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FILED

MAR 07 2023

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	DRE No. H-42305 LA
)	OAH No. 2022060039
NORMA LEON-MONCADA,)	
)	
Respondent.)	

STIPULATION AND AGREEMENT

&

DECISION AFTER REJECTION

The California Department of Real Estate (Department or DRE) filed an Accusation against NORMA LEON-MONCADA (Respondent) on April 26, 2022. On October 18, 2022, a hearing was held before the Office of Administrative Hearings (OAH) before Administrative Law Judge (ALJ) Joseph D. Montoya, wherein Respondent represented herself, all documentary and oral evidence was received, and the record was left open until November 4,

1 2022 for the parties to file additional exhibits. The record closed and the matter was deemed
2 submitted for decision on November 4, 2022.

3 On December 5, 2022, ALJ Montoya's Proposed Decision (PD) issued November
4 30, 2022 was received by the Department. The PD determined, among other things, that
5 Respondent's real estate salesperson (RES) license under the Real Estate Law should be
6 revoked; provided, however, that a restricted real estate salesperson (RRES) license shall be
7 issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code (Code),
8 subject to the limitations, conditions and restrictions under the authority of Code Section
9 10156.6, including, but not limited to Respondent's payment of costs in the amount of \$1,000 to
10 the Department, to be paid at a rate of \$100 per month beginning thirty (30) days after the
11 effective date of the decision, and the total costs to be paid within one (1) year of the effective
12 date of the decision.

13 On January 19, 2023, the Commissioner rejected ALJ Montoya's Proposed
14 Decision of November 30, 2023. The Commissioner's Notice of Rejection was filed and served
15 on January 25, 2023.

16 The parties wish to settle this matter without further proceedings.

17 IT IS HEREBY STIPULATED by and between Respondent, NORMA LEON-
18 MONCADA, representing herself, and the Department, acting by and through Julie L. To,
19 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
20 of the April 26, 2022 Accusation filed by the Department.

21 1. It is understood by the parties that the Real Estate Commissioner may adopt
22 the Stipulation and Agreement and Decision After Rejection as his decision in this matter,
23 thereby imposing the restrictions on Respondent's real estate salesperson license as set forth in

1 the following limitations, conditions and restrictions imposed under authority of Section
2 10156.6 of that Code:

3 1. The restricted license issued to Respondent may be suspended prior to
4 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
5 plea of *nolo contendere* to a crime which is substantially related to Respondent's fitness or
6 capacity as a real estate licensee.

7 2. The restricted license issued to Respondent may be suspended prior to hearing
8 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
10 Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted
11 license.

12 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
13 real estate license nor for the removal of any of the conditions, limitations or restrictions
14 of a restricted license until one (1) year has elapsed from the effective date of this Decision.

15 4. Respondent shall submit with any application for license under an employing
16 broker, or any application for transfer to a new employing broker, a statement signed by the
17 prospective employing broker on a form approved by the Department of Real Estate which shall
18 certify:

19 (a) That the employing broker has read the Decision of the Commissioner
20 which granted the right to a restricted license; and

21 (b) That the employing broker will exercise close supervision over the
22 performance by the restricted licensee relating to activities for which a
23 real estate license is required.

24 5. Respondent shall, within nine (9) months from the effective date of this
Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,

1 since the most recent issuance of an original or renewal real estate license, taken and
2 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
3 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
4 condition, Respondent's real estate license shall automatically be suspended until Respondent
5 presents evidence satisfactory to the Commissioner of having taken and successfully completed
6 the continuing education requirements. Proof of completion of the continuing education
7 courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
8 Sacramento, CA 95813-7013.

9 6. Pursuant to Section 10106 of the Business and Professions Code, Respondent
10 shall, within eleven (11) months from the effective date of this Decision, pay the sum of
11 \$1,000.00 for the Commissioner's reasonable cost of the investigation and enforcement which
12 led to this disciplinary action. Said payment shall be in the form of a cashier's check made
13 payable to the Department of Real Estate. The investigative and enforcement costs must be
14 delivered to the Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA
15 95813-7013.

16 (a) If Respondent fails to satisfy this condition, the Commissioner shall
17 order the suspension of the restricted license until the Respondent presents
18 evidence of payment. The Commissioner shall afford Respondent the
19 opportunity for a hearing pursuant to the Administrative Procedure Act to
20 present such evidence that payment was timely made. The suspension
21 shall remain in effect until payment is made in full or until a decision
22 providing otherwise is adopted following a hearing held pursuant to this
23 condition.

