

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

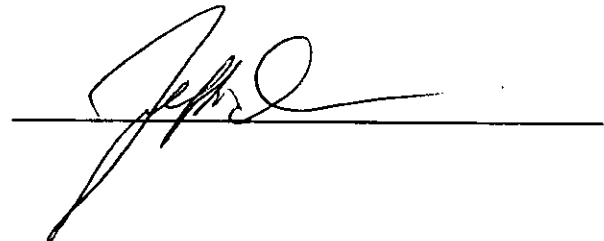
9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 salesperson license be issued to Respondent, if Respondent
12 satisfies the following conditions within nine (9) months
13 from the date of this Order:

14 Submittal of a completed application and payment of
15 the fee for a real estate salesperson license.

16 This Order shall be effective immediately.

17 Dated: December 9 2004

18
19 JEFF DAVI
20 Real Estate Commissioner

21 
22
23
24
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26 cc: Dana L. Dunn
27 44556 Kingston Drive
Temecula, CA 92592

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 (213) 576-6911

FILED
JUL 13 2000
DEPARTMENT OF REAL ESTATE

By K. Medvedoff

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * *

12	In the Matter of the Accusation of)	NO. H-28483 LA
13	DANA LYNN DUNN,)	STIPULATION AND AGREEMENT
14)	
15	Respondent.)	

16
17 It is hereby stipulated by and between DANA LYNN DUNN
18 (sometimes referred to as Respondent), and the Complainant, acting
19 by and through Elliott Mac Lennan, Counsel for the Department of
20 Real Estate, as follows for the purpose of settling and disposing
21 of the Accusation filed on April 12, 2000, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA), shall instead and in place thereof be

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1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement (Stipulation).

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. Respondent filed a Notice of Defense pursuant to
8 Section 11506 of the Government Code for the purpose of requesting
9 a hearing on the allegations in the Accusation. Respondent hereby
10 freely and voluntarily withdraws said Notice of Defense.
11 Respondent acknowledges that she understands that by withdrawing
12 said Notice of Defense she thereby waives her right to require the
13 Commissioner to prove the allegations in the Accusation at a
14 contested hearing held in accordance with the provisions of the
15 APA and that she will waive other rights afforded to her in
16 connection with the hearing such as the right to present evidence
17 in her defense and the right to cross-examine witnesses.

18 4. This Stipulation is based on the factual allegations
19 contained in the Accusation. In the interest of expedience and
20 economy, Respondent chooses not to contest these allegations, but
21 to remain silent and understands that, as a result thereof, these
22 factual allegations, without being admitted or denied, will serve
23 as a prima facie basis for the disciplinary action stipulated to
24 herein. The Real Estate Commissioner shall not be required to
25 provide further evidence to prove said factual allegations.

26 5. This Stipulation is based on Respondent's decision
27 not to contest the allegations set forth in the Accusation as a

1 result of the agreement negotiated between the parties. This
2 Stipulation is expressly limited to this proceeding and any
3 further proceeding initiated by or brought before the Department
4 of Real Estate based upon the factual allegations in the
5 Accusation and is made for the sole purpose of reaching an agreed
6 disposition of this proceeding. The decision of Respondent not to
7 contest the allegations contained in the "Order" herein below, is
8 made solely for the purpose of effectuating this Stipulation. It
9 is the intent and understanding of the parties that this
10 Stipulation shall not be binding or admissible against Respondent
11 in any actions against Respondent by third parties.

12 6. It is understood by the parties that the Real Estate
13 Commissioner may adopt the Stipulation as her Decision in this
14 matter thereby imposing the penalty and sanctions on Respondent's
15 real estate license and license rights as set forth in the "Order"
16 herein below. In the event that the Commissioner in her
17 discretion does not adopt the Stipulation, it shall be void and of
18 no effect, and Respondent shall retain the right to a hearing and
19 proceeding on the Accusation under the provisions of the APA and
20 shall not be bound by any admission or waiver made herein.

21 7. The Order or any subsequent Order of the Real Estate
22 Commissioner made pursuant to this Stipulation shall not
23 constitute an estoppel, merger or bar to any further
24 administrative or civil proceedings by the Department of Real
25 Estate with respect to any matters which were not specifically
26 alleged to be causes for accusation in this proceeding.

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1 1. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or
4 plea of nolo contendere to a crime which is substantially related
5 to a Respondent's fitness or capacity as a real estate licensee.

6 2. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has, with the exception of the conduct set forth in the
10 Determinations of Issues, violated provisions of the California
11 Real Estate Law, the Subdivided Lands Law, Regulations of the Real
12 Estate Commissioner or conditions attaching to the restricted
13 license.

14 3. Respondent shall not be eligible to apply for the
15 issuance of an unrestricted real estate license nor for
16 the removal of any of the conditions, limitations or
17 restrictions of a restricted license until two years have elapsed
18 from the effective date of this Decision.

19 4. Respondent's original real estate salesperson license
20 was issued subject to the provisions of Section 10153.4 of the
21 Business and Professions Code, and the restricted real estate
22 salesperson license issued to Respondent shall be similarly
23 limited, to wit: Respondent shall, within eighteen (18) months of
24 the issuance of Respondent's original real estate salesperson
25 license under the provisions of Section 10153.4 of the Business
26
27



1 and Professions Code, submit evidence satisfactory to the
2 Commissioner of successful completion, at an accredited
3 institution, of two of the courses listed in Section 10153.2,
4 other than real estate principles, advanced legal aspects of real
5 estate, advanced real estate finance or advanced real estate
6 appraisal. If Respondent fails to present satisfactory evidence
7 of successful completion of said courses, the restricted license
8 shall be automatically suspended effective eighteen (18) months
9 after issuance of Respondent's original real estate salesperson
10 license. Said suspension shall not be lifted until Respondent has
11 submitted the required evidence of course completion and the
12 Commissioner has given written notice to the Respondent of lifting
13 of the suspension.

