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FILED

JUN 20 2002

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

\* \* \*

By Jean Aunoto

In the Matter of the Application of)  
LEONARD JAMES MARTIN, )  
Respondent. )

NO. H-3629 SAC  
OAH No. N2001110465

DECISION

The Proposed Decision dated May 21, 2002, 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. There is no statutory restriction on when application may again be made for this license. If and when application is again made for this license, all competent evidence of rehabilitation presented by Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto for the information of Respondent.

This Decision shall become effective at 12 o'clock noon  
on July 11, 2002.

IT IS SO ORDERED June 11 2002.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

Paula Reddish Zinnemann

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

LEONARD JAMES MARTIN,

Respondent.

Case No. H 3629 SAC

OAH No. N2001110465

**PROPOSED DECISION**

Administrative Law Judge M. Amanda Behe, State of California, Office of Administrative Hearings, heard this matter in Sacramento, California on April 23, 2002.

David B. Seals, Counsel, represented the Department of Real Estate.

Respondent represented himself.

The matter was submitted on April 23, 2002.

**FACTUAL FINDINGS**

1. Charles W. Koenig is a Deputy Real Estate Commissioner of the State of California Department of Real Estate (hereinafter "the Department") and made and filed the Statement of Issues in his official capacity.

2. On March 28, 2001, Leonard James Martin (hereinafter "respondent") applied to the Department for a real estate salesperson license pursuant to the provisions of Business and Professions Code section 10153.3. Any license issued as a result of that application would be subject to the conditions of Section 10153.4 of the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code.

3. Business and Professions Code section 480 provides that:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which 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 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.”

4. Business and Professions Code section 10177 provides that:

“The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has done any of the following:

(a) ...

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.”

5. Title 10, California Code of Regulations, section 2910, establishes the criteria for determining whether the actions of a respondent are substantially related to the licensed activity, as follows:

“(a) When considering whether a license should be denied, suspended or revoked on the basis of the conviction of a crime, or on the basis of an act described in Section 480(a)(2) or 480(a)(3) of the Code, the crime or act shall be deemed to be substantially related to the qualifications, functions or duties of a licensee of the Department within the meaning of Sections 480 and 490 of the Code if it involves:

- “(1) The fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person.
  - “(2) Counterfeiting, forging or altering on an instrument or the uttering of a false statement.
  - “(3) Willfully attempting to derive a personal financial benefit through the nonpayment or underpayment of taxes, assessments or levies duly imposed upon the licensee or applicant by federal, state, or local government.
  - “(4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.
  - “(5) Sexually related conduct causing physical harm or emotional distress to a person who is an observer or non-consenting participant in the conduct.
  - “(6) Willfully violating or failing to comply with a provision of Division 4 of the Business and Professions Code of the State of California.
  - “(7) Willfully violating or failing to comply with a statutory requirement that a license, permit or other entitlement be obtained from a duly constituted public authority before engaging in a business or course of conduct.
  - “(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.
- “(b) The conviction of a crime constituting an attempt, solicitation or conspiracy to commit any of the above enumerated acts or omissions is also deemed to be substantially related to the qualifications, functions or duties of a licensee of the department.
- “(c) If the crime or act is substantially related to the qualifications, functions or duties of a licensee of the department, the context in which the crime or acts were committed shall go only to the question of the weight to be accorded to the crime or acts in considering the action to be taken with respect to the applicant or licensee.”

6. On March 28, 2001, respondent filed a Salesperson License Application (DRE Form No. 202) which contained the following instruction:

"Carefully read and provide detailed answers to questions #24-26. 'Convicted' as used in Question 25 includes a verdict of guilty by judge or jury, a plea of guilty or of nolo contendere, or a forfeiture of bail. All convictions must be disclosed whether or not the plea or verdict was set aside, the conviction against you was dismissed, or expunged or if you have been pardoned. Convictions occurring while you were a minor must be disclosed unless the record of conviction has been sealed under

Section 1203.45 of the California Penal Code or Section 781 of the California Welfare and Institutions Code."

7. The Salesperson License Application contained the following question #25:

"HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? (YOU MAY OMIT ANY TRAFFIC VIOLATION WHERE THE DISPOSITION WAS A FINE AND THE AMOUNT WAS \$100 OR LESS.)" Question #25 was followed by two blocks marked "NO" and "YES", respectively, and the direction "IF YES, COMPLETE #27 BELOW."

Respondent completed the Salesperson License Application by answering "NO" to question #25. His entry of "NO" was false and misleading in that he has the three convictions set forth below, and was required to disclose those convictions.

8. Entry #27 of the Salesperson License Application stated:

"DETAILED EXPLANATION OF ITEMS 24-26. COMPLETE ONE LINE FOR EACH VIOLATION AND PROVIDE EXPLANATION BELOW. IF YOU ARE UNABLE TO PROVIDE THIS INFORMATION, A DETAILED EXPLANATION MAY SUFFICE. INDICATE WHETHER EACH CONVICTION WAS A MISDEMEANOR OR FELONY AT THE TIME THE CONVICTION OCCURRED. IF THE CONVICTION STATUS HAS BEEN SUBSEQUENTLY CHANGED OR REDUCED, NOTE THAT FACT IN THE EXPLANATION AREA BELOW."  
Entry #27 was followed by a chart with blanks labeled "Court of Conviction", "Arresting Agency", "Date of Conviction", "Type of Conviction" (felony or misdemeanor), "Code Number Violated", "Code Section Violated" and "Disposition".

