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JAN 09 2020

DEPT. OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of:	)	DRE No. H-41447 LA
	)	
ROGER ALAN GUTIERREZ,	)	OAH No. 2019090280
	)	
	)	
<u>Respondent.</u>	)	

DECISION

The Proposed Decision dated November 19, 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.

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.

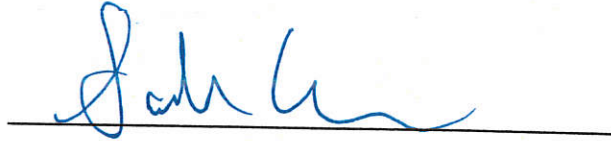
If and when a petition for removal of restrictions is filed, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate

Commissioner.

This Decision shall become effective at 12 o'clock noon on JAN 29 2020.

IT IS SO ORDERED 12/26/19

SANDRA KNAU  
ACTING REAL ESTATE COMMISSIONER



A handwritten signature in blue ink, appearing to read "Sandra Knaus", is written over a horizontal line.

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

**In the Matter of the Application of:**

**ROGER ALAN GUTIERREZ, Respondent**

**Agency Case No. H-41447 LA**

**OAH No. 2019090280**

**PROPOSED DECISION**

Jennifer M. Russell, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter in Los Angeles, California on October 31, 2019.

Kevin H. Sun, Real Estate Counsel, Department of Real Estate (Department) represented complainant Veronica Kilpatrick, a Supervising Special Investigator for the State of California. Respondent Roger Alan Gutierrez represented himself.

Complainant has declined to issue respondent a real estate salesperson license based on allegations respondent has multiple alcohol-related criminal convictions, which are substantially related to the qualifications, functions, or duties of a Department-licensee. Respondent offered evidence of his rehabilitation and argued for a grant of licensure. The Administrative Law Judge makes the following Factual Findings, Legal Conclusions, and Order granting respondent a restricted real estate salesperson license.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. On January 18, 2018, respondent submitted to the Bureau a Salesperson Exam/License Application (January 18, 2018 Application). The January 18, 2018 Application is pending and no license has been issued.

2. On July 23, 2019, complainant, acting in an official capacity, filed the Statement of Issues, which sets forth several grounds for denial of the January 18, 2018 Application.

3. On August 9, 2019, respondent filed a Notice of Defense on Application requesting a hearing.

4. Thereafter, these proceedings ensued. All jurisdictional requirements are satisfied.

### **Respondent's Convictions**

5. At the administrative hearing respondent testified, "My past is ugly. Really ugly." Respondent is an alcoholic. Respondent was in the thrall of alcoholism during a period lasting approximately one and one half decades when he incurred the 11 criminal convictions set forth in Factual Findings 6 through 16. Complainant alleges the two un-expunged criminal convictions occurring in Nevada, which are set forth in Factual Findings 13 and 14, as cause for denial. Complainant alleges the nine expunged criminal convictions occurring in California, which are set forth in Factual Findings 6 through 12, 15, and 16, as aggravating factors. (See Exhibit 1.)

6. On March 20, 2002, respondent drove a motor vehicle while under the influence of alcohol and collided with another vehicle. As a consequence, on April 29, 2002, in the California Superior Court, Los Angeles County, in case number 2CM02752, respondent was convicted on his nolo contendere plea for violating Vehicle Code section 23152, subdivision (b) (driving under the influence with blood alcohol level of 0.08 percent or more), a misdemeanor. The court found respondent guilty, suspended imposition of sentence, and placed respondent on summary probation for a period of three years with terms and conditions including serving two days in Los Angeles County Jail (less credit for two days), not operating a motor vehicle with any measurable amount of alcohol in his blood system, and enrolling in a three-month First Offender Alcohol and Other Drug Education and Counseling Program. On November 13, 2017, pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

