

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of:

JASMINE JEYLAN OSMAN-  
LAMBRINOS,

Respondent.

) DRE No. H-41184 LA

) OAH No. 2018101164

)

**FILED**

**FEB 13 2019**

**DEPT. OF REAL ESTATE**

By *[Signature]*

DECISION

The Proposed Decision dated January 7, 2019, 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 corrections are made to the Proposed Decision.

The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to Respondent.

Pursuant to Government Code Section 11521, the Department of Real Estate may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

If and when a petition for removal of restrictions is filed, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner.

This Decision shall become effective at 12 o'clock noon on MAR -5 2019.

IT IS SO ORDERED February 7, 2019

DANIEL SANDRI  
ACTING REAL ESTATE COMMISSIONER

*Daniel J. Sandri*

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

JASMINE JEYLAN OSMAN-  
LAMBRINOS,

Respondent.

Case No. H-41184 LA

OAH No. 2018101164

**PROPOSED DECISION**

This matter was heard by Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings, on December 17, 2018, in Los Angeles, California.

Complainant was represented by Amelia Vetrone, Counsel for the Department of Real Estate (Department).

Jasmine Jeylan Osman-Lambrinos (respondent) appeared personally and represented herself.

Evidence was received, and the matter was submitted for decision. The Administrative Law Judge finds as follows:

**FACTUAL FINDINGS**

1. Maria Suarez (complainant) made the Statement of Issues in her official capacity as Supervising Special Investigator of the State of California.
2. On September 25, 2017, respondent submitted an application to the Department for a real estate salesperson license.
3. On February 5, 2018, in the Superior Court of California, County of Los Angeles, Case No. 5PS00586, respondent entered a plea of nolo contendere and was convicted of violating Penal Code section 459.5, subdivision (a), shoplifting, a misdemeanor. The court sentenced respondent to 60 days in the county jail. Imposition of the sentence was suspended, and respondent was placed on probation for three years on certain conditions, including that she pay a fine and court fees totaling of \$220, and perform ten days of community labor.

4. The facts and circumstances underlying the conviction are that on February 4, 2015, respondent attempted to shoplift numerous items from a department store. Respondent was observed by security personnel as she placed these items in two bags that she brought to the store. Respondent was detained and taken to a holding room. A security officer called the police to have respondent arrested. The police officer who responded to the call questioned respondent then issued a citation to respondent and released her.

5. At the time of the incident, respondent was drinking heavily and addicted to prescription drugs. In fact, respondent ingested prescription pills while she was in the holding room waiting for police officers to arrive. Respondent testified credibly that when she was released, she did not realize that she was required to appear in the superior court at a later date. Further, she was not aware that a shoplifting charge was filed with the court on March 9, 2015, and that she was required to appear in the superior court on April 2, 2015. The court record indicates that respondent failed to appear on that date. The court issued a bench warrant in the amount of \$26,000 based on respondent's failure to appear. Respondent was not aware of the bench warrant.

6. Respondent entered a detox/treatment program one day after she was caught shoplifting. Respondent completed the drug and alcohol treatment program on October 24, 2015, and later returned to sponsor other addicts who were participating in the program. She currently sponsors four other participants in the program. Further, respondent continues to regularly attend Alcoholics Anonymous (AA) meetings. In her testimony, respondent demonstrated a detailed knowledge of the 12 Steps associated with AA. Respondent continues to apply the 12 Steps in her daily life. Her "clean and sober" date is February 5, 2015, the day she entered the treatment program.

7. In February 2018, respondent was stopped on a traffic violation (expired tags). The police officer who stopped respondent conducted a computer search and discovered the outstanding bench warrant that had been issued against respondent three years earlier. Respondent was arrested and appeared in court for her arraignment on February 5, 2018, at which time she entered her plea of nolo contendere.

8. Respondent completed her application for licensure on November 8, 2017. Question 29 of the application asked: "ARE THERE ANY CRIMINAL CHARGES PENDING AGAINST YOU AT THIS TIME, OR ARE YOU CURRENTLY AWAITING JUDGMENT AND SENTENCING FOLLOWING ENTRY OF A PLEA OR JURY VERDICT." Respondent answered "No" to Question 29 and did not otherwise disclose her pending shoplifting charge. Respondent's answer was a false statement of a material fact in her application for licensure. However, respondent was not aware of the pending charges at the time she completed and filed her application. Therefore, she did not intend to deceive the Department when she answered "no" to Question 29. The undersigned found her testimony on this issue credible.

9. Respondent has been gainfully employed since she completed her treatment program. Respondent is currently working for the Irvine Company, a real estate firm located in Irvine. She was recently promoted to the position of "leasing coordinator" for the leasing department of the Irvine Company. This Irvine Company requires the leasing coordinator to be licensed by the Department. Michael Stanley, the Senior Director of Leasing for the company, wrote a reference letter recommending respondent for licensure. Mr. Stanley wrote in part:

I have known [respondent] since she began employment with the Irvine Company in May 2016. Jasmine has been an exemplary employee her entire career in my employ – a ways arriving early and willing to stay late. She is a team player, and is well liked by her peers, as well as our group of senior management.

