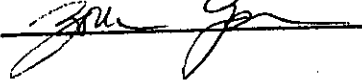


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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of)	No. H-33473 LA
)	
NORMA ELIZABETH MENDOZA,)	
)	
Respondent.)	
)	

ORDER GRANTING UNRESTRICTED LICENSE

On May 14, 2007, a Decision was rendered herein denying the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on June 16, 2007, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about June 15, 2011, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to
2 Respondent.

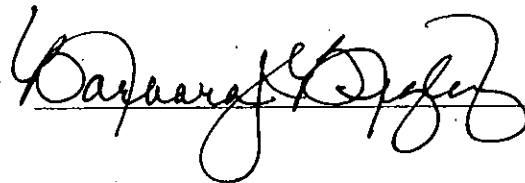
3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following conditions:

- 6 1. Submits a completed application and pays the fee for a real estate salesperson
7 license within the 12 month period following the date of this Order; and
8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed application,
11 or (ii) within the 12 month period following the date of this Order.
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13 This Order shall be effective immediately.

14 Dated: 12/22/11
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16 BARBARA J. BIGBY
17 Acting Real Estate Commissioner

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FILED

MAY 17 2007

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY: Jane B. Glone

* * * * *

In the Matter of the Application of)	No. H-33473 LA
)	
NORMA ELIZABETH MENDOZA,	L-2006120822
)	
)	
Respondent.)
)	

DECISION

The Proposed Decision dated April 10, 2007, 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 correction is made to the Proposed Decision:

Page 1, Factual Finding #3, Line 1: "September 2004" is changed to read "September 2003".

The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to respondent. 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 JUN - 6 2007.

IT IS SO ORDERED 5-14-07

JEFF DAVIS
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

NORMA ELIZABETH MENDOZA,

Respondent.

Case No.: H-33473 LA

OAH No.: L2006120822

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on March 12, 2007.

James Demus, Staff Counsel, represented the Complainant.

Respondent appeared in person and was represented by Robert F. Rubin, Attorney at Law.

Oral and documentary evidence and evidence by way of official notice was received and the matter then argued.

The Administrative Law Judge now finds, concludes and orders as follows:

FACTUAL FINDINGS

1. Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, brought the Statement of Issues in her official capacity.
2. Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on September 7, 2005, with the knowledge and understanding that any license issued as a result of said application would be subject to Business and Professions Code section 10153.4, subdivision (c).
3. While employed as a housekeeper in September, ²⁰⁰³~~2004~~, Respondent misused forty dollars belonging to her employer. As a result of that conduct Respondent was subjected to criminal proceedings. Thereafter, on July 29, 2004, in the Superior Court of California, County of Los Angeles, Criminal Justice Center, in Case No. 4CR06424, Respondent was

convicted of violating Penal Code section 484(A) (theft of property), a misdemeanor. The crime involves moral turpitude and bears a substantial relationship under section 2910, title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

4. As a result of the conviction Respondent was assessed fines totaling approximately \$900 and placed on eighteen months of summary (informal probation). Respondent did timely pay the fines and did apply for, and was granted early termination of probation. Thereafter, on July 21, 2005, the Court ordered the expungement of the misdemeanor and ordered the matter dismissed pursuant to Penal Code section 1203.4. Respondent has suffered no other convictions.

5. Respondent is still employed as a housekeeper and works with industry, diligence and trustworthiness. A number of Respondent's present and past employers did provide credible, documentary attestation as to Respondent's work ethic and honesty.

6. Respondent did study for, and take and pass the Real Estate examination for licensure. Respondent, therefore, has completion of training courses for economic self-improvement.

7. Respondent is an active member of the Pentecostal Church of God, International Movement. In addition to attending services on average three times per week, and making monetary donations, Respondent has volunteered, from time to time, to assist the church in fund raising activities for the needy. Respondent, therefore, has significant and conscientious involvement in church programs designed to provide social benefits or to ameliorate social problems.