7. On September 1, 2002, respondent, armed with a tire iron, was one of three men involved in a street fight. Long Beach Police Department (LBPD) officers observed several injured victims. Respondent explained at the administrative hearing "alcohol was involved." As a consequence, on December 16, 2002, in the California Superior Court, Los Angeles County, in case number NA054097, respondent was convicted on his nolo contendere plea for violating Penal Code section 245, subdivision (a)(1) (assault with a deadly weapon—not firearm), a felony. The court found respondent guilty, suspended imposition of sentence, and placed respondent on summary probation for a period of three years with terms and conditions including serving 180 days of house arrest (less credit for 16 days). On December 19, 2017, pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's

nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

8. On January 1, 2005, while under the influence of intoxicating liquor, respondent was found in a public place in Long Beach, California unable to exercise care for his safety or the safety of others. Respondent's blood alcohol content level was 0.30 percent. As a consequence, on January 12, 2005, in the California Superior Court, Los Angeles County, in case number D278125, respondent was convicted on his nolo contendere plea for violating Penal Code section 647, subdivision (f) (disorderly conduct), a misdemeanor. The court found respondent guilty, suspended imposition of sentence, and placed respondent on summary probation for a period of three years with terms and conditions including serving two days in Los Angeles County Jail (with credit for two days served), and attending Alcoholics' Anonymous meetings twice weekly for a total of 52 meetings. On November 20, 2017, pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

9. On September 30, 2005, respondent was involved in a fight at a Hooters restaurant. Respondent displayed symptoms of intoxication. Respondent submitted to an Alcoholic Intoxilyzer Examination, the results of which revealed respondent's blood alcohol content level was 0.26 percent. As a consequence, on November 18, 2005, in the California Superior Court, Los Angeles County, in case number D278914, respondent was convicted on his nolo contendere plea for violating Penal Code section 647, subdivision (f) (disorderly conduct), a misdemeanor. The court found respondent guilty, suspended imposition of sentencing, and placed respondent on summary probation for a period of three years with terms and conditions including paying fines and performing 20 days of community service. On November 20, 2017,

pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

10. On September 18, 2007, while under the influence of intoxicating liquor, respondent was found in a public place in Lakewood, California unable to exercise care for his safety or the safety of others. As a consequence, on October 22, 2007, in the California Superior Court, Los Angeles County, in case number 7BF05192, respondent was convicted on his nolo contendere plea for violating Penal Code section 647, subdivision (f) (disorderly conduct), a misdemeanor. The court found a factual basis for respondent's nolo contendere plea, suspended imposition of sentence, and placed respondent on summary probation for a period of two years with terms and conditions including not drinking or possessing any alcoholic beverages and staying out of places where alcoholic beverages are the chief items for sale. On March 9, 2013, pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

11. On February 23, 2008, a LBPD officer observed respondent drive a vehicle through several red traffic lights, hit two trash cans, and narrowly avert pedestrians at a bus stop. During a subsequent traffic stop, the officer observed respondent's speech was slurred, eyes were red and blood shot, and gait unsteady. The officer retrieved a half-full 1.75-liter bottle of Seagram's Vodka from respondent's vehicle. As a consequence, on February 25, 2008, in the California Superior Court, Los Angeles County, in case number 8LT00354, respondent was convicted on his nolo contendere plea for violating Vehicle Code section 23152, subdivision (a) (driving under the influence), a misdemeanor. The court suspended imposition of sentence and placed

respondent on summary probation for a period of four years with terms and conditions including not driving a motor vehicle with any measureable amount of alcohol or drugs in his blood and enrolling in an 18-month Multiple Offender DUI Program. On November 20, 2017, pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

12. On August 9, 2009, while under the influence of intoxicating liquor, respondent was found in a public place in Long Beach, California unable to exercise care for his safety or the safety of others. As a consequence, on August 10, 2009, in the California Superior Court, Los Angeles County, in case number D283765, respondent was convicted on his nolo contendere plea for violating Penal Code section 647, subdivision (f) (disorderly conduct), a misdemeanor. The court found a factual basis for respondent's plea, suspended imposition of sentence, and placed respondent on summary probation for a period of three years with terms and conditions including performing 10 days of service with California Transit (credit given for two days). On November 20, 2017, pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

13. On August 1, 2010, while under the influence of alcohol, respondent drove and collided into a motor vehicle. As a consequence, on December 5, 2011, in the State of Nevada Justice Court, Las Vegas Township, Clark County, in case number 10M23790X, respondent was convicted on his nolo contendere plea for violating NRS Section 484C.110/484C.440 (driving under the influence—second offence), a misdemeanor. On February 14, 2012, the court sentenced respondent to serve a six-month jail sentence when respondent failed to comply with the terms and conditions

of a plea agreement requiring him, among other things, to abstain from alcohol and drugs.

