

**FILED**

MAR 13 2009

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
BY: 

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-34861 LA
)	
CONNIE SUE MORRIS,	L-2008050799
)	
)	
Respondent.	

DECISION

The Proposed Decision dated February 10, 2009, 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 April 2, 2009

IT IS SO ORDERED March 19, 2009

JEFF DAVI  
Real Estate Commissioner

  
By WILLIAM E. MORAN  
Assistant Commissioner, Enforcement

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of )  
 ) Case No. H-34861 LA  
CONNIE SUE MORRIS, )  
 ) OAH No. 2008050799  
Respondent. )  
\_\_\_\_\_ )

**PROPOSED DECISION**

Nancy Beezy Micon, Administrative Law Judge, Office of Administrative Hearings, heard this matter on January 13, 2009, in Los Angeles, California.

Cheryl D. Keily, Real Estate Counsel, represented complainant Maria Suarez.

Respondent Connie Sue Morris was present and represented by attorney Frank M. Buda.

Complainant seeks to discipline respondent's real estate salesperson license because respondent suffered a criminal conviction. Respondent presented evidence of rehabilitation in support of continued licensure.

Oral and documentary evidence was received at the hearing and the matter was submitted for decision at the conclusion of the hearing, on January 13, 2009.

**FACTUAL FINDINGS**

1. Complainant filed the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

2. Respondent, at all relevant times, was licensed as a real estate salesperson. She has held a real estate salesperson license for approximately 22 years. The license has not been disciplined and will expire on July 31, 2010, unless renewed.

**Conviction**

3. a. On July 17, 2006, in the United States District Court, Central District of California, in case number SACR06-0006, respondent was convicted, on her plea of guilty, of violation of Title 18, United States Code, section 1018 (Official making or delivering a certificate or writing known to be false), a misdemeanor.

b. The court placed respondent on supervised probation for one year on terms and conditions that included payment of a \$25 special assessment and a \$5,000 fine.

c. The facts and circumstances surrounding the conviction are that respondent notarized three grant deeds in 2002, making it appear as if the grant deeds had been signed two weeks before they were actually signed. Respondent felt she was doing a favor for Michael Cherney, a friend and broker who worked with respondent and had been her mentor. The plea agreement noted: "Cherney explained he needed the backdated deeds so that his converted condominiums would qualify for certain benefits from the City of Huntington Beach. To qualify for these benefits, Cherney needed to have deeded the condos to others before a certain date."

Respondent initially refused to notarize the deeds but was persuaded to do so by Cherney, who wrote the following in a letter of support for respondent: "By the abusive manipulation of over twenty five years of friendship and countless kindnesses over a long time I was able to convince her [respondent] to perform this action that has caused her great difficulty. . . . I took advantage of a very good person and a great friendship. . . ." Respondent was aware that the entries she made in her notary journal were improper but did so out of loyalty to Cherney, her friend and mentor.

d. As part of the criminal matter, respondent surrendered her notary commission.

4. The crime is one which, on its face, involves dishonest conduct, and therefore, is substantially related to the qualifications, functions, and duties of a real estate licensee.

#### Rehabilitation and Other Factors

5. Respondent paid the special assessment and fines imposed by the court. She timely completed probation.

6. Respondent credibly testified that she has learned from the incident and would, in the future, follow her conscience: "When something doesn't feel right, it's not [right]." Respondent would now question the friendship, if someone asked her to do something which she knew to be wrong. Respondent would not put herself in a position where her actions could potentially jeopardize her reputation, her family, and her profession.

7. Respondent has not been arrested for any crimes before or after the one at issue in this Accusation. Respondent's criminal conduct was an isolated incident.

8. Respondent has been married for approximately 20 years and has two children, ages 16 and 14, who are in high school. Respondent is involved in her children's school and sports activities, including volunteer work during basketball season, at her daughter's dance recitals, and during service events at her children's school and in the community. One of respondent's children recently returned from a missionary trip to Africa. Respondent is committed to her family. She has used this incident as a lesson to instill good values in her children, teaching them to listen to their feelings, especially when their actions are not being observed. Respondent's husband testified that respondent "is a great mom who juggles it all."