14 5. With the application for license, or with the
15 application for transfer to a new employing broker, respondent
16 shall submit a statement signed by the prospective employing broker
17 on a form approved by the Department of Real Estate wherein the
18 employing broker shall certify as follows:

19 (a) That the broker has read the Decision
20 and Order of the Commissioner which granted the
21 right to a restricted license; and

22 (b) That the broker will exercise close
23 supervision over the performance by the restricted
24 licensee of activities for which a real estate
25 license is required.

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EXECUTION OF THE STIPULATION

* * * *

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 6-13-00

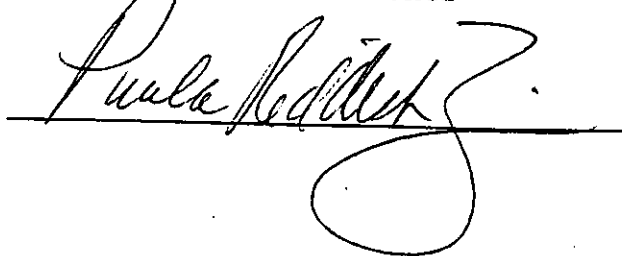

DANA LYNN DUNN,
Respondent

* * * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o' clock noon on August 2, 2000.

IT IS SO ORDERED July 6, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



page 2/3

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 10 2000
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

DANA LYNN DUNN,

}
By K. H. Hedrick
Case No. H 28483 LA
OAH No. L-2000050066

Respondent

NOTICE OF HEARING ON ACCUSATION

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, 320 West Fourth St., Ste. 630, Los Angeles on June 13, 2000, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings 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.

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 his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: May 9, 2000

By [Signature]

Counsel

cc: Dana Lynn Dunn
Strategic HR Services
Sector OAH SR

RE 501 (Rev. 8/97)

kw

Spec 2/28

FILED
APR 12 2000
DEPARTMENT OF REAL ESTATE
By *K. Mederhals*

1 Elliott Mac Lennan, Counsel 66674
2 Department of Real Estate
3 320 W. 4th Street, CA 90113-1105
4 Los Angeles, CA 90013-1105
5 Telephone: (213) 576-6911

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-28483 LA
12 DANA LYNN DUNN,)
13)
14 Respondent.) A C C U S A T I O N
15 _____)

16 The Complainant, Thomas McCrady, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 accusation against DANA LYNN DUNN aka Dana Lynn Clanin and
19 Dana Lynn Esparza, is informed and alleges in his official
20 capacity as follows:

21 1

22 Respondent is presently licensed and/or has
23 licensed rights as a real estate salesperson subject to
24 Section 10153.4(c) under the Real Estate Law (Part 1 of
25 Division 4 of the California Business and Professions Code)
26 (Code).

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1 Respondent was originally licensed by the
2 Department of Real Estate of the State California as a real
3 estate salesperson on December 10, 1999, following
4 respondent's application therefor filed on May 24, 1999, and
5 has continuously thereafter been so licensed.

6 3

7 In response to Question 25 of said license
8 application, to wit: "Have you ever been convicted of any
9 violation of law? (You may omit convictions for drunk
10 driving, reckless driving, and minor traffic citation which
11 do not constitute a misdemeanor or felony offense)."
12 Respondent checked the box denoting "No."

13 4

14 On May 3, 1993, in the San Diego Municipal Court,
15 County of San Diego, State of California, respondent was
16 convicted upon a guilty plea to one count of violating
17 Section 10980(c)(2) of the California Welfare & Institutions
18 Code (obtain aid by misrepresentation - over \$400), a
19 misdemeanor crime that occurred on February 11, 1993, which
20 by its facts and circumstances involves moral turpitude and
21 is substantially related under Section 2910, Chapter 6,
22 Title 10 of the California Code of Regulations, to the
23 qualifications, functions or duties of a real estate
24 licesnee.

25 5

26 Respondent's failure to reveal the conviction set
27 forth in Paragraph 4, above, in her application, constitutes

2



1 the procurement of a real estate license by fraud,
2 misrepresentation or deceit or by making a material
3 misstatement of fact. This is cause for suspension or
4 revocation of respondent's real estate salesperson's license
5 under Section 498 and 10177(a) of the Code.

6 6

7 The facts as alleged in Paragraph 4, above,
8 constitute cause for the suspension or revocation of the
9 license and license rights of respondent under Sections 490
10 and 10177(b) of the Code.

11 WHEREFORE, Complainant prays that a hearing be
12 conducted on the allegations of this Accusation and that
13 upon proof thereof, a decision be rendered imposing
14 disciplinary action against the license and license rights
15 of respondent DANA LYNN DUNN under the Real Estate Law (Part
16 1 of Division 4 of the Business and Professions Code) and
17 for such other and further relief as may be proper under
18 other applicable provision of law.

19 Dated at Los Angeles, California
20 This 12th day of April, 2000.

21
22 THOMAS MC CRADY
23 Deputy Real Estate Commissioner

24
25 cc: Dana Lynn Dunn
26 Sacto
27 SR
Temps Plus