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*Flaw*

**FILED**  
NOV 21 2005  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

*R. J. Jones*

\* \* \* \* \*

In the Matter of the Application of) No. H-31881 LA  
  )  
          CHEROKEE YAVON DENISE HILL,  )  
  )  
  )  
  Respondent.  )  
\_\_\_\_\_) )

DECISION

The Proposed Decision dated October 24, 2005, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2)(C) of the Government Code, the following corrections are made to the Proposed Decision:

Pg. 8, Par. 20, Line 2; the word "Angle" is corrected to read "Angel".

Pg. 9, Par. 5(5), the word "stabile" is corrected to read "stable".

AMENDED

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 DEC 12 2005.

IT IS SO ORDERED

JEFF DAVIS  
Real Estate Commissioner

*11/16/05*  
*[Signature]*

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

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

**CHEROKEE YAVON DENISE HILL,**

**Respondent.**

**File No. H-31881 LA**

**OAH No. L-2005060734**

**PROPOSED DECISION**

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, on August 12, 2005, in Los Angeles, California. Complainant was represented by Kelvin K. Lee, Staff Counsel for the Department of Real Estate. Cherokee Yavon Denise Hill (Respondent) appeared and was represented by Frank Buda, attorney at law.

Oral and documentary evidence was received and argument was heard. The record was left open until October 7, 2005, to allow Respondent to submit additional evidence regarding expungement of her convictions. Respondent failed to submit any additional evidence within the allotted time.<sup>1</sup> The record was closed and the matter was submitted for decision on October 7, 2005.

**FACTUAL FINDINGS**

1. On May 2, 2005, Complainant Janice A. Waddell filed the Statement of Issues while acting in her official capacity as Deputy Real Estate Commissioner of the Department of Real Estate (Department), State of California.

2. On June 14, 2004, Respondent submitted to the Department an application for a real estate salesperson license, with the knowledge and understanding that any license issued as a result of that application would be subject to the conditions of Business and Professions Code section 10153.4.

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<sup>1</sup> On June 30, 2005, Respondent's counsel filed and served a pleading entitled, "Respondent's Information on Lodging of Additional Exhibits Pursuant to Hearing Order," informing the ALJ that Respondent was unable to obtain the additional expungements within the allotted time. That pleading was marked as Respondent's Exhibit I for identification and lodged, but not admitted.

*Respondent's Convictions*

3a. On September 22, 1998, in the Municipal Court for the State of California, County of Los Angeles, Antelope Judicial District, Case Number 8AT04920, Respondent was convicted, on her plea of guilty, of violating Vehicle Code section 14601.1 (driving with a suspended license), a misdemeanor. This is not a crime involving moral turpitude, nor, by itself, a crime substantially related to the qualifications, functions and duties of a real estate licensee.

3b. Respondent was placed on summary probation for three years and ordered to serve 360 days in county jail and to pay a \$500.00 fine. The jail time and fine were suspended.

3c. The facts and circumstances surrounding the September 22, 1998 conviction are that, on August 17, 1998, Respondent drove while her driver's license was suspended.

4a. On March 12, 1997, in the Superior Court for the State of California, County of Los Angeles, Antelope Judicial District, Case Number MA012776, Respondent, aka Yavon Denise Seymour, was convicted, on her plea of nolo contendere,<sup>2</sup> of one count of violating Penal Code section 470 (forgery), a misdemeanor<sup>3</sup> which involves moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee.

4b. Respondent was placed on formal probation for five years and ordered to serve 180 days in county jail. Respondent was also ordered to pay restitution of \$200.00. On June 4, 2001, the Court dismissed the case pursuant to Penal Code section 1203.4.

4c. The facts and circumstances surrounding the March 12, 1997 conviction are as follows: On September 16, 1996, Respondent attempted to cash a \$4,800 check drawn against another person's bank account without the account holder's consent. In her attempt to cash the check, Respondent used identification with the name Yavon Denise Hill, which did not match the name on the check.

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<sup>2</sup> On February 18, 1997, Respondent entered her plea of nolo contendere in the Municipal Court of the Antelope Judicial District, Case Number MA012776. The municipal court certified the plea to the superior court.