Respondent made no answers and provided no explanations in response to Entry #27.

9. The Salesperson License Application incorporated a "Salesperson Certification" immediately above respondent's signature by which respondent attested that the information on the application was true. The Salesperson Certification in relevant part stated:

"I certify under penalty of perjury under the laws of the State of California that the foregoing answers and statements given in this application are true and correct ..."

10. On June 26, 1989, in the San Andreas Justice Court, County of Calaveras, State of California, respondent was convicted of a violation of Penal Code section 496.1 [RECEIVING STOLEN PROPERTY], a crime involving moral turpitude.

The crime of receiving stolen property is substantially related to the qualifications, functions and duties of the licensed activity pursuant to Title 10, California Code of Regulations, section 2910. The crime involves fraudulent taking, obtaining, appropriating or retaining

of property belonging to another person, and 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.

The circumstances of the crime were that respondent obtained a boat from individuals who stole it. Respondent used the boat for a long time, and was questioned by Sheriff's Office deputies about it, but they let him go. He later turned himself into the Sheriff's Office and pled guilty to the offense.

11. On October 3, 1989, in the San Andreas Justice Court, County of Calaveras, State of California, respondent was convicted of a violation of Penal Code section 242 [BATTERY], a crime involving moral turpitude.

Complainant did not establish that the crime is substantially related to the qualifications, functions and duties of the licensed activity pursuant to Title 10, California Code of Regulations, section 2910.

The circumstances of the crime were that respondent slapped his wife. He testified that he was 20 years old, and had a big ego and controlling attitude. He completed a domestic abuse class as ordered by the court, and credits that counseling with helping him mature and improve his family relationships.

12. On February 2, 1998, in the Municipal Court for the Fremont-Newark-Union City Judicial District, County of Alameda, State of California, respondent was convicted of a violation of Vehicle Code section 23152(a) [DRIVING UNDER THE INFLUENCE].

The circumstances of the crime were that respondent was caught driving under the influence of methamphetamine. He was ordered to attend DUI school and AIDS class, fined, and placed on probation for three years.

13. The Department's criteria for rehabilitation, Title 10, California Code of Regulations, section 2911, have been considered with regard to respondent's application. The regulations provide that:

"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) Successful completion or early discharge from probation or parole.

“(e) 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.

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

“(g) 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.

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

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

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

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

“(l) 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.

“(m) 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 previous 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.”

14. Respondent testified that his convictions occurred when he was young and had attitude and ego problems. He has found the Lord, who helped him get off of drugs and pass the real estate examination. Respondent has been off drugs for three years.

Respondent testified that he failed to disclose the above three convictions on his the Salesperson License Application because he was excited that he passed the examination, because he did not want to list them, and because he thought the statute of limitations had passed and they would not be on his record. His explanations were not persuasive. The Salesperson License Application clearly required that he disclose the convictions and was not limited by what the applicant thought would still be on his record.

Respondent also testified that he had no idea his convictions would be of concern to the Department especially because they occurred so long ago. His claim was not persuasive. The Department’s concern about the topic is clearly evident from the inclusion of three questions on the Salesperson License Application.

Respondent did not carefully read the Salesperson License Application. That is not an excuse for his failure to disclose his convictions. In fact, because licensed salespersons must carefully and completely fill out documents his excuse suggests a lack of skill necessary for a license.

15. Respondent’s wife, Sandra Martin, testified that she and respondent had to get married when they were teenagers and they have struggled to support their family. Both have obviously worked hard and are devoted to their children. Mrs. Martin testified that respondent is a very good person, and that he regrets and has not repeated the spousal abuse which occurred many years ago.

16. Respondent proposes to work for his mother, Charlie Jorgensen, who is a broker with Landmark Brokers. Her hearsay letter indicates that she would welcome him into her business and supervise his activities.

17. Respondent failed to present evidence to establish sufficient rehabilitation pursuant to Title 10, California Code of Regulations, section 2911 to indicate that a license should be issued under even the strictest probationary terms. He is commended for his success in remaining off of methamphetamine for several years, and turning his life around through active participation in his church.

However, the failure to disclose three convictions is so serious it requires rejection of the application. In this regard it is considered that respondent not only failed to disclose the convictions, but certified the truthfulness of his application under penalty of perjury.



## LEGAL CONCLUSIONS

1. Cause for denial of respondent's application for a real estate salesperson's license was established pursuant to Business and Professions Code sections 480 and 10177(b). Respondent was convicted of offenses involving moral turpitude which bear a substantial relationship to the qualifications, functions, or duties of a real estate licensee, and crimes within the definition of moral turpitude considered by the Fifth District Court of Appeals in Clerici v. Department of Motor Vehicles (1990) 224 Cal.App.3d 1016.

