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MAR 01 2012

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: 

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In the Matter of the Accusation of )  
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 )  
 PAUL MATTHEW TURLO, )  
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 )  
 Respondent. )  
 \_\_\_\_\_ )

No. H-37314 LA  
L-2011061418

DECISION

The Proposed Decision dated February 14, 2012, 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.

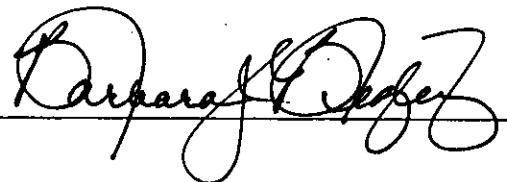
The Decision suspends or revokes one or more real estate licenses, but the right to a restricted license is granted to Respondent.

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 MAR 21 2012.

IT IS SO ORDERED 2/24/12

BARBARA J. BIGBY  
Acting Real Estate Commissioner



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

In the Matter of the Accusation of:

PAUL MATTHEW TURLO,

Respondent.

Case No. H-37314 LA

OAH No. 2011061418

**PROPOSED DECISION**

This matter was heard on December 15, 2011, by Erlinda G. Shrenger, Administrative Law Judge with the Office of Administrative Hearings, in Los Angeles.

Julie To, Staff Counsel, represented Joseph Aiu (Complainant), a Deputy Real Estate Commissioner for the Department of Real Estate (Department), State of California.

Paul Matthew Turlo (Respondent) represented himself.

Oral and documentary evidence was received and argument was heard. The matter was submitted for decision on December 15, 2011.

**FACTUAL FINDINGS**

1. Complainant filed the Accusation in his official capacity on June 2, 2011.
2. On March 13, 1999, the Department issued real estate salesperson license number S/01255750 to Respondent. The license will expire on March 12, 2015.

*Respondent's Conviction*

3. On August 4, 2008, in the Superior Court, County of Riverside, case number RIM 515510, Respondent was convicted on his plea of guilty to one count of violating Penal Code section 243, subdivision (e)(1) (battery on spouse), a misdemeanor. Respondent was placed on summary probation for 36 months under terms and conditions including, but not limited to, that he perform 20 hours of community service and complete a 52-week domestic violence program.

4. The facts and circumstances underlying the conviction are: On April 27, 2008, Respondent was at home with his wife and two children. Respondent and his wife had a verbal altercation when she refused to leave his home office. Respondent grabbed her arm

and forcefully moved her to the hallway. The wife fell to the ground and used her legs to push the door open. After the wife spit at Respondent, he grabbed her hair and told her to stop and calm down. The wife telephoned a friend, who was a counselor, and told her about the incident. The counselor called the police. Two sheriff's deputies responded to the scene. They saw no visible injuries on Respondent or his wife, and both of them refused medical treatment. The wife told the deputies she did not want to press charges against Respondent. The deputies left the scene without arresting Respondent. According to Respondent, one month later, he received a notice in the mail that he was being charged with domestic violence.

### *Rehabilitation*

5. Respondent is 47 years old. He and his wife have a son (age 13) and a daughter (age 10). Respondent graduated from high school in 1983. Afterwards, he served five years in the Air Force and then five years in the Marine Corps.

6. Respondent completed his three-year criminal probation on August 8, 2011. He performed 20 hours of community service and completed the 52-week domestic violence program. The conviction has not yet been expunged. Respondent has no other criminal convictions.

7. Respondent's demeanor at the hearing was respectful, and his testimony was open and straightforward. Respondent expressed genuine remorse for the incident with his wife and acknowledged that he made mistake. His testimony was particularly sincere and heartfelt regarding the importance of caring for his family. Respondent's wife suffers from long-term depression for which she has received counseling for at least five years and takes medications. Because of his wife's condition, Respondent is the primary caregiver for their two children. He makes sure they are fed and gets them ready for school and other activities. Respondent is particularly involved in his son's activities, which include baseball, football and Boy Scouts. Respondent has applied to become an assistant scout leader for his son's troop. Respondent presented letters from the Scoutmaster, Assistant Scout Master, and Troop 127 Committee Chairman, which generally describe Respondent as an invaluable asset to the troop, a good and effective leader, and dedicated and devoted to his son and family.

8. Respondent has been involved in his church for seven years. He teaches a children's class at the church, and he and his son help with "check-in" for three services on Sundays. Respondent has attended a men's support group called Living by the Heart, in Pasadena, once a week for the past five years.

9. Respondent is currently employed at Corona Realty and New Vision Mortgage. Respondent presented "customer response survey" forms completed by five of his real estate clients. Respondent was commended for being diligent, knowledgeable, friendly, and willing to help. The clients indicated they would recommend Respondent to other people.

10. Respondent is the sole financial support for his family. His wife does not work because of her depression. Respondent knows he made a mistake and he is sorry. His main focus is to do all he can to keep his family together because his children depend on him.