<sup>3</sup> Respondent was originally convicted of a felony, but the charge was reduced to a misdemeanor on June 4, 2001, pursuant to Penal Code section 17, subdivision (b).

4d. At the administrative hearing, Respondent testified that she did not know the check was stolen and that she agreed to cash the check at the request of a friend who did not have proper identification. This testimony was not credible because it differed from Respondent's prior statement to the bank employee, after whose inquiry about why Respondent's name did not match the name of the check, Respondent stated, "My sister must have done that."

5a. On May 28, 1996, in the Municipal Court for the State of California, County of Los Angeles, Antelope Judicial District, Case Number 6AT01975, Respondent, aka Yavon Denise Seymour, was convicted, on her plea of nolo contendere, of one count of violating Penal Code section 415, subdivision (1) (challenge to fight in public), a misdemeanor which is substantially related to the qualifications, functions and duties of a real estate licensee, but is not a crime of moral turpitude.

5b. Respondent was placed on three years summary probation and ordered to serve 90 days in county jail, which was suspended, and to pay fees and fines totaling \$130.00. Respondent was further ordered to stay away from the victim, D.D.S.<sup>4</sup> On January 31, 1997, Respondent's probation was revoked. On February 18, 1997, Respondent's probation was reinstated and modified to include the sentence imposed in Case Number MA0122776 (see Factual Finding 4).

5c. The facts and circumstances surrounding the May 28, 1996 conviction are as follows: On April 5, 1996, Respondent accompanied her brother's girlfriend to the mall, where the girlfriend got into an altercation with some other shoppers. Respondent, who was on crutches and recovering from a compound fracture of her leg, was knocked down during the altercation. She was arrested for challenging another to a fight in a public place.

6a. On April 2, 1996, in the Municipal Court for the State of California, County of Los Angeles, Antelope Judicial District, Case Number 95T02953, Respondent was convicted, on her plea of nolo contendere, of violating Vehicle Code section 14601.1 (driving with a suspended license), a misdemeanor. This is not a crime involving moral turpitude, nor, by itself, a crime substantially related to the qualifications, functions and duties of a real estate licensee.

6b. Respondent was placed on summary probation for three years and ordered to serve 360 days in county jail and to pay a fine of \$2,700.00. Sixty days of jail time and the entire fine were suspended.

6c. The facts and circumstances surrounding the April 2, 1996 conviction were not disclosed by the evidence.

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<sup>4</sup> The victim's initials are used, in lieu of her full name, in order to protect her privacy.

7a. On January 13, 1995, in the Municipal Court for the State of California, County of Los Angeles, Antelope Judicial District, Case Number 95M00065, Respondent, aka Yavon Denise Seymour, was convicted, on her plea of nolo contendere, of violating Penal Code section 12031, subdivision (a) (carrying a loaded firearm in a public place), a misdemeanor. This is not a crime involving moral turpitude, nor, by itself, a crime substantially related to the qualifications, functions and duties of a real estate licensee.

7b. Respondent was sentenced to 180 days in county jail, with 175 days of the sentence suspended. Respondent was placed on three years summary probation and ordered to serve five days in county jail and to pay fines and fees totaling \$950.00. On February 3, 1995, Respondent's probation was modified and Respondent was ordered to serve 15 additional days in county jail, less credit for seven days. On April 2, 1996, Respondent's probation was modified by way of the sentence imposed in Case Number 95T02953 (see Factual Finding 6). On April 12, 1996, Respondent's probation was revoked for probation violation. On May 28, 1996, Respondent's probation was modified by way of the sentence imposed in Case Number 6AT01975 (see Factual Finding 5). Her probation was ordered to expire on November 11, 1998. On January 31, 1997, her probation was revoked. On February 13, 1997, Respondent's probation was modified to include any sentence imposed in Case Number MA012776 (see Factual Finding 4).

7c. The facts and circumstances surrounding the January 13, 1995 conviction are as follows: On December 29, 1994, a fight broke at the Calico Saloon and the parties moved the altercation to Lancaster Park. During the fight, a victim was beaten and threatened with Respondent's loaded gun which was later found under the front seat of Respondent's vehicle. Respondent had driven to the location of the skirmish with the assailants who used Respondent's gun to strike the victim.