Jasmine is well-organized, is driven, and desires commercial real estate to be her final career path. I would recommend jasmine to any potential employer. Other divisions within our company have already inquired as to her transferability based on her proven skill set. . . . I have known Jasmine to be honest, almost to a fault, and 100% do not believe she was aware of the charges against her until discovered in February 2018. I believe she will be an exemplary real estate salesperson and her past charges to be an anomaly. (Exhibit C.)

10. Respondent is a single mother with two young children. She now has a stable family life since she stopped drinking and using prescription drugs. When she is not working, respondent spends her time with her children, attending AA meetings, and sponsoring other AA participants.

### LEGAL CONCLUSIONS

1. Cause exists to deny respondent's application for a real estate salesperson license under Business and Professions Code sections 480, subdivision (a), and 10177, subdivisions (b) and (j), and California Code of Regulations, title 10, section 2910, based on respondent's conviction, which is substantially related to the duties, functions and qualifications of a real estate salesperson as set forth in Factual Findings 3 and 4.

2. Cause does not exist to deny respondent's application for a real estate salesperson license under Business and Professions Code sections 480, subdivision (d), 480, subdivision (d), and 10177, subdivision (a). Respondent did not intend to deceive the Department when she failed to disclose her pending criminal charge in her application. As noted in Factual Finding 8, respondent was not aware of the pending criminal charge when she submitted her application to the Department.

3. California Code of Regulations, title 10, section 2911, sets forth criteria for rehabilitation as follows:

(1) The time that has elapsed since commission of the act(s) or offense(s):

(A) The passage of less than two years after the most recent criminal conviction or act of the applicant that is a cause of action in the Bureau's Statement of Issues against the applicant is inadequate to demonstrate rehabilitation.

(B) Notwithstanding subdivision (a)(1)(A), above, the two-year period may be increased based upon consideration of the following:

(i) The nature and severity of the crime(s) and/or act(s) committed by the applicant.

(ii) The applicant's history of criminal convictions and/or license discipline that are "substantially related" to the qualifications, functions, or duties of a real estate licensee. However, no rehabilitation shall be required where the sole proven basis or bases for denial of an application is an expunged conviction as described in Business and Professions Code Section 480(c).

(2) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the applicant, or escheat to the State of these monies or other properties if the victim(s) cannot be located.

(3) Expungement of criminal convictions.

(4) Expungement or discontinuance of a requirement of registration pursuant to the provisions of Section 290 of the Penal Code.

(5) Successful completion or early discharge from probation or parole.

(6) Abstinence from the use of controlled substances and/or alcohol for not less than two years if the conduct which is the basis to deny the Bureau action sought is attributable in part to the use of controlled substances and/or alcohol.

(7) Payment of the fine and/or other monetary penalty imposed in connection with a criminal conviction or quasi-criminal judgment.

(8) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the conviction or conduct that is the basis for denial of the Bureau action sought.

(9) Completion of, or sustained enrollment in, formal education or vocational training courses for economic self-improvement.

(10) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary obligations to others.

(11) Correction of business practices resulting in injury to others or with the potential to cause such injury.

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

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

(14) Change in attitude from that which existed at the time of the conduct in question as evidenced by the following:

(A) Testimony and/or other evidence of rehabilitation submitted by the applicant.

(B) Evidence from family members, friends and/or other persons familiar with applicant's previous conduct and with his or her subsequent attitudes and/or behavioral patterns.

(C) Evidence from probation or parole officers and/or law enforcement officials competent to testify as to applicant's social adjustments.

(D) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances.

(E) Absence of subsequent felony convictions, misdemeanor convictions, or other conduct that provides grounds to discipline a real estate licensee, which reflect an inability to conform to societal rules when considered in light of the conduct in question.

4. Pursuant to regulation section 2911, respondent has established sufficient rehabilitation to grant her a restricted license. Although respondent was convicted one year ago, she committed the offense over three years ago. A major factor in her misconduct was her abuse of prescription drug and alcohol. She has overcome her prescription drug and alcohol abuse after participating in a rigorous drug treatment program. She has gone beyond her personal rehabilitation by sponsoring others who are in treatment or in AA. Respondent

has been gainfully employed for the past 32 months, working for a real estate company. Her employer wrote a letter supporting her application for licensure, attesting to respondent's honesty and integrity. Finally, respondent did not intend to deceive the Department when she failed to disclose a pending criminal charge in her application. Based on the facts and circumstances of this case, and the application of the Department's criteria of rehabilitation set forth in regulation section 2911, the public will be adequately protected by granting a restricted salesperson's license to respondent.

## ORDER

The application of Jasmine Jaylen Osmond-Lambrinos for a real estate salesperson license is denied; provided however, that a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to respondent shall be subject to all 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 said 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 three years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for a 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 Bureau 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 notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137000, Sacramento, California 95813-7000. The letter shall set forth the date of respondent's arrest, the crime for which respondent was arrested, and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for suspension or revocation of that license.

DATED: January 7, 2019

DocuSigned by:  
*Humberto Flores*  
HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings