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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

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In the Matter of the Accusation of)
KIMBERLY ANN SIGMAN,)
Respondent.)

No. H-35276 LA
L-2008100846

DECISION

The Proposed Decision dated February 19, 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, but the right to a restricted license is granted to Respondent.

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 APR 14 2009.

IT IS SO ORDERED

JEFF DAVIS
Real Estate Commissioner

3/24/09
Jeff Davis

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

KIMBERLY ANN SIGMAN,

Respondent.

Case No. H-35276 LA

OAH No. 2008100846

PROPOSED DECISION

Administrative Law Judge Steven C. Owyang, State of California, Office of Administrative Hearings, heard this matter in Los Angeles, California, on February 3, 2009.

Shari L. Sveningson, Real Estate Counsel, represented complainant Robin Trujillo, Deputy Real Estate Commissioner, State of California.

Respondent Kimberly Ann Sigman was present and represented herself.

The matter was submitted on February 3, 2009.

FACTUAL FINDINGS

1. Complainant Robin Trujillo, Deputy Real Estate Commissioner, issued the accusation in her official capacity.

2. Respondent Kimberly Ann Sigman holds a real estate salesperson license that was issued by the department.

3. On May 9, 2006, in the Superior Court of California, County of Los Angeles, respondent was convicted, on her plea of nolo contendere, of a violation of Penal Code section 484, subdivision (a) (theft of property), a misdemeanor that involves moral turpitude and is substantially related to the duties of a real estate licensee. Imposition of sentence was suspended and respondent was placed on summary probation for 24 months under terms and conditions that included service of one day in jail with credit for one day served, payment of fines and fees of \$945, and staying away from the location of her arrest (a Neiman Marcus store). Respondent paid the fines and fees and complied with the terms of her probation. She is no longer on probation.

Respondent's offense occurred on December 19, 2005, at a Neiman Marcus store in Beverly Hills. Respondent took a pair of Seven brand denim jeans priced at \$995 without paying for them.

4. Respondent's offense occurred during a difficult and chaotic period in her life. She became pregnant in 2004. The father of her child urged her to get an abortion, then abandoned respondent. Following a difficult pregnancy, respondent's daughter was born on December 17, 2004. Respondent had severe post-partum depression. She felt disconnected from her baby, anxious, and depressed. Respondent was agitated, tearful, and had difficulty sleeping. By July 2005, she sought help from psychiatrists but the medications she was prescribed were not effective. Respondent became involved with another man, who at first appeared to want to be with her and to adopt her daughter, but he had an affair that led to the break-up of the relationship in December 2005, shortly before her offense.

5. Respondent's life has now stabilized. She receives regular therapy from a psychiatrist and a psychologist and her current medications are effective. The father of her child is now involved in the parenting of the child; he and respondent have worked out a cooperative and stable custody arrangement. Respondent was a full-time mother previously, but her daughter is now in pre-school, so respondent now works at Nourmand & Associates in Beverly Hills. Her broker is aware of her conviction.

6. Respondent accepts responsibility for her offense. She is embarrassed and remorseful about her crime. She has no other criminal convictions. Expert witness David Glaser, M.D., a psychiatrist, persuasively opined that respondent is stable, unlikely to re-offend, and that her offense was aberrational.

7. Respondent has family members and friends who provide a support system for her. These include Danielle Jagonda, Julie Schy, and Brent Wolfberg, each of whom testified at hearing. They were familiar with respondent's difficulties in 2004 and 2005, her offense and conviction, her return to stability, and her responsible conduct as a parent and real estate professional.

LEGAL CONCLUSIONS

1. Under Business and Professions Code sections 490 and 10177, subdivision (b), the commissioner may suspend or revoke the license of a real estate licensee who has been convicted of a crime involving moral turpitude.¹ Respondent's May 9, 2006 conviction was for a crime of moral turpitude. The conviction, moreover, is substantially related to the qualifications, functions and duties of a real estate licensee. (Cal. Code Regs., tit. 10, § 2910, subd. (a)(8) (unlawful act with intent of conferring economic benefit upon perpetrator).)

¹ Business and Professions Code section 10177, subdivision (b), was amended, effective January 1, 2008, to eliminate the moral turpitude requirement, but the pre-2008 version of the statute is applicable in this matter because respondent's conviction occurred before the amendment.

Cause exists to suspend or revoke respondent's license pursuant to sections 490 and 10177, subdivision (b).

2. The department's regulations set forth criteria for evaluating the rehabilitation of a licensee. (Cal. Code Regs., tit. 10, § 2912.) More than three years have elapsed since respondent's offense. She complied with the terms of her probation. She is no longer on probation. She takes responsibility for her offense and is embarrassed and remorseful about it. Respondent's personal life has stabilized. She is responsibly employed in the real estate industry. She has a good support system in place. Her offense appears to have been aberrational. Respondent had no previous or subsequent criminal convictions. It would not be against the public interest to allow respondent to practice real estate with a restricted license.

ORDER


All licenses and licensing rights of respondent Kimberly Ann Sigman under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Business and Professions Code section 10156.5 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 Business and Professions Code section 10156.7 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 or 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 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.
5. Respondent shall, within nine months from the effective date of this decision, present evidence satisfactory to the Real Estate Commissioner that she has, since the most recent issuance of an original or renewed 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 she 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 14, 2029


STEVEN C. OWYANG
Administrative Law Judge
Office of Administrative Hearings

Handwritten initials/signature

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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-35276 LA
)	
KIMBERLY ANN SIGMAN,)	<u>A C C U S A T I O N</u>
)	
Respondent.)	
_____)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against KIMBERLY ANN SIGMAN, ("Respondent") alleges as follows:

1.

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

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2.

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

7 3.

8 On or about May 9, 2006, in the Superior Court of
9 California, County of Los Angeles, in case no. 05BH02345,
10 Respondent was convicted of violating Penal Code 484(a) (Theft of
11 Property), a misdemeanor. This crime involves moral turpitude,
12 which bears a substantial relationship under Section 2910, Title
13 10, Chapter 6, California Code of Regulations to the
14 qualifications, functions or duties of a real estate licensee.
15

16 4.

17 The crime of which Respondent was convicted, as
18 described in Paragraph 3 above, constitutes cause under Sections
19 490 and 10177(b) of the Code for the suspension or revocation of
20 the license and license rights of Respondent under the Real
21 Estate Law.

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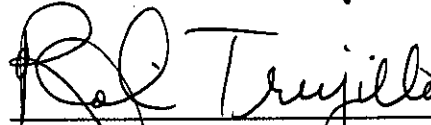
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, KIMBERLY ANN SIGMAN, under the Real Estate Law (Part
6 l 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 *this 2 day of September 2008.*

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12 Robin Trujillo
13 Deputy Real Estate Commissioner
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23 cc: KIMBERLY ANN SIGMAN
24 Nourmand & Associates
25 Robin Trujillo
26 Sacto.
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