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FILED
MAY 09 2000

DEPARTMENT OF REAL ESTATE

By Shelley Ely

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
DEBBY LYNN HOGAN,) No. H-6814 SF
Respondent..)

ORDER GRANTING UNRESTRICTED LICENSE

On May 3, 1993, an Order was rendered herein denying the Respondent's application for real estate license, 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 May 21, 1993, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On January 6, 1999, Respondent petitioned for the removal of restrictions attaching to her real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's

1 record as a restricted licensee. Respondent has demonstrated to
2 my satisfaction that she meets the requirements of law for the
3 issuance to her of an unrestricted real estate salesperson
4 license and that it would not be against the public interest to
5 issue said license to her.

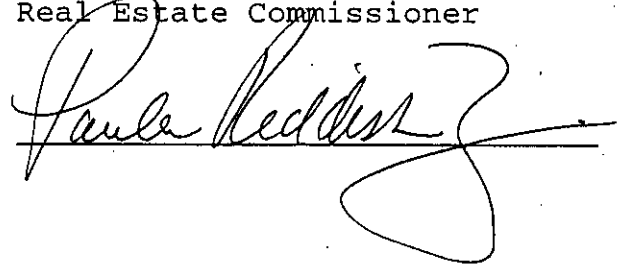
6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for removal of restrictions is granted and that a real
8 estate salesperson license be issued to Respondent if Respondent
9 satisfies the following condition within nine months from the
10 date of this Order:

- 11 1. Submittal of a completed application and payment of
12 the fee for a real estate salesperson license.

13 This Order shall become effective immediately.

14 DATED: April 10, 2000.

15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

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NOV 02 1995

DEPARTMENT OF REAL ESTATE

By Victoria Dillon
Victoria Dillon

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
DEBBY LYNN HOGAN,)	No. H-6814 SF
Respondent.)	

ORDER GRANTING UNRESTRICTED LICENSE

On May 3, 1993, an Order was rendered herein denying the Respondent's application for real estate license, 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 May 21, 1993, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On March 21, 1995, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

///
///

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's petition
9 for removal of restrictions is granted and that a real estate
10 salesperson license be issued to Respondent subject to the
11 following understanding and conditions:

12 1. The license issued pursuant to this order shall be
13 deemed to be the first renewal of Respondent's real estate
14 salesperson license for the purpose of applying the provisions of
15 Section 10153.4.

16 2. Within six (6) months from the date of this order,
17 Respondent shall:

18 (a) Submit a completed application and pay the
19 appropriate fee for a real estate salesperson
20 license; and

21 (b) Submit evidence of having taken and successfully
22 completed the courses specified in subdivisions (a)
23 and (b) of Section 10170.5 of the Real Estate Law
24 for renewal of a real estate license.

25 ///

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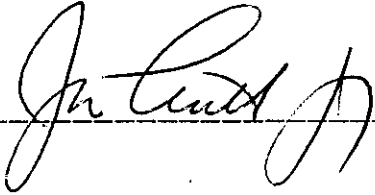
27 ///

1 3. Upon renewal of the license issued pursuant to this
2 order, Respondent shall submit evidence of having taken and
3 successfully completed the continuing education requirements of
4 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
5 real estate license.

6 This Order shall be effective immediately.

7 DATED: 10/31/95

8 JIM ANTT, JR.
9 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

By *Lynda Montiel*
Lynda Montiel

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

◆ ◆ ◆

In the Matter of the Application of)	
)	No. H- 6814 SF
DEBBY LYNN HOGAN aka)	
DEBBY LYNN NYBERG,)	STIPULATION AND WAIVER
)	
Respondent.)	
)	

I, DEBBY LYNN HOGAN, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on November 9, 1992, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations and restrictions will attach to a restricted
14 license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 exercise any privileges granted under this restricted license in the event of:
- 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
20 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

2 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted
3 license; and

4 b. That broker will carefully review all transaction documents prepared by the restricted licensee
5 and otherwise exercise close supervision over the licensee's performance of acts for which
6 a license is required.