7d. At the administrative hearing, Respondent denied involvement in the altercation. She testified that one of her friends knew she had a gun in her car and retrieved it while Respondent was "somewhere in the park partying." This testimony is not credible. Respondent did not provide this explanation to police officers at the scene, who observed that Respondent was with the two assailants upon the officers' arrival. Furthermore, the circumstances surrounding the altercation, which were described in the police report, did not indicate that Respondent and the assailants went to the park to "party."

8. On November 16, 1993, in the Municipal Court for the State of California, County of Los Angeles, Antelope Judicial District, Case Number 93T02725, Respondent was convicted of violating Vehicle Code section 14601.1 (driving with a suspended license), a misdemeanor.<sup>5</sup> This is not a crime involving moral turpitude, nor, by itself, a crime substantially related to the qualifications, functions and duties of a real estate licensee.

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<sup>5</sup> Respondent specifically admitted this prior conviction, as set forth in the court dockets of Case Numbers 8AT04920 and 95T02953.

9. On October 14, 1993, in the Municipal Court for the State of California, County of Los Angeles, Antelope Judicial District, Case Number 93T02588, Respondent was convicted of violating Vehicle Code section 14601.1 (driving with a suspended license), a misdemeanor.<sup>6</sup> This is not a crime involving moral turpitude, nor, by itself, a crime substantially related to the qualifications, functions and duties of a real estate licensee.

10. On September 10, 1991, in the Municipal Court for the State of California, County of Los Angeles, Antelope Judicial District, Case Number 91T02358, Respondent was convicted of violating Vehicle Code section 14601.1 (driving with a suspended license), a misdemeanor.<sup>7</sup> This is not a crime involving moral turpitude, nor, by itself, a crime substantially related to the qualifications, functions and duties of a real estate licensee.

11. Respondent's convictions, as set forth in Factual Findings 3, 4, 5, 6, 7, 8, 9 and 10, are substantially related to the qualifications, functions and duties of a licensee of the Department, in that they demonstrate a pattern of repeated and willful disregard for the law. (Cal. Code Regs., tit. 10, section 2910, subdivision (a)(10).)

#### *Respondent's Application*

12a. Respondent's real estate salesperson license application was submitted under the applicant name "Cherokee Yavon Denise Hill."

12b. The application form contained a series of questions to be answered by applicants, including Question 8, which stated, "Have you used any other names (i.e. maiden name, aka's, etc.)?" Two boxes, one designated "No" and one designated "Yes," were provided on the application form.

12c. Respondent checked the box marked "No," and did not list any other names which she had used.

12d. Respondent had used a prior married name of "Yavon Denise Seymour." This name was the name under which Respondent was convicted of her more serious crimes (i.e. forgery, challenging to a fight, carrying a loaded firearm).

12e. Respondent's answer to Question 18 constituted an intentional misstatement of material fact in her application.

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<sup>6</sup> Respondent specifically admitted this prior conviction, as set forth in the court dockets for Case Numbers 8AT04920 and 95T02953.

<sup>7</sup> Respondent specifically admitted this prior conviction, as set forth in the court docket for Case Number 95T02953.

13a. Respondent's real estate salesperson license application form also contained Question 25, which stated:

Have you ever been convicted of any violation of law?  
Convictions expunged under Penal Code section 1203.4 must be disclosed. However, you may omit minor traffic citations which do not constitute a misdemeanor or felony offense.

Two boxes, one designated "No" and one designated "Yes," were provided on the application form, with space supplied under Question 27 for detailed conviction information. While the application allowed additional sheets to be attached if more room was needed, the application also required that each sheet be signed by the applicant and the employing broker.

13b. Respondent checked the box marked "Yes," but did not list any of her prior convictions under Question 27. Instead, she wrote, "See attached," under Question 27.

13c. Respondent attached to her application form the original printout of a criminal history report she obtained from the Antelope Judicial District. She also attached the court dockets from Case Numbers 8AT04920 (see Factual Finding 3) and 95T02953 (see Factual Finding 6), revealing convictions under the name Cherokee Yavon Hill for driving with a suspended license. Respondent did not review any of the court documents for accuracy prior to attaching them to her application.