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1 7. Respondent shall notify the Commissioner in writing within seventy-two (72)
2 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real
3 Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date
4 of Respondent's arrest, the crime for which Respondent was arrested, and the name and address
5 of the arresting law enforcement agency. Respondent's failure to timely file written notice shall
6 constitute an independent violation of the terms of the restricted license and shall be grounds for
7 the suspension or revocation of that license.

8 2-7-23

DATED



Julie L. To, Counsel for Complainant
Department of Real Estate

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10 * * *

11 I have read the Stipulation and Agreement and Decision after Rejection, and its
12 terms are understood by me and are agreeable and acceptable to me. I willingly, intelligently,
13 and voluntarily agree to enter into this Stipulation and Agreement and Decision after Rejection.

14 Respondent can signify acceptance and approval of the terms and conditions of
15 this Stipulation and Agreement and Decision after Rejection by sending a hard copy of the
16 original signature page, as actually signed by Respondent, to the Department counsel assigned to
17 this matter.

18 In the event of time constraints, Respondent can signify acceptance and approval
19 of the terms and conditions of this Stipulation and Agreement by e-mailing a scanned copy of
20 the signature page, as actually signed by Respondent, to the Department counsel assigned to this
21 matter. Respondent agrees, acknowledges and understands that by electronically sending to the
22 Department a scan of Respondent's signature as it appears on the Stipulation and Agreement,
23 that receipt of the scan by the Department shall be binding on Respondent as if the Department

1 had received the original signed Stipulation and Agreement and Decision After Rejection.

2 DATED: Feb 7, 2023

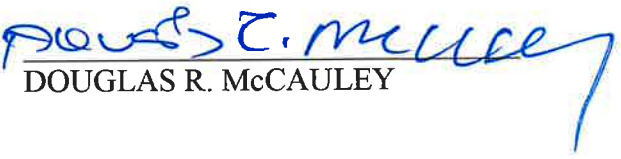

Norma Leon-Moncada (Feb 7, 2023 12:46 PST)
NORMA LEON-MONCADA,
Respondent

4 * * *

5 The foregoing Stipulation and Agreement and Decision After Rejection is hereby
6 adopted as my Decision as to Respondent NORMA LEON-MONCADA and shall become
7 effective at 12 o'clock noon on APR 06 2023, 2023.

8 IT IS SO ORDERED 3.2.23, 2023.

10 REAL ESTATE COMMISSIONER

12 
DOUGLAS R. McCAULEY

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FILED

JAN 25 2023

DEPT. OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	DRE No. H-42305 LA
)	
NORMA LEON-MONCADA,)	OAH No. 2022060039
)	
Respondent.)	

NOTICE

TO: NORMA LEON-MONCADA, Respondent and her Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated November 30, 2022, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated November 30, 2022, is attached hereto for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on Tuesday, October 18, 2022, and any written argument hereafter submitted on behalf of respondent and complainant.

Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of Tuesday, October 18, 2022, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good

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cause shown.

Written argument of complainant to be considered by me must be submitted within 15 days after receipt of the argument of respondent at the Los Angeles Office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: 1.19.23.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

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

**In the Matter of the Accusation Against:
NORMA LEON-MONCADA, Respondent.**

Agency Case No. H-42305 LA

OAH No. 2022060039

PROPOSED DECISION

Joseph D. Montoya, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter on October 18, 2022, by videoconference.

Julie L. To, Counsel, Department of Real Estate (Department), represented Complainant. Respondent Norma Leon-Moncada appeared and represented herself.

Oral and documentary evidence was received and argument was heard. The ALJ left the record open for Respondent to file further exhibits, and for Complainant to file any response she deemed appropriate. Respondent's exhibits were due by October 28, 2022, and Complainant's response was due by November 4, 2022. Respondent timely submitted 14 other exhibits. Complainant did not file any objection to receipt of the additional exhibits, which are received in evidence as exhibits K through X.

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The ALJ notes that several of Respondent's exhibits were medical records, which detailed sensitive personal information. On his own motion, he has ordered those documents sealed, and a separate protective order will issue.

The record closed and the matter was submitted for decision on November 4, 2022. The ALJ hereby makes his factual findings, legal conclusions, and orders.

FACTUAL FINDINGS

The Parties and Jurisdiction

1. Complainant Veronica Kilpatrick filed and maintained the Accusation in this matter while acting in her official capacity as a Supervising Special Investigator of the State of California.

2. Respondent is, and at all times relevant to this matter was, licensed by the Department as a real estate salesperson, license number 02053639. She was first licensed on April 21, 2018.

