

FILED

DEC 23 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of )  
 )  
TAJADA OMEGA WELDON, )  
 )  
Respondent. )

NO. H-2510 FR

N-2010100035

**DECISION**

The Proposed Decision dated November 17, 2010, 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. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the information of Respondent.

If and when application is made for a real estate salesperson license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto.

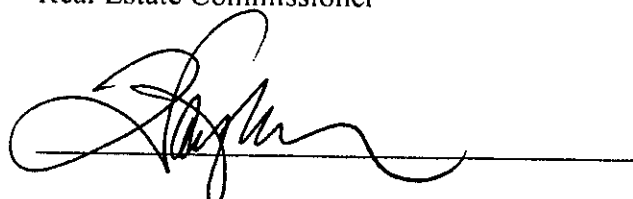
This Decision shall become effective at 12 o'clock noon

on January 13, 2011

IT IS SO ORDERED

12/23/2010

JEFF DAVI  
Real Estate Commissioner



By WAYNE S. BELL  
Chief Counsel

FILED

DEC 23 2010

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By K. Contreras

In the Matter of the Statement of Issues  
Against:

Case No. H-2510 FR

TAJADA OMEGA WELDON,  
a.k.a. TAJADA SYKES,  
a.k.a. TAJADA TIANNE KIMBO,  
a.k.a. FRANKIE FOSTER,  
a.k.a. TAJADA J. FOSTER,  
a.k.a. TAJADA OMEGA FOSTER,  
a.k.a. SHEENA K. ROSSER,

OAH No. 2010100035

Respondent.

**PROPOSED DECISION**

This matter was heard before Rebecca M. Westmore, Administrative Law Judge, Office of Administrative Hearings, State of California, on October 25, 2010, in Sacramento, California.

Annette E. Ferrante, Real Estate Counsel, represented complainant, Luke Martin, a Deputy Real Estate Commissioner with the California Department of Real Estate (department).

Tajada Omega Weldon, a.k.a. Tajada Sykes, a.k.a. Tajada Tianne Kimbo, a.k.a. Frankie Foster, a.k.a. Tajada T. Foster, a.k.a. Tajada Omega Foster, a.k.a. Sheena K. Rosser, (respondent) appeared on her own behalf.

Evidence was received, and the record remained open to permit respondent to submit letters of recommendation, and complainant to respond. On November 1, 2010, respondent submitted three letters of recommendation. On November 4, 2010, complainant objected to the letters on the grounds of administrative hearsay. Respondent did not provide a response. The letters were marked collectively as Exhibit A, and admitted as administrative hearsay. The record was closed and the matter was submitted for decision on November 10, 2010.

## FACTUAL FINDINGS

1. On March 17, 2009, respondent submitted to the department an application for a real estate salesperson license.

2. On July 27, 2010, complainant filed the Statement of Issues in his official capacity. Complainant seeks to deny respondent's application based upon her criminal convictions. At hearing, complainant amended the Statement of Issues as follows:

At page 1, line 21: the date May 6, 2009 is amended to read March 17, 2009.

At page 1, line 25: the language "Virginia Beach Circuit Court" is amended to read "Chesapeake General District Court."

At page 2, line 19: the date June 9, 2003 is amended to read June 18, 2003.

At page 3, line 4: the date November 8, 2004 is amended to read November 15, 2004.

Respondent did not object to these amendments.

### *Prior Disciplinary Action*

3. On August 20, 2008, in Case No. H-4956 SAC, the department denied respondent's July 6, 2007 application for a real estate salesperson license based on five misdemeanor convictions, and respondent's failure to disclose those convictions on her application.

### *Respondent's Convictions*

4. On January 12, 1999, in Norfolk General District Court, Commonwealth of Virginia, Case No. GC99000216-01, respondent, upon a plea of guilty, was convicted of violation Virginia Code section 19.2-128, failure to appear, a felony. Respondent was sentenced to serve 45 days in jail, and ordered to pay \$122 in costs.

5. On October 2, 2002, in Chesapeake General District Court, Commonwealth of Virginia, Case No. C98-4139, respondent, upon a plea of nolo contendere, was convicted of violating Virginia Code section 46-208(B), by threat or force knowingly attempting to intimidate or impeded a law enforcement officer, a Class 1 misdemeanor. Imposition of sentence was suspended, and respondent was placed on 12 months probation. The court sentenced respondent to serve 30 days in jail, and ordered her to pay \$311 in fines and costs.