9. Respondent has enrolled in real estate training courses to enhance her real estate skills and fulfill professional continuing education requirements.

10. Respondent has been a real estate salesperson at the same office, now called Star Real Estate, since 1986.

11. Respondent presented several letters of commendation, which she received throughout her real estate career from clients and other salespeople who were appreciative of her good service. Respondent's office manager, William Arseneau, who hired respondent and has known her throughout her real estate career and while she has raised her children, testified that respondent is an excellent mother and a valued employee. A real estate agent, Larry Petersen, who has worked at the Star Real Estate office for 21 years, currently at the desk directly across from respondent, testified that he has the utmost trust in respondent, who he chooses to cover for his client's needs when he is out of town. Respondent's colleagues described respondent as a dedicated professional, who is honest and ethical, and who goes "above and beyond" for her clients. Arseneau has no hesitation in his willingness to supervise respondent, and the broker in charge of the office, who is aware of the details underlying the conviction, is willing to continue to have respondent work under him.

#### LEGAL CONCLUSIONS

1. *Cause for License Revocation.* Cause exists to revoke Respondent's real estate salesperson license pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), in that Respondent's July 17, 2006 misdemeanor conviction under Title 18, United States Code, section 1018 was for a crime substantially related to the qualifications, functions, and duties of a real estate licensee, by reason of factual finding numbers 3 and 4.

2. Respondent's entry of a guilty plea in her criminal case is conclusive evidence of guilt upon which the administrative law judge must rely. (*Arneson v. Fox* (1980) 28 Cal.3d 440, 449.) To hold otherwise would impose upon administrative boards extensive, time-consuming hearings aimed at re-litigating criminal charges that had already culminated in final judgments of conviction.

3. The objective of a disciplinary proceeding is to protect the public, the licensed profession or occupation, maintain integrity, high standards, and preserve public confidence in licensees. (*Camacho v. Youde* (1975) 95 Cal.App.3d 161, 165; *Clerici v. Dept. of Motor Vehicles* (1990) 224 Cal.App.3d 1016, 1030-1031.) As cause exists for discipline against respondent's license, respondent bears the burden of establishing her reformation. (*Martin v. Alcoholic Beverage Control Appeals Bd.* (1950) 52 Cal.2d 259, 264-265.)

#### Rehabilitation Criteria

4. Criteria have been developed by the Department to evaluate the rehabilitation of a licensee who has committed a crime. These criteria, found at California Code of Regulations (CCR), title 10, section 2912, are summarized as follows:

Subdivision (a), passage of at least 2 years since the conviction or wrongful act;  
Subdivision (b), restitution to any person who suffered monetary loss;  
Subdivision (c), expungement of the conviction;  
Subdivision (d), expungement of the requirement to register as a sex offender;  
Subdivision (e), completion of, or early discharge from, the criminal probation;  
Subdivision (f), abstinence from drugs or alcohol that contributed to the crime;  
Subdivision (g), payment of any criminal fines or penalties;  
Subdivision (h), correction of business practices causing injury;  
Subdivision (i), new and different social and business relationships;  
Subdivision (j), stability of family life;  
Subdivision (k), enrollment in or completion of educational or training courses;  
Subdivision (l), significant involvement in community, church or private programs for social betterment; and

Subdivision (m), change in attitude from the time of conviction to the present, evidenced by: testimony of the licensee and others, including family members, friends, or others familiar with his previous conduct and subsequent attitudes and behavior patterns, or probation or parole officers or law enforcement officials; psychiatric or therapeutic evidence; and absence of subsequent convictions.