8. Respondent, as a single parent, has successfully raised three children. As the result of individual effort and the efforts of Respondent's toil as a housekeeper, one of her daughters, a college graduate, is an employee of Imax and her other daughter is attending college. Respondent's teenage son resides with Respondent and attends college. Over the years – despite an onerous work schedule – Respondent has been an active member of her children's school PTA groups. Respondent, has stability of family life and does fulfill all parental and familial responsibilities.

9. Respondent, forty-nine years of age, was born in El Salvador and has been a housekeeper since 1977. In 1996, Respondent obtained her high school degree from Los Angeles High School at the age of thirty-eight. As reflected in Finding 5 (letters of her employers), Respondent has shown high character, honesty and dependability. Respondent was open and honest during the application process and disclosed the conviction in her application. Respondent was open and honest in her testimony. Throughout the course of her life, Respondent has been a socially and professionally responsible person. Respondent's conduct set forth in Finding 3 is an aberration in an otherwise socially and professionally responsible life.

LEGAL CONCLUSIONS

Applicable Law

1. Business and Professions Code section 480 provides in pertinent part:

(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 section 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.

- - -

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 professional for which application is made.

2. Business and Professions Code section 475 provides in pertinent part:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

- - -

(2) Conviction of a crime.

3. Business and Professions Code section 10177, subdivision (b) provides:

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. . . .

- (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.

Violations

4. Cause exists for denial of Respondent's application for a real estate license for violations of Business and Professions Code sections 475, subdivision (a)(2), 480, subdivision (a), and 10177, subdivision (b), by reason of Finding 3.

Licensing Considerations

5. California Code of Regulations, title 10, section 2911, sets forth criteria of rehabilitation that have been developed by the Department, pursuant to Business and Professions Code section 482, subdivision (a), to evaluate the rehabilitation of an applicant for issuance of a license in considering whether or not to deny the issuance on account of a crime or act committed by the applicant. Respondent's conviction is more than two years remote and Respondent, by hard work and perseverance, as is reflected in Findings 4 and 9, has substantially complied with the criteria. Accordingly, by reason of Respondent's record of rehabilitation to date, licensure of Respondent, on a restricted status, is consistent with the public interest.

ORDER

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to section 10153.5 of the Business and Professions Code. The restricted license issued to the Respondent shall be subjected to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of 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 two 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.

4. Respondent's restricted real estate salesperson license is issued subject to the requirements of section 10153.5 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the restricted license, submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of a course in real estate practices and one of the courses listed in section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

5. Pursuant to section 10154, if Respondent has not satisfied the requirements for an unqualified license under section 10153.5, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to section 10153.4 until four years after the date of the issuance of the preceding restricted license.

Dated: April 10, 2007


RICHARD J. LOPEZ

Administrative Law Judge

Office of Administrative Hearings

RJL:rfm

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JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

NOV 30 2006

DEPARTMENT OF REAL ESTATE
BY: *Jana B. [Signature]*

Telephone: (213) 576-6982
(Direct) (213) 576-6910

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	NO. H-33473 LA
))
NORMA ELIZABETH MENDOZA,) <u>STATEMENT OF ISSUES</u>
))
Respondent.)
))

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against NORMA ELIZABETH MENDOZA, ("Respondent"), is informed and alleges in her official capacity as follows:

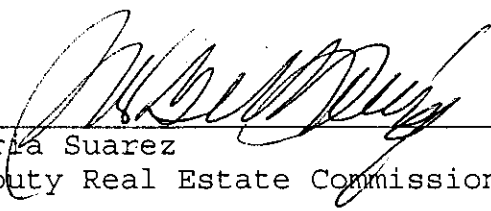
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On or about September 7, 2005, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Business and Professions Code Section 10153.4.

///

1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson license to Respondent, NORMA ELIZABETH
6 MENDOZA, and for such other and further relief as may be proper
7 in the premises.

8 Dated at Los Angeles, California
9 this 29th day of November, 2006.

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12 _____
13 Maria Suarez
14 Deputy Real Estate Commissioner
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26 cc: NORMA ELIZABETH MENDOZA
27 P&S Hollywood Development Corp.
Sacto.
Maria Suarez