6. On October 2, 2002, in Chesapeake General District Court, Commonwealth of Virginia, Case No. C98-4140, respondent, upon a plea of nolo contendere, was convicted of violating Virginia Code section 46-209, refusal to identify herself to a police officer, or providing false information to a police officer, a Class 2 misdemeanor. Imposition of sentence was suspended, and respondent was placed on 12 months probation. The court sentenced respondent to serve 30 days in jail, and ordered her to pay \$341 in fines and costs.

7. On October 2, 2002, in Chesapeake General District Court, Commonwealth of Virginia, Case No. GC98004138-01, respondent, upon a verdict of guilty, was convicted of violating Virginia Code section 19.2-128, grand larceny. Respondent was sentenced to serve 10 days in jail, and ordered to pay \$167 in fines and costs.

8. On November 14, 2002, in the Circuit Court of the City of Norfolk, Commonwealth of Virginia, Case No. CR99000017-00, respondent, upon a plea of guilty, was convicted of violating Virginia Code section 18.2-95, grand larceny. Imposition of sentence was suspended, and respondent was placed on two years unsupervised probation. The court ordered respondent to serve two years in a Virginia State Penitentiary, and barred her from Hecht's Department Store. Respondent was also ordered to pay \$623 in costs.

9. On June 18, 2003, in the Circuit Court of the City of Norfolk, Commonwealth of Virginia, Case No. CR02005207-00, respondent, upon a plea of guilty, was convicted of violating Virginia Code section 19.2-128, failure to appear, a felony. Imposition of sentence was suspended, and respondent was placed on two years unsupervised probation. The court sentenced respondent to serve two years in a Virginia State Penitentiary, and ordered her to pay \$405 in costs.

10. On July 8, 2003, in the Virginia Beach General District Court, Commonwealth of Virginia, Case No. GC03006385-08, respondent, upon a verdict of guilty, was convicted of violating Virginia Code section 3-11, assault and battery, a Class 1 misdemeanor. Imposition of sentence was suspended, and respondent was placed on two years probation. The court sentenced respondent to serve 12 months in jail, and ordered her to pay \$99 in costs.

11. On October 4, 2004, in the Circuit Court of the City of Virginia Beach, Commonwealth of Virginia, respondent was indicted by a Grand Jury, on a charge of Parental Abduction. On November 8, 2004, in the Virginia Beach Circuit Court, Case No. CR04-3963, respondent, upon a plea of guilty, was convicted of violating Virginia Code section KID-1017-F6, parental abduction, a felony. Imposition of sentence was suspended for 12 months, and the court sentenced respondent to serve 12 months in jail. Respondent was also ordered to complete substance abuse screening, assessment, testing and treatment, and pay \$360 in costs.

*Factors in Aggravation, Mitigation and Rehabilitation*

12. Respondent is 30 years old. She and her husband of five years are raising four children, ages 14, 13, eight and three. In her application, respondent attributed her criminal behavior to being "young and stupid," as well as to a "very ugly" custody battle over her child. Respondent indicated that she has since voluntarily engaged in parental counseling, participated in church, and changed her outlook on life, and described herself as an "upstanding citizen."

13. At hearing, respondent asserted that while the majority of her convictions occurred in 2002, they resulted from conduct dating back to 1998. Respondent's conviction for grand larceny arose when her friend stole merchandise valued at \$123. Respondent admitted that she went to the store with the intent to steal, but did not steal any items, and was charged along with her friend. According to respondent, she moved to California while these charges were pending, and decided not to return to Virginia to face the charges until "it was time to get it taken care of." Respondent's application for a simple pardon from the Virginia courts has not yet been finalized.