### LEGAL CONCLUSIONS

1. Cause exists to suspend or revoke Respondent's real estate salesperson license, pursuant to Business and Professions Code sections 10177, subdivision (b), and 490, in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a real estate licensee, based on the matters in Factual Findings 3-4.

2. Business and Professions Code section 10177, subdivision (b), provides, that the commissioner may suspend or revoke the license of a real estate licensee who has "[e]ntered a plea of guilty . . . or been convicted of . . . a crime substantially related to the qualifications, functions, or duties of a real estate licensee." Similarly, Business and Professions Code section 490, subdivision (b), provides that a board may discipline a licensee for conviction of a crime "only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued."

3. Under the Department's criteria of substantial relationship, which are set forth at California Code of Regulations, title 10, section 2910, Respondent's crime is deemed to be substantially related because it involved "[d]oing of any unlawful act . . . with the intent or threat of doing substantial injury to the person or property of another." (Cal. Code Regs., tit. 10, § 2910, subd. (a)(8).)

4. The Department has developed Criteria of Rehabilitation "for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for revocation or suspension of a license has been initiated on account of a crime committed by the licensee." The Criteria are set forth at California Code of Regulations, title 10, section 2912. Respondent has met several of the criteria that apply to his case. More than two years have passed since Respondent's conviction on August 4, 2008. (§ 2912, subd. (a).) He successfully completed the probation for his conviction. (§ 2912, subd. (e).) Respondent is fulfilling his parental and familial responsibilities, and his family life is currently stable. (§ 2912, subd. (j).) Respondent is actively involved in his church and his son's activities, particularly the Boy Scouts. (§ 2912, subd. (l).) Respondent has demonstrated a change in attitude since the time of his crime. (§ 2912, subd. (m).) He expressed sincere remorse for his crime. Respondent has no subsequent convictions. He and his wife are still married. His 2008 conviction appears to be an isolated incident. Respondent appears unlikely to repeat his criminal offense, as he is focused on caring for his children and keeping his family together.

5. Based on the foregoing, Respondent has shown sufficient rehabilitation for a restricted license. He cannot establish full rehabilitation at this time. His conviction has not

been expunged. (§ 2912, subd. (c).) Also, more time is needed to evaluate Respondent's rehabilitation. His three-year criminal probation was only recently completed on August 8, 2011. Since people have a strong incentive to obey the law while under the supervision of the criminal justice system, little weight is generally placed on the fact that a licensee has engaged in good behavior while on probation or parole. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.) Therefore, Respondent's real estate salesperson license must remain in restricted status for a sufficient period of time beyond his criminal probation to ensure his full rehabilitation.

### ORDER

All licenses and licensing rights of Respondent Paul Matthew Turlo under the Real Estate Law 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 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 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 14, 2012

  
ERLINDA G. SHRENGER  
Administrative Law Judge  
Office of Administrative Hearings

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2 Department of Real Estate  
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4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6916

**FILED**

JUN 02 2011

DEPARTMENT OF REAL ESTATE  
BY: 

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8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of ) No. H- 37314 LA  
13 PAUL MATTHEW TURLO )  
14 Respondent. )  
15 )  
16 )

17 The Complainant, JOSEPH AIU, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of Accusation  
19 against PAUL MATTHEW TURLO ("Respondent") is informed and  
20 alleges as follows:

21 1.

22 The Complainant, Joseph Aiu, a Deputy Real Estate  
23 Commissioner of the State of California, makes this Accusation  
24 in his official capacity.

25 2.

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

1 California Business and Professions Code ("Code"), as a real  
2 estate salesperson. Respondent's license expired on March 12,  
3 2011. Pursuant to Code Section 10201, Respondent has a two year  
4 right of renewal. The Department retains jurisdiction pursuant  
5 to Code Section 10103.

6 3.

7 On or about August 4, 2008, in the Superior Court of  
8 the State of California, County of Riverside, in Case No.  
9 RIM515510, Respondent was convicted of violating Penal Code  
10 Section 243(e)(1) (battery on spouse), a misdemeanor.  
11 Respondent was sentenced to 36 months probation with credit for  
12 time served of 1 day, perform 20 hours community service,  
13 ordered to complete a 52 week domestic violence program, and pay  
14 fines and fees.

15 4.

16  
17 This conviction, by its facts and circumstances, bears  
18 a substantial relationship under Section 2910, Title 10, Chapter  
19 6, California Code of Regulations to the qualifications,  
20 functions or duties of a real estate licensee.

21 5.

22 The crime of which Respondent was convicted  
23 constitutes cause under Sections 490 and 10177(b) of the Code  
24 for the suspension or revocation of the license and license  
25 rights of Respondent under the Real Estate Law.

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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, PAUL MATTHEW TURLO, under the Real Estate Law (Part  
6 1 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 San Diego, California

10 this 23 day of May, 2011.

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14 Joseph Aiu  
15 Deputy Real Estate Commissioner  
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25 CC: PAUL MATTHEW TURLO  
26 Joseph Aiu  
27 Sacto.