3. Respondent's salesperson's license has no prior discipline. It is scheduled to expire on April 20, 2026. Her license has been affiliated with BGA Properties, Inc. since May 2019.

4. After she was served with the Accusation, Respondent submitted a Notice of Defense, contesting the allegations against her and seeking a hearing. This action ensued. All jurisdictional requirements have been met.

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Respondent's Criminal Conviction

5. On August 16, 2019, in the Superior Court of California, County of Los Angeles, North District, Respondent entered a nolo contendere plea to one count of violating Penal Code section 69, subdivision (a), obstructing or resisting an executive officer in performance of duties, a felony. Respondent's plea was made with the express understanding that if Respondent had no new arrests, performed community labor, made restitution, and obeyed all laws and orders of the court during the first year of probation, the People would not oppose the conviction being reduced to a misdemeanor. (The court later described this condition as a "stipulation and agreement." [Ex. L, p. B43].)

6. Respondent was not sentenced until December 13, 2019, due to a series of events, including a motion to withdraw her August 16, 2019 plea, which motion was denied. (The court record does not supply the factual basis for the motion or the grounds for denial.) On December 13, 2019, the court suspended sentence, and placed Respondent on three years' formal probation, on the condition she serve three days in county jail, for which three days credit was granted. She was also ordered to pay fines, penalties, and fees, as well as restitution in the amount of \$960. She was ordered to abstain from drug and alcohol use, and to participate in a drug or alcohol treatment program. She was ordered to perform 30 days of community labor. Other terms and conditions, standard to probation grants, were imposed.

7. Respondent performed seven of the thirty days of community labor that had been ordered by the court. Her ability to perform the rest of the community labor was stymied by the pandemic, which forced the closure of the program in which she was participating. The court eventually allowed her to perform community service to fulfill her obligation.

8. On December 23, 2020, the People made a motion to reduce the charge from a felony to a misdemeanor pursuant to section 17, subdivision (b), of the Penal Code. The court granted the motion and converted formal probation to summary probation. Respondent had completed all of her probation obligations within one year of the reduction order. On December 10, 2021, the court terminated Respondent's probation; this was a slightly over one year ahead of the original probation termination date.

9. The facts underlying the conviction are disputed by Respondent. However, according to reports by law enforcement, on April 28, 2019, she was seen leaving the Poppy Festival in Lancaster, California, and she appeared to be intoxicated. A park ranger tried to stop her, as she did not appear to be safe on her own, either near the heavy traffic outside the festival or if she were to drive. She resisted the park ranger's efforts, allegedly striking him. Los Angeles County Sheriff's deputies were summoned. According to their reports, when they contacted her, Respondent was sitting on a sandbag near a fence, she appeared intoxicated, and she was rather belligerent. She was then handcuffed and placed in the back of a police car. She kicked out the window of the passenger door on the driver's side of the patrol car, damaging the window frame in the process. (The damaged window and door cost \$960 to repair, hence the restitution order by the court in that amount.) A picture of the damaged door is found in the arrest report, at exhibit 4, p. A96. Respondent was taken to jail. She was later transported to Antelope Valley Hospital.

10. According to Respondent, she had nothing to drink at the festival. She blames her less-than-coherent behavior on a significant medical problem, Hashimoto's disease, and her medication regimen. The malady is a disease of the thyroid gland and of the auto-immune system. In this case, the body attacks its own thyroid gland.

Respondent has lived with the disease for more than half her life. She recently had surgery to remove her thyroid gland entirely. She has accused the Sheriff's deputies of improprieties in her arrest, claiming they made statements indicating racial or ethnic bias. She also noted that even when they hospitalized her, they did not obtain any sort of blood test that would establish that she was under the influence of alcohol or any other substance. In the hearing, Respondent adduced evidence that the staff at the hospital administered Haloperidol, also known as Haldol, which is an antipsychotic medication, and which is contraindicated for severe intoxication with alcohol.

Respondent's Case

11. Aside from disputing the facts and circumstances of her arrest, Respondent pointed to significant positive achievements in her life, her lack of any other problems with the law, and her lack of prior discipline by the Department. She is a graduate of San Diego State University. During college she spent three years studying in Italy and had leadership positions within the student body when there. She added fluency in Italian to her ability to speak English and Spanish.

12. Respondent worked in public relations for several years, before moving into the real estate profession. At one time she was Vice President of the Hispanic Public Relations Association.

13. Respondent is married with two children, ages seven and twelve. She has served as president of two different PTO groups at two different schools attended by her children. She is active in other ways with their education, such as organizing a festival at school. She works with her children once per month at a food pantry. Respondent has been entrusted with looking after her mother's financial affairs.