14. On January 16, 2012, respondent was at his residence drinking alcohol when he received a phone call from his then girlfriend telling him her car was not working. Respondent drove a motor vehicle on the motorways to pick her up at a time when he had a blood alcohol content level of 0.08 percent or more. As a consequence, on July 28, 2016, in the State of Nevada Eighth Judicial District Court, Clark County, in case number C-16-314486-1, respondent was convicted on his guilty plea for violating NRS Section 484C.110/484C.400 (driving or being in physical control of a motor vehicle while under the influence of an intoxicating liquor or alcohol), a felony. The court suspended imposition of sentencing and placed respondent on probation for a period of five years with terms and conditions including abstaining from the use, possession, and control of alcohol and illicit drugs, serving house arrest for a period of six months and completing the Clark County Felony DUI Court Program.<sup>1</sup> As set forth

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<sup>1</sup> As explained in a June 3, 2019 To Whom It May Concern letter, the Clark County Felony DUI Court Program "is a three-year Specialty Court Program pursuant to NRS 484C340, which states that upon successful completion of the program, the court will enter a judgment of conviction for a misdemeanor instead of a felony offense. In the interim, the charge will show as a pending felony, but no judgment of conviction is entered until the participant either successfully completes the program or he is terminated due to non-compliance." (Exhibit 3 at p. DRE 000096.) Pursuant to an Interstate Compact for Parole and Probation the court approved respondent's participation in the Rickman Recovery Center located in Glendora, California to satisfy the requirements of the Felony DUI Program. (See Exhibit 3 at p. DRE 000074.)

in Factual Finding 19, on October 28, 2019, respondent completed the requirements of the Felony DUI Court Program. No evidence was offered at the administrative hearing to establish whether the court subsequently entered a judgment of conviction for a misdemeanor instead of a felony offense upon respondent's successful completion of the Felony DUI Court Program.

15. On November 14, 2012, respondent was arrested when a LBPD officer found him sleeping on a public sidewalk. Respondent was disoriented, confused, and exhibited symptoms of intoxication. Respondent had blood alcohol content levels of 0.34 percent and 0.33 percent. As a consequence, on November 28, 2012, in the California Superior Court, Los Angeles County, in case number D286338, respondent was convicted on his nolo contendere plea for violating Penal Code section 647, subdivision (f) (disorderly conduct), a misdemeanor. On November 20, 2017, pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

16. On May 27, 2013, while under the influence of intoxicating liquor, respondent was found in a public place in Long Beach, California unable to exercise care for his safety or the safety of others. As a consequence, on June 10, 2013, in the California Superior Court, Los Angeles County, in case number D286740, respondent was convicted on his nolo contendere plea for violating Penal Code section 647, subdivision (f) (disorderly conduct), a misdemeanor. The court found a factual basis for respondent's plea, suspended imposition of sentence, and placed respondent on summary probation for a term of three years with terms and conditions including serving one day in Los Angeles County Jail (with credit for one day served), and performing 15 days of community service in lieu of paying fines. On November 20,

2017, pursuant to Penal Code section 1203.4, the court set aside and vacated respondent's nolo contendere plea, entered a not guilty plea, and dismissed the underlying complaint against respondent.

17. For the reasons set forth in Legal Conclusion 6, respondent's two criminal convictions set forth in Factual Findings 13 and 14, which complainant alleges as cause for denial of respondent's January 18, 2018 Application, are substantially related to the qualifications, functions, and duties of a Department licensee.

### **Factors in Aggravation, Mitigation, and Rehabilitation**

18. In aggravation, respondent has nine additional criminal convictions, all of which are related to his alcohol use and consumption. (See Factual Findings 6 through 12, 15, and 16.)

19. Respondent's sobriety date is June 15, 2013. He has not consumed any alcoholic beverage since his sobriety date. He has completed all court-ordered alcohol and drug education and counseling programs. He attends Alcoholics Anonymous (AA) meetings. He married in 2015. Respondent testified, "I'm different. I've changed from who I was. I am a born-again Christian."