5. A review of those criteria applicable to the facts of this case reveals that respondent has met the bulk of the applicable rehabilitation criteria. It has been over two years since the conviction and incident that led to the conviction. Respondent has paid the fines imposed in connection with the criminal conviction. She has completed probation. Respondent fulfills her parental responsibilities, and has a stable family life. She performs community service through her involvement with her children's school, sports, religious, and recreational activities. Most importantly, respondent has changed her attitude since the time of the underlying incident. She admits her wrongdoing, and would not repeat it.

6. Notwithstanding the factors which indicate rehabilitation, due to the seriousness of the conviction and its relative recency, it would not be in the public interest to grant respondent an unrestricted license at this time. However, respondent has learned from this experience, has worked without incident as a salesperson since the underlying acts, has no other convictions, and has no prior record of discipline against her real estate license of almost 23 years. Following this single episode, respondent has continued to work as a real estate salesperson. Respondent's co-workers, and the broker and manager who oversee respondent's work, have found her to be honest and trustworthy. Complete revocation would therefore be unduly harsh in this case. Nor would a public purpose be served by imposing a suspension as respondent is already fully cognizant of and remorseful for her wrongdoing. The public interest should be adequately protected by the following order, which imposes a restricted license for two years.

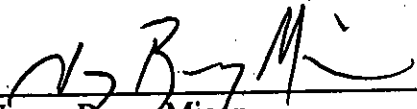
#### ORDER

All licenses and licensing rights of respondent Connie Sue Morris 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, 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: February 10, 2009

  
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Nancy Beezy Micon  
Administrative Law Judge  
Office of Administrative Hearings

PLA

1 CHERYL D. KEILY, Counsel (SBN 94008)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

**FILED**

APR 22 2008

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6 (Direct) (213) 576-5770

DEPARTMENT OF REAL ESTATE  
BY: [Signature]

8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )	No. H- 34861 LA
13 CONNIE SUE MORRIS, )	<u>A C C U S A T I O N</u>
14 Respondent. )	
15 _____ )	

16 The Complainant, Maria Suarez, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against CONNIE SUE MORRIS, aka Connie Morris, aka Connie Sue  
19 Leifkes, aka Connie Leifkes, ("Respondent") alleges as follows:

20 1.

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

24 2.

25 Respondent is presently licensed and/or has license  
26 rights under the Real Estate Law, Part 1 of Division 4 of the  
27

1 California Business and Professions Code ("Code"), as a real  
2 estate salesperson.

3 3.

4 (CRIMINAL CONVICTION)

5 On or about July 18, 2006, in the United States  
6 District Court, Central District of California, in Case No.  
7 SACR06-0006, Respondent was convicted of violating 18 U.S.C.  
8 1018 (Official Certificates and Writings), a misdemeanor. The  
9 underlying facts of this crime involve moral turpitude, and bear  
10 a substantial relationship under Section 2910, Title 10, Chapter  
11 6, California Code of Regulations to the qualifications,  
12 functions or duties of a real estate licensee.

13 4.

14 The crime of which Respondent was convicted, as  
15 described in Paragraph 3, above, constitutes cause under  
16 Sections 490 and 10177(b) of the Code for the suspension or  
17 revocation of the license and license rights of Respondent under  
18 the Real Estate Law.  
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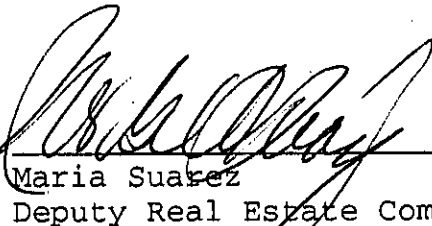
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent, CONNIE SUE MORRIS, under the Real Estate Law (Part 1  
6 of Division 4 of the Business and Professions Code) and for such  
7 other and further relief as may be proper under other applicable  
8 provisions of law.

9 Dated at Los Angeles, California  
10 this 21<sup>st</sup> day of April, 2008.

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15 Maria Suarez  
16 Deputy Real Estate Commissioner  
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25 cc: CONNIE SUE MORRIS  
26 AMC Inc.  
27 Maria Suarez  
Sacto.