13d. The direct evidence did not establish which of Respondent's convictions were documented in the criminal history report which was not produced at the administrative hearing.<sup>8</sup> However, Respondent admitted that she had only requested court records under the name Cherokee Yavon Hill and that some of the convictions were under her prior married name, Yavon Denise Seymour. Furthermore, Respondent did not attach to her application the court dockets from her more serious convictions (for forgery, challenging to fight in a public place, and carrying a loaded firearm) which were incurred under her prior married name. Therefore, the totality of the evidence established that Respondent did not disclose the convictions set forth in Factual Findings 4, 5 and 7 when she submitted her application.

13e. Respondent testified that she believed the criminal history report contained all of her conviction information, that she did not realize that there could be records under her previous name and that she did not think to ask for records under the name "Yavon Denise Seymour." Respondent's denial of intent to deceive is not credible. All of the undisclosed convictions were incurred under Respondent's prior name, which Respondent also failed to disclose in her application, effectively cutting off any cross reference to her serious crimes. Therefore, the evidence illustrated Respondent's intent to conceal her prior convictions.

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<sup>8</sup> Neither the Department nor Respondent had a copy of the criminal history report.

13f. Respondent's answer to Question 27 constituted an intentional misrepresentation of a material fact through nondisclosure.<sup>9</sup>

14a. On July 15, 2004, the Department sent to Respondent a letter, stating:

On 6-14-04 the enclosed criminal history report, which had been prepared by the Antelope Judicial District, and which has been released to your for personal use only, was received in this office. The Department of Real Estate is precluded from using this document for the purpose of making a determination concerning an individual's qualification to obtain a real estate license. We are therefore returning it to you at this time. Please respond to Question 2a above, to may suffice (sic).

14b. Question 2a asked, "Have you ever been convicted of any violation of law?" Respondent answered "Yes."

14c. The July 15, 2004 letter specified:

If your answer to 2a is YES, provide the date of conviction, a brief description of exactly what the conviction was for, the type of code and the code number that you were convicted of, whether it was a misdemeanor or felony at the time the conviction occurred, the original sentence imposed, and charges in disposition.

14d. Respondent did not provide the requested details. Instead, she provided a written statement describing facts and circumstances surrounding one of her convictions for driving with a suspended license and her conviction for forgery, which was the only conviction for which Respondent had obtained an expungement (see Factual Finding 4b). She did not describe the facts surrounding her convictions for challenging another to fight in public and carrying a loaded firearm.

#### *Personal Information / Mitigation / Rehabilitation*

15. Respondent has been married for one year. She has four children, ages 16, eight, six and two.

16. Respondent is employed as an assistant to a loan officer. She is also a California certified medical assistant and a certified nurse's assistant. She has taken several courses related to her certifications, as well as other college courses for personal and professional improvement.

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<sup>9</sup> The term "misrepresentation" means more than verbal misstatements or positive assertions. "A representation may be either expressed or implied . . . and may arise from silence . . . or nondisclosure." (*Hale v. Wolfsen* (1969) 276 Cal.App.2d 285, 291.)



17. Respondent has completed all of her criminal probation and has paid all court-ordered restitution and fees.

18. Respondent expressed shame and regret for her crimes, stating that they were "stupid mistakes." She assured the Department that she would not make the same decisions today.

19. Respondent does not associate with any of the people involved in her crimes.

20. Respondent regularly volunteers at a convalescent hospital and at a homeless shelter. She is also involved in Project ~~Angel~~ Tree, a program that distributes Christmas gifts to children whose parents are incarcerated. **ANGEL**

21. Respondent's husband supports Respondent's licensure and testified that Respondent is straightforward and career oriented. Respondent's licensure is also endorsed by her parents, friends, coworkers, a reverend at her church and her broker, all of whom submitted letters of reference collectively describing her as responsible, family oriented, honest, ambitious and hardworking.

22. Respondent's broker is aware of her convictions and is willing to hire and supervise her, should she obtain a license.

### LEGAL CONCLUSIONS

1. Cause exists to deny Respondent's application for a real estate salesperson license, pursuant to Business and Professions Code sections 480, subdivision (a)(1), and California Code of Regulations, title 10, section 2910, subdivision (a)(10), for her criminal convictions, which are substantially related to the duties, qualifications, and functions of a real estate licensee, as set forth in Factual Findings 3, 4, 5, 6, 7, 8, 9, 10 and 11.