20. In a letter dated October 28, 2019, a case manager at the Rickman Recovery Center for Alcoholism/Drug Abuse Treatment reports on respondent's successful completion of its Intensive Outpatient Program. The case manager's report, which is accorded significant weight, states the following:

[Respondent] developed insight into healthy choices and strategies for a successful recovery. One of the strategies he pursued was Relapse Prevention and has been sober for

over six years. [Respondent] attended group and one-on-one counseling sessions and developed an extensive Relapse Prevention for himself with the aid of the Counselor. [Respondent] is now independent in his sobriety and remission from F10.20 of the Diagnostic and Statistical Manual for Mental Disorders (DSM) treatment criteria.

[Respondent] consistently participated in group session and was encouraging to other participants of the group.

[Respondent] demonstrated a stable life with a stable home and work environment. [Respondent's] emotional status is clear and stable, and [respondent] has a very positive attitude. [Respondent] shows a high motivation at work and for goals he embarks on.

(Exhibit A.)

21. Respondent holds a General Education Diploma. During the past eight years, the company owning and operating the Chili's Grill and Bar (Chili's) restaurants has employed respondent. For three of those eight years, respondent worked as a server at the Chili's in Glendora, California (Chili's Glendora), where he has been promoted to a manager, effective November 7, 2019. As a manager, respondent's responsibilities include opening and closing the restaurant, ensuring the delivery of quality service to guests of the restaurant, and serving as a team leader for the restaurant's staff.

22. The general manager at Chili's Glendora wrote a character reference letter on behalf of respondent in which he lauds respondent's great service, team

work, reliability, loyalty, and honesty without any mention of respondent's alcoholism or criminal history. Respondent explained at the administrative hearing the general manager "knows everything" about his criminal history because he disclosed it when he first applied for employment. Significant weight is accorded the general manager's character reference letter.

## LEGAL CONCLUSIONS

1. Administrative consideration of respondent's license application is not penal in nature; the purpose of this administrative proceeding is not to impose additional punishment on respondent. The appropriate courts have already imposed appropriate and significant criminal punishment on respondent. Rather, the purpose of this administrative proceeding is to protect the public. (*Camacho v. Youde* (1979) 95 Cal. App. 3d 161, 164.)
2. The Real Estate Law is intended, among other things, to ensure that licensed real estate professionals are worthy of the fiduciary responsibilities they will bear. Honesty, trustworthiness, and integrity are essential qualifications to perform the fiduciary duties of a real estate professional. If conduct reflects unfavorably on the worthiness of a person to be a fiduciary, he or she lacks the necessary qualifications to become a licensed real estate professional. (See *Harrington v. Department of Real Estate* (1989) 214 Cal. App.3d 394.)
3. Thus, Business and Professions Code section 480, subdivision (a)(1), authorizes the Department to deny an application for licensure on grounds the applicant has been convicted of a crime. "A conviction within the meaning of [section 480] means a plea or verdict of guilty or a conviction following a plea of nolo

contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code."

4. Business and Professions Code section 10177, subdivision (b)(1), authorizes the Bureau to deny an application for licensure on grounds an applicant has entered a plea of guilty or nolo contendere plea or has been convicted of a crime substantially related to the qualifications, functions, or duties of a real estate licensee.

5. Pursuant to California Code of Regulations, title 10, section 2910, subdivision (a)(11), two or more convictions involving the consumption or use of alcohol, when at least one of the convictions involve driving and the use or consumption of alcohol, are substantially related to the qualifications, functions, or duties of a real estate licensee.

6. Respondent's criminal convictions set forth in Factual Findings 13 and 14 are substantially related to the qualifications, functions, or duties of a real estate licensee. The criminal convictions involve not only respondent's consumption of alcohol, but also his driving and his use and consumption of alcohol.

7. Pursuant to Business and Professions Code sections 480, subdivision (a)(1), and 10177, subdivision (b), and California Code of Regulations, title 10, section 2910, subdivision (a)(11), cause exists to deny respondent's January 18, 2018 Application for a real estate salesperson license, by reason of Factual Findings 13, 14, and 17 and Legal Conclusion 6, in that respondent has multiple criminal convictions

for crimes substantially related to the duties, qualifications, functions of a real estate licensee.

8. California Code of Regulations, title 10, section 2910, subdivision (c) provides if the crime is substantially related to the qualifications, functions or duties of a licensee of the Department, the context in which the crime was committed shall go only to the question of the weight to be accorded to the crime in considering the action to be taken with respect to an applicant for licensure.