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14. Respondent introduced a letter from a broker who is the office manager where she works. Carlos Lopez stated he has known Respondent for years, and described her as responsible, kind, and respectful, and he recommends her as a real estate salesperson.

15. Respondent was credible in her testimony, appearing candid and straightforward. She was respectful of the Department and this process during the hearing, noting that she had kept the Department apprised of the criminal proceeding. She did note that she has not been working much, and that paying costs would be a financial strain for her and her family.

Costs

16. The Department has incurred costs of investigation and enforcement totaling \$1,924.10, which are reasonable on their face.

LEGAL CONCLUSIONS

1. Jurisdiction was established to proceed in this matter pursuant to Business and Professions Code sections 10100 and 10103, based on Factual Findings 1 through 4.

2. Complainant bears the burden of proving grounds for disciplinary action by clear and convincing evidence. (*Realty Projects, Inc. v. Smith* (1973) 32 Cal.App.3d 204.) Complainant was therefore obligated to adduce evidence that was clear, explicit, and unequivocal—so clear as to leave no substantial doubt and sufficiently strong as to command the unhesitating assent of every reasonable mind. (*In Re Marriage of Weaver* (1990) 224 Cal.App.3d 478.)

3. If Complainant establishes grounds for discipline, the burden shifts to Respondent to show extenuation, mitigation, and/or rehabilitation. (See *Martin v. Alcoholic Beverage Control Appeals Bd.* (1950) 52 Cal.2d 259, 264-265.) Such is akin to an affirmative defense and must only be proved by a preponderance of the evidence. (Evid. Code, § 115, 500.) "Preponderance of the evidence' means evidence that has more convincing force than that opposed to it.' [Citations; Fn. omitted.] [T]he sole focus of the legal definition of 'preponderance' in the phrase 'preponderance of the evidence' is on the *quality* of the evidence. The *quantity* of evidence presented by each side is irrelevant." (*Glage v. Hawes Firearms Company* (1990) 226 Cal.App.3d 314, at 324-325.) (Emphasis in original.)

4. The Department may discipline a licensee who has been convicted of a crime that is substantially related to the duties, qualifications, and functions of a licensee. (Bus. & Prof. Code, §§ 490, 10177, subd. (b).)

5. The Department has developed criteria for determining if a crime is "substantially related." The criteria are found at California Code of Regulations, title 10 (CCR), section 2910. The bulk of the criteria speak to acts of dishonesty and deceit, but also include certain offenses of a sexual nature, and failure to comply with a court order or contempt of court. CCR section 2910, subdivision (8), comes closest to covering this case, because Respondent committed a wrongful act with the intent or threat of doing substantial injury to the person or property of another, in this case the person of the park ranger and the property of the Sheriff's Department, the police car. Further, CCR section 2910 is not exclusive criteria. Here it can be concluded that to interfere with an official in carrying out their duties evinces a potential disregard of lawful authority, including the authority of the Commissioner and the Department.

Thus, it must be found that Respondent was convicted of a substantially related offense.

6. Respondent's version of the events that led up to her arrest cannot be used to impeach her conviction. (*Arneson v. Fox* (1980) 28 Cal.3d 440, 449.) In *Arneson* the Supreme Court held that a licensee should be allowed to introduce evidence of extenuating circumstances by way of mitigation or explanation, as well as evidence of rehabilitation, but such should not form the basis of impeaching a prior conviction. The Court went on to state "[r]egardless of the various motives which may have impelled the plea, the conviction which was based thereon stands as conclusive evidence of [the licensee's] guilt of the offense charged." (*Id.*, at p. 449.)

7. Respondent's license is subject to discipline pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), for her conviction of a crime substantially related to the duties, functions, and qualifications of a real estate salesperson, based on Factual Findings 5 through 9 and Legal Conclusions 1 through 6.

8. The Department has developed criteria to be used in assessing rehabilitation, which are found at CCR section 2912. In summary, the Department looks to the passage of time since the offending incidents, calling for the passage of two years since the conviction, with a longer time period depending on the circumstances. The completion of probation, payment of restitution and fines, and expungement of the criminal conviction(s) are other matters to be considered. Correction of business practices, new associations that are different from those engaged in by the licensee during the time of their misconduct, are other factors. Stability of home life, participation in community activities may be considered. If drug or alcohol abuse contributed to the misconduct, abstinence is another factor that may be considered.

Finally, there should be a change in attitude, and there should be evidence of rehabilitation from a number of sources.

