

FILED

MAY - 5 2010

BEFORE THE DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

BY: ca

STATE OF CALIFORNIA

In the Matter of the Accusation of
CHARLOTTE NELTON VEGA,
Respondent.

) No. H-36133 LA
)
) L-2009090818
)
)
)

DECISION

The Proposed Decision 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.

Pursuant to Section 11517(c)(2) of the Government Code, the following correction is made to the Proposed Decision:

Order, Page 3, "Dated: March 3, 2010." is corrected to read
"Dated: March 30, 2010."

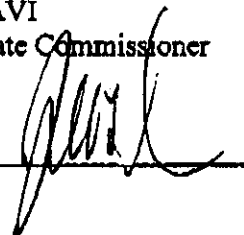
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

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
May 25, 2010.

IT IS SO ORDERED 5-4, 2010.

JEFF DAVI
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

CHARLOTTE NELTON VEGA,

Case No. H-36133 LA

OAH No. 2009090818

Respondent.

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on March 2, 2010.

Lisette Garcia, Counsel, represented Phillip Ihde (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Charlotte Nelton Vega (Respondent) represented herself.

Oral and documentary evidence was received, and the matter argued. The record was left open for Respondent to file additional documents with time also provided Complainant to respond.

On March 15, 2010, Respondent filed additional documentation. The documentation is marked as Respondent's Exhibit A. On March 15, 2010, Complainant filed a memorandum responding to the documents supplied by Respondent. Complainant's response is marked as State's Exhibit 5. Respondent's Exhibit A is received in evidence as administrative hearsay.

The case was submitted for decision on March 16, 2010.

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding in his official capacity.
2. 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 broker. Respondent was originally licensed as a Real Estate salesperson on September 22, 1994 and as a Real Estate broker on May 14, 1999. Her license will expire on May 16, 2011, unless renewed.

3. On October 16, 2008, in the California Superior Court, County of Riverside, Respondent, upon her guilty plea, was convicted of violating Penal Code section 594, subdivision (b) (1), vandalism (over \$400), a misdemeanor. The court placed Respondent on summary probation for a period of thirty six months on certain terms and conditions including serving one day in the county jail (with credit for time served), and payment of fines and fees in the amount of \$260.00. The monetary amounts have been paid. Respondent remains on probation until October 15, 2011. In addition, Respondent paid \$5,000.00 to the car rental agency and returned the vehicle in question.

4. The facts and circumstances leading to Respondent's criminal conviction are as follows: On April 9, 2007, Respondent rented a 2007 Ford Focus from West Coast Rent-a-Car.¹ The expected return date for the vehicle, according to a copy of the rental agreement supplied by Respondent, was April 12, 2007. The automobile was not returned on that date. On September 19, 2007, the Cathedral City Police Department was notified that the vehicle had not been returned to the rental agency. A search for the vehicle was made with negative results. A demand letter was sent to Respondent seeking the automobile's return. On May 10, 2008, the vehicle was located in Palm Springs. It had been damaged but not stripped or burned and no plates were missing. Up to that time, Respondent has been a regular customer of the rental agency. In this instance she stated that her own automobile was being repaired and so she rented the vehicle. She stated that she had an understanding with someone at the auto dealer that she could keep a rental vehicle as long as she needed it while repairs were made. However that person with whom she had that understanding had left that dealer's employment.

5. Respondent has no other criminal convictions and no other administrative actions have been filed against her license.

6. Respondent stated that she has not been using her broker license since 2004 although she has met all requirements to keep it current.

7. Respondent is a single parent and has four sons ages 12, 17, 20 and 23. Two of them live with her. Her mother also lived with her until her recent death.

8. Respondent has been employed by the Desert Medical Center for the past six years. She works in the radiology department. She has a Radiology Technology License from the State of California that she obtained in 1982.

¹ At the time Respondent had her own vehicle being repaired at a local dealer. It was promised to be ready on June 29, 2007.