14. Respondent is "approximately 18 credits from [her] Associates Degree in Business." In November 2010, respondent will begin law school at Humphrey's College of Law in Stockton, California. She has been active with the Victory in Praise Church since January 2009, and volunteers her time with the Redskins Youth Football team. Respondent describes herself as a "better mother," and "better community member." Her daily schedule consists of work, family and school, which causes her to think before she acts. She asserted that "I have a problem with violating rules that will put me back in a place I wouldn't want to be." Respondent is currently employed as a Financial Administrative Manager at Well Done Enterprises, a transportation/logistics/supply moving company. Her duties include accounting and budgeting. Prior to Well Done Enterprises, respondent worked in the financial aid department of Marinello Cosmetology School, and prior to that she was a call center supervisor with Restoration Hardware. Respondent is interested in pursuing a real estate job because she "want[s] to earn money without being away from family as much." She hopes to work for Zip Realty, as a home-based independent representative.

15. Respondent submitted three letters of recommendation, which were received in evidence and considered to the extent permitted by Government Code section 11513, subdivision (d).<sup>1</sup>

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<sup>1</sup> Government Code section 11513, subdivision (d), provides, in pertinent part, that "[h]earsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions ...."

Frankie Alexander is respondent's sister. She is "not sure what things the board of real estate is questioning about [respondent's] background." Ms. Alexander described respondent as dedicated and passionate about obtaining her real estate license, and asserted that respondent has "changed her life" and "wants to be a good role model for her children, nieces and nephews." According to Ms. Alexander, respondent is "a pillar in her community, and example in her church," as well as a "volunteer in her children[']s school."

Rhonda Miles has known respondent for 14 years, during which time she trusted respondent to babysit for her children. She is aware of respondent's "pass [sic] trouble." Ms. Miles admires respondent for the way she works and cares for her own children, and describes her as a good wife, mother and member of the community" who has "good judgment in her decision making, high morals [sic] standards and good work ethics [sic]."

Michael L. Hockaday has known respondent for 10 years, during which time he has represented respondent "in several legal matters." Mr. Hockaday has "seen her mature as she handled her personal and professional business," and is "happy to have had an influence in her life." According to Mr. Hockaday, respondent "continues to strive to improve herself and to instill positive values in her children." He believes respondent "will be an excellent agent and future broker."

16. In California Code of Regulations, title 10, section 2911, the department has set forth the criteria for rehabilitation that it reviews when determining whether an applicant who has been convicted of a crime should be issued a real estate license.<sup>2</sup>

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<sup>2</sup> California Code of Regulations, title 10, section 2911 provides:

The following criteria have been developed by the department pursuant to Section 482(a) of the Business and Professions Code for the purpose of evaluating the rehabilitation of an applicant for issuance or for reinstatement of a license in considering whether or not to deny the issuance or reinstatement on account of a crime or act committed by the applicant:

- (a) The passage of not less than two years since the most recent criminal conviction or act of the applicant that is a basis to deny the departmental action sought. (A longer period will be required if there is a history of acts or conduct substantially related to the qualifications, functions or duties of a licensee of the department.)
- (b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the applicant.
- (c) Expungement of criminal convictions resulting from immoral or antisocial acts.
- (d) Expungement or discontinuance of a requirement of registration pursuant to the provisions of Section 290 of the Penal Code.
- (e) Successful completion or early discharge from probation or parole.

17. Respondent has complied with many of the rehabilitation criteria set forth in California Code of Regulations, title 10, section 2911. Although respondent has been convicted of eight crimes, three of which were felonies, it has been six years since her most recent conviction, and there was no evidence to indicate that respondent has engaged in any

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

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

(h) 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 agency action sought.

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

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

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

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

(m) 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 departmental action sought.

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

(1) Testimony of applicant.

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

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

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

(5) Absence of subsequent felony or misdemeanor convictions that are reflective of an inability to conform to societal rules when considered in light of the conduct in question.

criminal activity since then. None of her convictions have been expunged or pardoned. Respondent appears to have a stable family life, and is fulfilling her familial obligations. While she will begin law school this month, there was no evidence to demonstrate that she has sustained enrollment in formal education or vocational training courses for economic self-improvement. She is conscientiously involved in her community. Respondent testified credibly to her change in attitude from that which existed at the time she was involved in criminal conduct. When all the facts and circumstances are considered, it would not be inconsistent with the public interest, safety and welfare to issue respondent a restricted real estate salesperson license with terms and conditions designed to monitor her practice and protect the public.