9. In this case, more than two years have passed since Respondent was convicted. Respondent performed all her probation obligations, and her probation was shortened by court order when it had one year left. Respondent has a stable home life and she participates in community activities in a positive and active way; that she has twice been made the president of a PTO indicates that others have trust and confidence in her. Her brokerage supports her.

10. Respondent's assertions about the events leading up to her arrest could indicate that she has not changed her attitude, and that she has not attained the state of mind that is consonant with rehabilitation, that is, an acceptance of responsibility. (See *Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940 [acknowledging the wrongfulness of prior actions is an essential step toward rehabilitation].) However, our Supreme Court has recognized that the continued assertion of innocence may in some cases be evidence of good character, rather than proof that the applicant for a professional license is lacking in remorse, and therefore unfit for licensure. Thus, in one notable case the Supreme Court "question[ed] the wisdom of denying an applicant admission to the bar if that denial rests on the applicant's choosing to assert his innocence regarding prior charges rather than to acquiesce in a pragmatic confession of guilt. . . ." (*Hall v. Committee of Bar Examiners* (1979) 25 Cal.3d 730, 744-745.) The Court held that an applicant should not be required to make "an artificial act of contrition" to obtain a requested license where other factors to be considered establish fitness for the profession in question. (*Hall, supra*, at 745.) Given the other evidence of rehabilitation, and of Respondent's otherwise clean record, the rule in *Hall* should be followed here.

11. Complainant argued for at least one year of license restriction. Respondent asserted that any restriction would be deleterious to her career. In determining an appropriate level of discipline it should be recalled that proceedings of this type are conducted to protect the public, and not to punish an errant licensee. (E.g., *Camacho v. Youde* (1979) 95 Cal.App.3d 161, 164; *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 784-786.) It should be further noted that public protection is the Department's highest priority. (Bus. & Prof. Code, § 10050.1.)

12. A one-year restriction on Respondent's license is the appropriate order in this case. It shows leniency in recognition of Respondent's otherwise clean record and conduct since her conviction, while upholding the Commissioner's regulatory authority and his obligation to protect the public.

13. The Department is entitled to recover its costs of investigation and enforcement pursuant to Business and Professions Code section 10106, based on Legal Conclusion 7. The reasonable amount of costs is \$1,924.10, based on Factual Finding 16. However, other factors affect the award of costs.

14. (A) The case of *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45 (*Zuckerman*) must be considered when determining costs. *Zuckerman* pertained to a cost regulation with language similar Business and Professions Code section 10106. In *Zuckerman* the Supreme Court held that an agency must exercise its discretion to reduce or eliminate cost awards in a manner which will ensure that the costs statutes or regulations do not deter licensees with potentially meritorious claims or defenses from exercising their right to a hearing. The Court stated: "[t]hus, the [licensing agency] must not assess the full costs of investigation and prosecution when to do so will unfairly penalize a [licensee] who has committed

some misconduct, but who has used the hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed." (*Id.*, at p. 45.)

(B) Under *Zuckerman*, the agency must also consider the licensee's subjective good faith belief in the merits of his or her position and whether the licensee has raised a colorable challenge to the proposed discipline. The Court further required the agency to determine whether the licensee would be financially able to make later payments. The Court concluded by stating that an agency "may not assess the full costs of investigation and prosecution when it has conducted a disproportionately large investigation to prove that a [licensee] engaged in relatively innocuous misconduct." (*Ibid.*, footnote omitted.)

(C) In this case Respondent made a good faith challenge to the Department's action. Further, she generally stated that payment of costs would be difficult given her current work situation. It is thus reasonable to reduce the costs to \$1,000, and to allow them to be paid in installments.

15. Under Business and Professions Code sections 10156.5 and 10156.6, the Commissioner may issue a restricted license with conditions and a limited term. Under Business and Professions Code sections 10156.7, a restricted license does not confer any property right to the holder, and it may be suspended without a hearing pending final determination after a hearing. Standard terms for a restricted license are found in CCR section 2930 and are included in the Order below.

ORDER

All licenses and licensing rights of Respondent Norma Leon-Moncada under the Real Estate Law are hereby 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 Bureau 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 one year has 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.

6. 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, CA 95818-7000. 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 the suspension or revocation of that license.

7. Respondent shall pay costs of \$1,000 to the Department. She may make payments of \$100 per month, beginning 30 days after the effective date of this

Decision, and the total costs shall be paid within one year of the effective date of this Decision.

DATE: 11/30/2022



JOSEPH D. MONTOYA

Administrative Law Judge

Office of Administrative Hearings