2a. Cause exists to deny Respondent's application for a real estate salesperson license, pursuant to Business and Professions Code section 10177, subdivision (b), for her conviction of a crime which involved moral turpitude, as set forth in Factual Finding 4.

2b. The convictions set forth in Factual Findings 3, 5, 6, 7, 8, 9 and 10 do not constitute bases for denial of Respondent's application pursuant to Business and Professions Code section 10177, subdivision (b), since they are neither felonies nor crimes of moral turpitude.

3. Cause exists to deny Respondent's application for a real estate salesperson license, pursuant to Business and Professions Code sections 480, subdivision (c), and 10177, subdivision (a), for knowingly making a false and material misstatement of fact in an application for a real estate license, based upon her nondisclosure of several convictions, as set forth in Factual Findings 4, 5, 7 and 13.

4. Cause exists to deny Respondent's application for a real estate salesperson license, pursuant to Business and Professions Code sections 480, subdivision (c), and 10177, subdivision (a), in that Respondent knowingly made a false and material misstatement of fact in an application for a real estate license regarding her prior names used, as set forth in Factual Findings 4, 5, 7 and 12.

5. Respondent has complied with several of the Department's rehabilitation criteria set forth in California Code of Regulations, title 10, section 2911, as follows:

- (1) Seven years have lapsed since her last conviction.  
(Subdivision (a).);
- (2) Respondent has paid all court-ordered restitution.  
(Subdivision (b).);
- (3) Respondent has successfully completed her probation in all of her criminal cases.  
(Subdivision (e).);
- (4) Respondent has paid all fines and monetary penalties imposed in connection with her criminal convictions.  
(Subdivision (g).); **STABLE**
- (5) Respondent has a ~~stable~~ family life.  
(Subdivision (h).);
- (6) Respondent has completed formal educational and vocational courses for economic self improvement  
(Subdivision (i).);
- (7) Respondent has significant involvement in the community through her volunteer work.  
(Subdivision (l).);
- (8) Respondent has new and different social and business relationships from those which existed at the time of the commission of the acts that led to the criminal convictions in question.  
(Subdivision (m).);
- (9) Respondent has had a change in attitude since her convictions, as set forth in Factual Finding 18.  
(Subdivision (n).).

6. Despite Respondent's progress toward rehabilitation, she chose to withhold from the Department information about her more serious crimes. Respondent's lack of candor in her license application and in her later correspondence with the Department evidences Respondent's failure to fully appreciate the need to act honestly and to accept responsibility for her actions. (See *Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 409.) This lack of honesty precludes a finding of rehabilitation.

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7. A real estate licensee is expected to demonstrate the characteristics of honesty and integrity. (See, *Golde v. Fox* (1979) 98 Cal.App.3d 167.) Respondent has not sufficiently demonstrated those traits. The evidence did not establish that the public could be adequately protected should Respondent be granted licensure at this time.

**ORDER**

Respondent's application for a real estate salesperson license is denied.

DATED: October 24, 2005



JULIE CABOS-OWEN  
Administrative Law Judge  
Office of Administrative Hearings

1 KELVIN K. LEE, Real Estate Counsel (SBN 152867)  
2 Department of Real Estate  
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4 Los Angeles, California 90013-1105  
5 Telephone: (213) 576-6982  
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**FILED**  
MAY - 4 2005  
DEPARTMENT OF REAL ESTATE

By 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 \* \* \*

10  
11 In the Matter of the Application of ) NO. H-31881 LA  
12 )  
13 CHEROKEE YAVON DENISE HILL, ) STATEMENT OF ISSUES  
14 )  
15 Respondent. )

16 The Complainant, Janice Waddell, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Statement  
18 of Issues against CHEROKEE YAVON DENISE HILL, aka Cherokee Yavon  
19 Hill, and Yavon Denise Seymour, ("Respondent"), is informed and  
20 alleges as follows:

21 1.

22 The Complainant, Janice Waddell, a Deputy Real Estate  
23 Commissioner of the State of California, makes this Statement  
24 of Issues against Respondent in her official capacity.