### LEGAL CONCLUSIONS

1. Business and Professions Code section 480, subdivision (a), provides that a license may be denied if an applicant has been convicted of a crime that is "substantially related to the qualifications, functions, or duties of the business or profession for which application is made."

2. Business and Professions Code section 10177, subdivision (b), provides that an application for a real estate license may be denied if the applicant has "entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony, or a crime substantially related to the qualifications, functions, or duties of a real estate licensee ...."

3. In California Code of Regulations, title 10, section 2910, subdivision (a), the department has set forth criteria for determining whether a conviction is substantially related to the qualifications, functions or duties of a real estate licensee. These criteria include the following:

(1) The fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person.

[¶] ... [¶]

(4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.

[¶] ... [¶]

(8) Doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another.



(9) Contempt of court or willful failure to comply with a court order.

(10) Conduct which demonstrates a pattern of repeated and willful disregard of law.

4. Respondent's convictions for failure to appear (Factual Findings 4 and 9), attempting to impede a police officer (Factual Finding 5), and refusal to identify herself to a police officer (Factual Finding 6) are substantially related to the qualifications, functions and duties of a real estate licensee pursuant to California Code of Regulations, title 10, section 2910, subdivisions (a)(9) and (a)(10), because they constitute contempt of court, willful failure to comply with a court order, and conduct which demonstrates a pattern of repeated and willful disregard for the law. Respondent's convictions for grand larceny (Factual Findings 7 and 8) are substantially related to the qualifications, functions and duties of a real estate licensee pursuant to California Code of Regulations, title 10, section 2910, subdivisions (a)(1), (a)(4), (a)(8) and (a)(10), because they constitute the fraudulent obtaining and retaining of property belonging to another, the employment of bribery or fraud to achieve an end, the doing of an unlawful act with the intent of conferring a financial or economic benefit upon respondent, and a pattern of repeated and willful disregard for the law. Respondent's assault and battery conviction (Factual Finding 10), and parental abduction (Factual Finding 11), are substantially related to the qualifications, functions and duties of a real estate licensee pursuant to California Code of Regulations, title 10, section 2910, subdivisions (a)(8) and (a)(10), because, when taken together, they constitute an unlawful act with the intent or threat of doing substantial injury to a person, and a pattern of repeated and willful disregard of the law. Accordingly, respondent's convictions are substantially related to the qualifications, functions and duties of a real estate salesperson and establish cause to deny her current application pursuant to Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b).

5. As set forth in Finding 17, respondent offered sufficient evidence of rehabilitation with respect to her convictions. Therefore, it would not be inconsistent with the public interest, safety and welfare to grant respondent a restricted real estate salesperson license, with terms and conditions designed to monitor her practice and protect the public.

#### ORDER

The application of respondent Tajada Omega Weldon, a.k.a. Tajada Sykes, a.k.a. Tajada Tianne Kimbo, a.k.a. Frankie Foster, a.k.a. Tajada T. Foster, a.k.a. Tajada Omega Foster, a.k.a. Sheena K. Rosser, for the issuance of a real estate salesperson license is DENIED; provided, however, that pursuant to Legal Conclusion 5, a restricted real estate salesperson license shall be issued to respondent pursuant to Business and Professions Code section 10156.5. The restricted license issued to respondent shall be subject to all of the provisions of Business and Professions Code section 10156.7, and to the following

limitations, conditions and restrictions imposed under the authority of section 10156.6 of said 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 four (4) years have elapsed from 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 licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

DATED: November 17, 2010

  
REBECCA M. WESTMORE  
Administrative Law Judge  
Office of Administrative Hearings

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)

FILED

JUL 27 2010

DEPARTMENT OF REAL ESTATE

By *K. Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 TAJADA OMEGA WELDON, )  
13 Respondent. )

H- 2510 FR

STATEMENT OF ISSUES

14  
15 The Complainant, LUKE MARTIN, in his official capacity as a Deputy Real  
16 Estate Commissioner of the State of California (herein "Complainant"), for Statement of Issues  
17 against TAJADA OMEGA WELDON, also known as Tajada Sykes, Tajada Tianne Kimbo,  
18 Frankie Foster, Tajada T. Foster, Tajada Omega Foster, and Sheena K. Rosser (herein  
19 "Respondent"), is informed and alleges as follows:

20 1

21 On or about May 6, 2009, Respondent made application to the Department of  
22 Real Estate of the State of California (herein "the Department") for a real estate salesperson  
23 license.