7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present
12 satisfactory evidence of successful completion of said courses, the restricted license shall be
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence
15 of course completion and the Commissioner has given written notice to the respondent of lifting
16 of the suspension.

17 DATED this 4th day of April, 19 93

18
19 
20 Respondent

DEBBY LYNN HOGAN

21 APPROVED AS TO FORM:

22 DATED: 4-19-93

23 
24 ALAN M. PHILLIPS

25 Attorney for Respondent
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I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent DEBBY LYNN HOGAN if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

DATED this 3RD day of May, 19 93.

CLARK WALLACE
Real Estate Commissioner



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FILED
JAN 12 1993

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

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

In the Matter of the Application of

DEBBY LYNN HOGAN aka
DEBBY LYNN NYBERG,

Case No. H-6814 SF
OAH No. N 42271

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 _____

OFFICE OF ADMINISTRATIVE HEARINGS, 455 Golden Gate Avenue, Rm. 2248,
San Francisco, California 94102 (STATE BUILDING) (2 hr. hearing)

on Tuesday, February 2, 1993, at the hour of 3:00 pm,
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: January 12, 1993

By Deidre L. Johnson
DEIDRE L. JOHNSON Counsel

FILED
NOV 09 1992

1 DEIDRE L. JOHNSON, Counsel
2 Department of Real Estate
3 185 Berry Street, Room 3400
4 San Francisco, CA 94107-1770

5 Telephone: (415) 904-5917

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 DEBBY LYNN HOGAN aka) No. H-6814 SF
13 DEBBY LYNN NYBERG,) STATEMENT OF ISSUES
14 Respondent.)

15 The Complainant, Edward V. Chiolo, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Statement of
17 Issues against DEBBY LYNN HOGAN aka DEBBY LYNN NYBERG
18 (Respondent), alleges as follows:

19 I

20 Respondent, pursuant to the provisions of Section
21 10153.3 of the Business and Professions Code, made application to
22 the Department of Real Estate of the State of California for a
23 real estate salesperson license on or about January 15, 1992, with
24 the knowledge and understanding that any license issued as a
25 result of said application would be subject to the conditions of
26 Section 10153.4 of the Business and Professions Code.

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II

Complainant, Edward V. Chiclo, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity and not otherwise.

III

In response to Question 25 of said application, to wit: "Have you ever been convicted of any violation of law?", respondent answered "Yes," and disclosed the felony conviction alleged in Paragraph IV below, but failed to disclose the misdemeanor conviction alleged in Paragraph V below.

IV

On or about August 24, 1984, in the Superior Court of California, County of Santa Cruz, Respondent was convicted of a violation of Section 487.1 of the California Penal Code (GRAND THEFT), a felony and crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

V

On or about August 24, 1984, in the Municipal Court of California, County of Santa Cruz, Respondent was convicted of a violation of Section 476(a)(a) of the California Penal Code (CHECK WITH INSUFFICIENT FUNDS), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

/ / / / /

VI

1
2 The crimes of which Respondent was convicted, as alleged
3 in Paragraphs IV and V above, jointly and severally, constitutes
4 cause for denial of Respondent's application for a real estate
5 license under Sections 480(a) and 10177(b) of the California
6 Business and Professions Code.

7 VII

8 Respondent's failure to reveal the conviction set forth
9 in Paragraph V above in said application constitutes the attempt
10 to procure a real estate license by fraud, misrepresentation, or
11 deceit or by making a material misstatement of fact in said
12 application, which failure is cause for denial of Respondent's
13 application for a real estate license under Sections 480(c) and
14 10177(a) of the California Business and Professions Code.

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

21 *Edward V. Chio*

22 EDWARD V. CHIOLO
23 Deputy Real Estate Commissioner

24 Dated at San Francisco, California
25 this 4th day of NOVEMBER, 1992.
26
27