2. Cause for denial of respondent's application for a real estate salesperson's license was established pursuant to Business and Professions Code sections 480 (d) and 10177(a). Respondent's failure to reveal his convictions on the Salesperson License Application constitutes an attempt to procure a license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact.

Honesty and truthfulness are two qualities deemed by the Legislature to bear on one's fitness and qualification to be a real estate licensee." Harrington v. Department of Real Estate (1989) 214 Cal.App.3d 394, 402. "A knowing misrepresentation of a material fact is grounds for revocation of a California license, regardless of whether the license would have been issued if the conviction were disclosed. Madrid v. Department of Real Estate (1984) 152 Cal.App.3d 454.

## ORDER

The application of respondent Leonard James Martin for a Real Estate Salesperson license is DENIED.

Dated: May 21, 2002

  
M. AMANDA BEHE

Administrative Law Judge  
Office of Administrative Hearings

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

**FILED**  
FEB 15 2002

DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

LEONARD JAMES MARTIN

By Shelly Ely

Case No. H-3629 SAC

OAH No. N2001110465

*Respondent*

**SECOND CONTINUED**  
**NOTICE OF HEARING ON APPLICATION**

**To the above named respondent:**

**You are hereby notified** that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITES 340/360, SACRAMENTO, CALIFORNIA 95814 on TUESDAY--APRIL 23, 2002, at the hour of 10:30 AM, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearing within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

*Dated:* FEBRUARY 15, 2002

DEPARTMENT OF REAL ESTATE  
By David B. Seals  
DAVID B. SEALS, Counsel

FILED  
FEB 06 2002

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

DEPARTMENT OF REAL ESTATE

By Shelly [Signature]

*In the Matter of the Application of*

LEONARD JAMES MARTIN

}  
}

Case No. H-3629 SAC

OAH No.

*Respondent*

**FIRST CONTINUED  
NOTICE OF HEARING ON APPLICATION**

***To the above named respondent:***

***You are hereby notified*** that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITES 340/360, SACRAMENTO, CALIFORNIA 95814 on WEDNESDAY--FEBRUARY 20, 2002, at the hour of 10:30 AM, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearing within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

*Dated:* FEBRUARY 6, 2002

DEPARTMENT OF REAL ESTATE  
By [Signature]  
DAVID B. SEALS, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
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DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

By Shelley Chy

LEONARD JAMES MARTIN

Case No. H-3629 SAC

OAH No. N2001110465

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITES 340/360, SACRAMENTO, CALIFORNIA 95814 on TUESDAY--JANUARY 29, 2002, at the hour of 10:30 AM, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearing within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: DECEMBER 7, 2001

DEPARTMENT OF REAL ESTATE  
By David B. Seals  
DAVID B. SEALS, Counsel

1 DAVID B. SEALS, Counsel (SBN 69378)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0792 (Direct)

FILED  
NOV 08 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 LEONARD JAMES MARTIN, )  
13 Respondent. )

No. H- 3629 SAC

STATEMENT OF ISSUES

14  
15 The Complainant, Charles W. Koenig, a Deputy Real  
16 Estate Commissioner of the State of California, for Statement of  
17 Issues against LEONARD JAMES MARTIN (hereinafter "Respondent")  
18 alleges as follows:

19 I

20 Respondent, pursuant to the provisions of Section 10153.3 of  
21 the Business and Professions Code, made application to the  
22 Department of Real Estate of the State of California for a real  
23 estate salesperson license on or about March 28, 2001, with the  
24 knowledge and understanding that any license issued as a result  
25 of said application would be subject to the conditions of Section  
26 10153.4 of the Business and Professions Code.

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II

Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law? If yes, complete #27 below.", Respondent answered "NO".

IV

On or about June 26, 1989, in the San Andreas Justice Court, County of Calaveras, State of California, Respondent was convicted of violation of California Penal Code Section 496.1 (Receiving Stolen Property), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

V

On or about October 3, 1989, in the San Andreas Justice Court, County of Calaveras, State of California, Respondent was convicted of violation of California Penal Code Section 242 (Battery), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

VI

On or about February 2, 1998, in the Municipal Court for the Fremont-Newark-Union City Judicial District, County of

1 Alameda, State of California, Respondent was convicted of  
2 violation of California Vehicle Code Section 23152(a) (Driving  
3 Under the Influence).

4 VII

5 Respondent's failure to reveal the convictions set  
6 forth in Paragraphs IV, V and VI above in said application  
7 constitutes the attempt to procure a real estate license by  
8 fraud, misrepresentation, or deceit, or by making a material  
9 misstatement of fact in said application, which failure is cause  
10 for denial of Respondent's application for a real estate license  
11 under Sections 480(c) and 10177(a) of the Code.

12 VIII

13 The crimes for which Respondent was convicted, as  
14 alleged in Paragraphs IV, V and VI above, constitute cause for  
15 denial of Respondent's application for a real estate license  
16 under Sections 480(a) and 10177(b) of the California Business and  
17 Professions Code.

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

24   
25 CHARLES W. KOENIG  
Deputy Real Estate Commissioner

26 Dated at Sacramento, California,  
27 this 15<sup>th</sup> day of October, 2001.