9. Respondent's multiple criminal convictions constituting cause for denial of licensure involve respondent's use and consumption of alcohol. Respondent drove motor vehicles while he was under the influence of alcohol, thereby posing a direct threat of harm to himself and members of the public. Significant weight is accorded respondent's multiple criminal convictions alleged as cause for denial of licensure.

10. Since cause exists to deny respondent's January 18, 2018 Application, respondent bears the burden of establishing his fitness and qualification to perform the functions and duties of a licensed real estate professional consistent with the public interest. (Gov. Code, § 11504; *Coffin v. Alcoholic Beverage Control Appeals Bd.* (2006) 139 Cal.App.4th 471,476.)

11. The law recognizes people can and do reform and that in such circumstances they should not be barred from licensure. (See Bus. & Prof. Code, § 482, subd. (a), which requires the Department to develop rehabilitation criteria.) Pursuant to California Code of Regulations, title 10, section 2911, the Department's criteria for evaluating the rehabilitation of an applicant for licensure who has a criminal record include, among other things, the elapse of time since commission of the offenses; expungement of criminal convictions; successful completion or early discharge from

probation; abstinence from the use of alcohol for not less than two years when criminal convictions are attributable in part to the use of alcohol; stability of family life; completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement; significant and conscientious involvement in church; and change in attitude from that which existed at the time of the commission of the criminal acts in question.

12. Respondent's past is replete with serious convictions. At the administrative hearing, respondent took full responsibility for and confronted his past conduct without any attempt at prevarication or minimization. Fully acknowledging the wrongfulness of past actions is an essential rehabilitative factor. (See e.g. *Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) Respondent's last offense resulting in a conviction occurred on May 27, 2013. (Factual Finding 16.) Six years have elapsed since the occurrence of that offense, and within that six-year period respondent has maintained an uninterrupted sobriety which began on June 15, 2013. (Factual Finding 18.) Respondent's abstinence has lasted longer than the minimum two-year period set forth in the Department's rehabilitation criteria.

13. Most recently, on October 28, 2019, respondent completed an Intensive Outpatient Program at the Rickman Recovery Center for Alcoholism/Drug Abuse Treatment to fulfill the requirements of a Felony DUI Court Program. (Factual Findings 14 and 20.) Respondent's case manager reports respondent has in place "an extensive Relapse Prevention for himself," and corroborates respondent "is now independent in his sobriety and remission." (Factual Finding 20.) He attends AA meetings. (Factual Finding 19.)

14. Courts have expunged nine of respondent's convictions. (Factual Findings 6 through 12, 15, and 16.) His outstanding five-year term of probation is expected to expire in 2020. (Factual Finding 14.)

15. The evidence establishes respondent has achieved stability having turned his life around. Respondent is married. He has renewed his religious faith. (Factual Finding 19.) He is gainfully employed. He was recently promoted to a managerial position, thus improving his economic prospects. (Factual Finding 21.) His general manager, who is knowledgeable about his convictions, wrote a character reference letter vouching for his work ethic, loyalty, and honesty. (Factual Findings 21.) (See *Werner v. State Bar of Cal.* (1954) 42 Cal.2d 187, 196-197 and *Preston v. State Bar of Cal.* (1946) 28 Cal. 2d 643, 650-651 [character references of friends and associates are entitled to careful consideration and should weigh heavily in the scales of justice].)

16. Respondent's rehabilitative efforts are evident in both his expressed state of mind and his conduct. (See *In the Matter of Brown* (1993) 2 Cal. State Bar Ct. Rptr. 309, 317 and *Resner v. State Bar* (1967) 67 Cal.2d 799, 811.) Reformation is open to all who have erred. (*In re Andreani* (1939) 14 Cal.2d. 736, 749.) The law favors rehabilitation. (*Resner v. State Bar* (1967) 67 Cal.2d 799, 811). Respondent has produced substantial, persuasive evidence establishing his present fitness and suitability for a restricted real estate salesperson license consistent with protection of the public.

## ORDER

Respondent Roger Alan Gutierrez's January 18, 2018 Application for a real estate salesperson license is denied; provided, however, 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 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 the Business and Professions Code.

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
  - (a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or
  - (b) The receipt of evidence 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 this restricted license.
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed form the date of issuance of the restricted license to respondent.
3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted license and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

DATE: November 19, 2019

DocuSigned by:

  
JENNIFER W. RUSSELL  
Administrative Law Judge  
Office of Administrative Hearings