9. Respondent volunteers at the Mizelle Senior Center helping senior citizens. She helps out at the YMCA and the Boys and Girls Club where her children go. She also volunteers helping clients of her hospital at their homes.

LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. The crime of which Respondent was convicted set forth in Factual Findings 3 and 4, bears a substantial relationship to the qualifications, functions or duties of a real estate licensee under California Code of Regulations, title 10, chapter 6, section 2910, subdivision (8), in that it involved doing an unlawful act with the intent of conferring a financial or economic benefit upon Respondent.

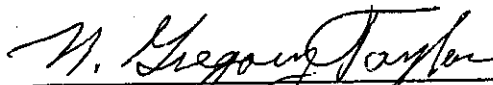
3. Pursuant to the provisions of Business and Professions Code sections 490 and 10177, subdivision (b), cause exists to suspend or revoke Respondent's broker license and license rights under the Real Estate Law by virtue of his criminal conviction.

4. The Department has developed criteria for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for revocation or suspension of the license has been initiated on account of a crime committed by the licensee. California Code of Regulations, title 10, chapter 6, section 2912. Two years are required to have passed since Respondent's criminal conviction. In this case, two years have not elapsed. She remains on probation until October 2011. The probationary time has not been reduced and the conviction has not been expunged. Respondent has paid the monetary amounts required by the court and made restitution to the victim. She has demonstrated stability of her family life in the care of her children and acceptance of familial responsibilities in caring for her mother until her death. She is involved significantly and conscientiously in the community through her volunteer participation in the clubs in which her children are involved and in helping patients of her place of employment in their homes. While Respondent is to be commended for her positive accomplishments, not enough time has passed to find that Respondent has been rehabilitated.

ORDER

All licenses and licensing rights of Respondent Charlotte Nelton Vega under the Real Estate Law are revoked

Dated: March ³⁰~~8~~, 2010.



N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

1 LISSETE GARCIA, Counsel (SBN 211552)
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4 Los Angeles, California 90013-1105

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6 (Direct) (213) 576-6914

FILED
JUL 23 2009
DEPARTMENT OF REAL ESTATE

By C2

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) NO. H-36133 LA
11)
12 CHARLOTTE NELTON VEGA,) A C C U S A T I O N
13 Respondent.)
14

15 The Complainant, Phillip Ihde, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against CHARLOTTE NELTON VEGA ("Respondent"), is informed and
18 alleges as follows:

19 I

20 The Complainant, Phillip Ihde, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation
22 in his official capacity.

23 II

24 At all times herein mentioned, Respondent was and
25 still is licensed and/or has license rights under the Real
26 Estate Law (Part 1 of Division 4 of the California Business and
27 Professions Code ("Code") as a real estate broker. Respondent
28 was first licensed as a real estate broker on May 14, 1999.

1 III

2 On or about October 16, 2008, in the Superior Court of
3 California, Riverside County, in Case No. INF061214, Respondent
4 was convicted of violating Penal Code Section 594, subdivision
5 (b)(1) (vandalism over \$400), a misdemeanor. Said crime bears a
6 substantial relationship to the qualifications, functions or
7 duties of a real estate licensee under Section 2910, Title 10,
8 Chapter 6, California Code of Regulations.

9 IV

10 The crime of which Respondent was convicted, as
11 alleged in Paragraph III above, constitutes cause under Code
12 Sections 490 and 10177(b) for the suspension or revocation of
13 all licenses and license rights of Respondent under the Real
14 Estate Law.

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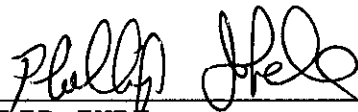
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondent,
5 CHARLOTTE NELTON VEGA, under the Real Estate Law (Part 1 of
6 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 San Diego, California

10 this 15TH day of JULY, 2009.

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12 
13 PHILLIP IHDE
14 Deputy Real Estate Commissioner
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24 cc: Charlotte Nelton Vega
25 Phillip Ihde
26 Sacto.
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