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2.

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2 Respondent made application to the Department of Real  
3 Estate of the State of California for a real estate salesperson  
4 license on or about June 14, 2004, with the knowledge and  
5 understanding that any license issued as a result of said  
6 application would be subject to the conditions of Business and  
7 Professions Code ("Code") Section 10153.4.

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3.

(FIRST CAUSE OF ACTION)

(CRIMINAL CONVICTIONS)

On or about September 22, 1998, in the Municipal Court  
of California, Los Angeles County, Antelope Judicial District in  
Case No. 8AT04920, Respondent CHEROKEE YAVON DENISE HILL, was  
convicted of one (1) count of violating California Vehicle Code  
14601.1, subdivision (a), Driving With a Suspended License.  
This is a crime involving moral turpitude which is substantially  
related under Title 10, Chapter 6, Section 2910, California Code  
of Regulations, to the qualifications, functions or duties of a  
real estate licensee.

4.

On or about February 18, 1997, in the Municipal Court  
of California, Los Angeles County, Antelope Judicial District in  
Case No. MA012776, Respondent CHEROKEE YAVON DENISE HILL, was  
convicted of one (1) count of violating California Penal Code  
470, Forgery. This is a crime involving moral turpitude which  
is substantially related under Title 10, Chapter 6, Section

1 2910, California Code of Regulations, to the qualifications,  
2 functions or duties of a real estate licensee.

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4 5.

5 On or about May 28, 1996, in the Municipal Court of  
6 California, Los Angeles County, Antelope Judicial District in  
7 Case No. 6AT01975, Respondent CHEROKEE YAVON DENISE HILL, was  
8 convicted of one (1) count of violating California Penal Code  
9 415, subdivision (1), Challenging Another to Fight in Public.  
10 This is a crime involving moral turpitude which is substantially  
11 related under Title 10, Chapter 6, Section 2910, California Code  
12 of Regulations, to the qualifications, functions or duties of a  
13 real estate licensee.

14  
15 6.

16 On or about April 2, 1996, in the Municipal Court of  
17 the State of California, County of Los Angeles, Antelope  
18 Judicial District in case no. 95T02953, Respondent CHEROKEE  
19 YAVON DENISE HILL, was convicted of one (1) count of violating  
20 California Penal Code Section 14601.1. of the Vehicle Code,  
21 Driving with a Suspended License. This is a crime involving  
22 moral turpitude which is substantially related under Title 10,  
23 Chapter 6, Section 2910, California Code of Regulations, to the  
24 qualifications, functions or duties of a real estate licensee.

25 7.

26 On or about January 13, 1995, in the Municipal Court  
27 of California, Los Angeles County, Antelope Judicial District in

1 Case No. 95M00065, Respondent CHEROKEE YAVON DENISE HILL, was  
2 convicted of one (1) count of violating California Penal Code  
3 12031, subdivision (a), Carrying a Loaded Firearm in a Public  
4 Place. This is a crime involving moral turpitude which is  
5 substantially related under Title 10, Chapter 6, Section 2910,  
6 California Code of Regulations, to the qualifications, functions  
7 or duties of a real estate licensee.

8 8.

9 On or about November 16, 1993, in the Municipal Court  
10 of the State of California, County of Los Angeles, Antelope  
11 Judicial District in case no. 93T02725, Respondent CHEROKEE  
12 YAVON DENISE HILL, was convicted of one (1) count of violating  
13 California Penal Code Section 14601.1. of the Vehicle Code,  
14 Driving with a Suspended License. This is a crime involving  
15 moral turpitude which is substantially related under Title 10,  
16 Chapter 6, Section 2910, California Code of Regulations, to the  
17 qualifications, functions or duties of a real estate licensee.

18 9.

19 On or about October 14, 1993, in the Municipal Court  
20 of the State of California, County of Los Angeles, Antelope  
21 Judicial District in case no. 93T02588, Respondent CHEROKEE  
22 YAVON DENISE HILL, was convicted of one (1) count of violating  
23 California Penal Code Section 14601.1. of the Vehicle Code,  
24 Driving with a Suspended License. This is a crime involving  
25 moral turpitude which is substantially related under Title 10,  
26 Chapter 6, Section 2910, California Code of Regulations, to the  
27 qualifications, functions or duties of a real estate licensee.