24 2

25 On or about October 2, 2002, in the Virginia Beach Circuit Court of the State of  
26 Virginia, in Case No. GC98004138-01; Respondent was convicted of violating Section 19.2-128  
27 of the Virginia Code (Failure to Appear in Violation of Court Order), a misdemeanor, and a

1 crime which bears a substantial relationship under Section 2910, Title 10, of the California Code  
2 of Regulations (hereinafter "the Regulations"), to the qualifications, functions or duties of a real  
3 estate licensee.

4 3

5 On or about October 2, 2002, in the General District Court of the City of  
6 Chesapeake, State of Virginia, in Case No. C98-4140, Respondent was convicted of violating  
7 Section 46-208(b) of the Chesapeake City Ordinance (Knowingly Impeding/Obstructing Law  
8 Enforcement Officer with Force), a misdemeanor, and Section 46-209 of the Chesapeake City  
9 Ordinance (Fail to Provide Identification to Law Enforcement Officer), a misdemeanor, both  
10 crimes which bear a substantial relationship under Section 2910, Title 10, of the Regulations, to  
11 the qualifications, functions or duties of a real estate licensee.

12 4

13 On or about November 20, 2002, in the Circuit Court of the City of Norfolk, State  
14 of Virginia, in Case No. CR99000017-00, Respondent was convicted of violating Section 18.2-  
15 95 of the Virginia Code (Grand Larceny), a felony and a crime which bears a substantial  
16 relationship under Section 2910, Title 10, of the Regulations, to the qualifications, functions or  
17 duties of a real estate licensee.

18 5

19 On or about June 9, 2003, in the Circuit Court of the City of Norfolk, State of  
20 Virginia, in Case No. CR02005207-00, Respondent was convicted of violating Section 19.2-128  
21 of the Virginia Code (Failure to Appear in Violation of Court Order), a felony and a crime which  
22 bears a substantial relationship under Section 2910, Title 10, of the Regulations, to the  
23 qualifications, functions or duties of a real estate licensee.

24 6

25 On or about July 8, 2003, in the Virginia Beach Circuit Court of the State of  
26 Virginia, in Case No. GC03006385-04, Respondent was convicted of violating Section 18.2-57  
27 of the Virginia Code (Assault and Battery), a misdemeanor and a crime which bears a substantial

1 relationship under Section 2910, Title 10, of the Regulations, to the qualifications, functions or  
2 duties of a real estate licensee.

3 7

4 On or about November 8, 2004, in the Virginia Beach Circuit Court of the State  
5 of Virginia, in Case No. CR04003963-00, Respondent was convicted of violating Section 18.2-  
6 49.1 of the Virginia Code (Parental Abduction), a felony and a crime which bears a substantial  
7 relationship under Section 2910, Title 10, of the Regulations, to the qualifications, functions or  
8 duties of a real estate licensee.

9 PRIOR ADMINISTRATIVE PROCEEDING

10 8

11 Effective August 21, 2008, in Case Number H-4956 SAC before the Department,  
12 the Real Estate Commissioner denied Respondent's application for a real estate salesperson  
13 license pursuant to Sections 480(a), 480(c), 10177(a), and 10177(b) of the Code.

14 9

15 The facts alleged in Paragraphs 2 through 7, above, constitute cause for denial of  
16 Respondent's application for a real estate license under Sections 480(a) (Conviction of a Crime)  
17 and 10177(b) (Conviction of a Crime Substantially Related to the Qualifications, Functions or  
18 Duties of a Real Estate Licensee) of the California Business and Professions Code.

19 PRAYER

20 WHEREFORE, Complainant prays that the above-entitled matter be set for  
21 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to  
22 authorize the issuance of, and deny the issuance of a real estate salesperson license to  
23 Respondent, and for such other and further relief as may be proper in the premises.

24   
25 \_\_\_\_\_  
26 LUKE MARTIN  
27 Deputy Real Estate Commissioner

26 Dated at Fresno, California,  
27 this 23<sup>rd</sup> day of July, 2010.