for social betterment

Subsection (m) new and different social and business relationships; and

Subsection (n) change in attitude from the time of conviction to the present, evidenced by testimony of the applicant and others, including family members, friends or others familiar with his previous conduct and subsequent attitudes and behavior patterns.

4. Respondent has addressed, and satisfied, some of these criteria of rehabilitation, but not others. For example, two years have not passed since Respondent suffered her conviction and Respondent remains on criminal probation. Her conviction has not been expunged. However, the act leading to her conviction occurred approximately seven years ago. Respondent has paid her criminal fines and has performed her community service. She recently married and has a stable family life. Respondent is now a permanent resident. She is involved in her church and in her community. A number of her friends and acquaintances came forward to state that Respondent is of good character. Respondent thereby established a change in attitude from that which existed at the time of her crime. It appears unlikely that Respondent will repeat her past criminal conduct. The following order will sufficiently protect the health, safety and welfare of the public. (Factual Findings 2-6.)

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Respondent MARTHA C. ISAZA DE LONGORIA'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 section 10156.5. The restricted license issued to the Respondent shall be subject to all of the provisions of Business and Professions Code section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

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 es-

ate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until three 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 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

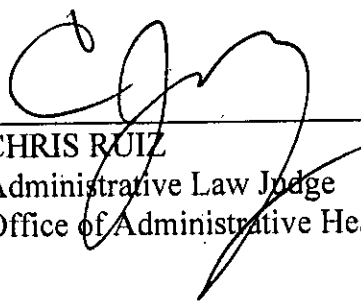
(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(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.

4. Respondent's restricted real estate salesperson license is issued subject to the requirements of Business and Professions Code section 10153.4, to wit: Respondent shall, within eighteen (18) months of the issuance of the restricted license, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of a course in real estate practices and 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 timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

Not
Adopted

DATED: January 18, 2007.


CHRIS RUIZ
Administrative Law Judge
Office of Administrative Hearings

*Sacto
State*

1 KELVIN K. LEE, Counsel (SBN 152867)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

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

FILED

SEP 18 2006

DEPARTMENT OF REAL ESTATE
BY: James B. Stone

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Application of) No. H-33235 LA
11)
12 MARTHA C. ISAZA DE LONGORIA,) STATEMENT OF ISSUES
13 Respondent.)

14 The Complainant, Janice Waddell, a Deputy Real Estate
15 Commissioner of the State of California, for cause of Statement
16 of Issues against MARTHA C. ISAZA DE LONGORIA, ("Respondent"),
17 is informed and alleges as follows:
18

19 1.

20 The Complainant, Janice Waddell, a Deputy Real Estate
21 Commissioner of the State of California, makes this Statement of
22 Issues against Respondent in her official capacity.

23 2.

24 Respondent made application to the Department of Real
25 Estate of the State of California for a real estate salesperson
26 license on or about April 1, 2005, with the knowledge and
27 understanding that any license issued as a result of said

1 understanding that any license issued as a result of said
2 application would be subject to the conditions of Business and
3 Professions Code ("Code") Section 10153.4.

4 CRIMINAL CONVICTION

5 3.

6 On or about July 20, 2005 in the Superior Court of
7 California, County of Los Angeles, in Case No. LA048947,
8 Respondent was convicted of one (1) count of violating Section
9 118(A) of the California Penal Code, (Perjury), a felony. This
10 crime involves moral turpitude, and bears a substantial
11 relationship under Section 2910, Title 10, Chapter 6, California
12 Code of Regulations to the qualifications, functions or duties
13 of a real estate licensee.

14 4.

15 The crime for which Respondent were convicted, as
16 described in Paragraph 3, constitutes cause for denial of
17 Respondent's application for a real estate license under Code
18 Sections 475(a)(2), 480(a)(1) and/or 10177(b).

19 FAILURE TO REVEAL CONVICTIONS

20 5.

21 In response to Question 25 of his license application,
22 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
23 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
24 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC VIOLATIONS, the
25 Respondent answered "No" to this question, and failed to reveal
26 the conviction listed in Paragraphs 3 above. This omission
27 constitutes the attempt to procure a real estate license by

1 fraud, misrepresentation, or deceit, or by making a material
2 misstatement of fact, or knowingly making a false statement of
3 material fact required to be revealed in said application, which
4 is grounds for denial of the issuance of a license under
5 Business and Professions Code Sections 475(a)(1), 480(c), and/or
6 10177(a).

7 The Statement of Issues is brought under the
8 provisions of Section 10100, Division 4 of the Business and
9 Profession Code of the State of California and Sections 11500
10 through 11528 of the Government Code.

11 WHEREFORE, Complainant prays that the above entitled
12 matter be set for hearing and, upon proof of the charges
13 contained herein, that the Commissioner refuse to authorize the
14 issuance of, and deny the issuance of, a real estate salesperson
15 license to Respondent, MARTHA C. ISAZA DE LONGORIA, and for such
16 other and further relief as may be proper under other provisions
17 of law.

18 Dated at Los Angeles, California
19 this 5 day of September 2006.

20
21 
22 _____
23 Janice Waddell
24 Deputy Real Estate Commissioner
25

26 cc: MARTHA C. ISAZA DE LONGORIA
27 Sharon Dawn Bendjou
Janice Waddell
Sacto.