10.

1  
2 On or about September 10, 1991, in the Municipal Court  
3 of the State of California, County of Los Angeles, Antelope  
4 Judicial District in case no. 91T02358, Respondent CHEROKEE  
5 YAVON DENISE HILL, was convicted of one (1) count of violating  
6 California Penal Code Section 14601.1. of the Vehicle Code,  
7 Driving with a Suspended License. This is a crime involving  
8 moral turpitude which is substantially related under Title 10,  
9 Chapter 6, Section 2910, California Code of Regulations, to the  
10 qualifications, functions or duties of a real estate licensee.

11 11.

12 The crimes of which Respondent were convicted, as  
13 alleged herein above in Paragraphs 3 through 8, constitute cause  
14 for denial of Respondent's application for a real estate license  
15 under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

16 12.

17 (Second Cause of Action)

18 (FAILURE TO REVEAL CONVICTION)

19 In response to Question 25 in her license application,  
20 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?  
21 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE  
22 DISCLOSED. HOWEVER YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH  
23 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE." Respondent  
24 answered "Yes", but still failed to reveal the convictions  
25 described above in paragraph 4, 5 and 7.

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13.

1 Respondent's failure to reveal the misdemeanor  
2 convictions set forth in paragraph 4 above in her license  
3 application constitutes the attempt to procure a real estate  
4 license by fraud, misrepresentation, or deceit, or by making a  
5 material misstatement of fact, or knowingly making a false  
6 statement of material fact required to be revealed in said  
7 application, which is grounds for denial of the issuance of a  
8 license under Business and Professions Code Sections 475(a)(1),  
9 480(c), and/or 10177(a).  
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14.

11 (Third Cause of Action)

12 (FAILURE TO REVEAL OTHER NAMES USED)

13 In response to Question 25 in her license application,  
14 to wit: "HAVE YOU USED ANY OTHER NAMES (MAIDEN NAME, AKA'S  
15 ETC..)." Respondent answered "No", and failed to reveal that she  
16 had previously used the names Cherokee Yavon Hill and Yavon  
17 Denise Seymour.  
18

19 15.

20 Respondent's failure to reveal that that she had  
21 previously used the names Cherokee Yavon Hill and Yavon Denise  
22 Seymour constitutes the attempt to procure a real estate license  
23 by fraud, misrepresentation, or deceit, or by making a material  
24 misstatement of fact, or knowingly making a false statement of  
25 material fact required to be revealed in said application, which  
26 is grounds for denial of the issuance of a license under  
27

1 Business and Professions Code Sections 475(a)(1), 480(c), and/or  
2 10177(a).

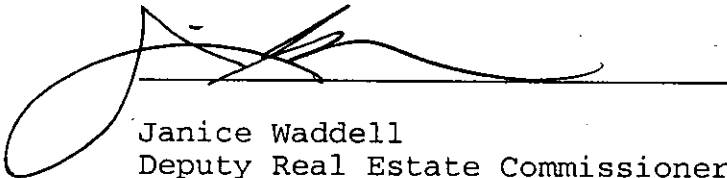
3 16.

4 The Statement of Issues is brought under the  
5 provisions of Section 10100, Division 4 of the Business and  
6 Profession Code of the State of California and Sections 11500  
7 through 11528 of the Government Code.

8 WHEREFORE, Complainant prays that the above entitled  
9 matter be set for hearing and, upon proof of the charges  
10 contained herein, that the Commissioner refuse to authorize the  
11 issuance of, and deny the issuance of, a real estate salesperson  
12 license to Respondent, CHEROKEE YAVON DENISE HILL, and for such  
13 other and further relief as may be proper under other provisions  
14 of law.

15 Dated at Los Angeles, California

16 this 2 day of May, 2005.

17  
18   
19 Janice Waddell  
20 Deputy Real Estate Commissioner

21  
22  
23 cc: CHEROKEE YAVON DENISE HILL  
24 Jacquelyn Yvonne Parish  
25 Janice Waddell  
26 Sacto.  
27 LWA