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**FILED**

JUN - 7 2010

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

PATRICIA ANNE CALLAGHAN,

Respondent.

No. H-35843 LA

OAH No. L-2009060553

DECISION AFTER REJECTION

The matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on December 7, 2009.

Julie L. To, Counsel for the Department of Real Estate, represented the Complainant.

Respondent PATRICIA ANNE CALLAGHAN was present and was represented by Joseph Hawkins Low, IV, Attorney at Law.

Evidence was received, the hearing was closed, and the matter was submitted.

The Administrative Law Judge rendered a Proposed Decision, incorrectly dated January 6, 2009 (should be dated January 6, 2010) which I declined to adopt as my Decision herein. Pursuant to Section 11517(c) of the Government Code of the State of California, Respondent was served with notice of my determination not to adopt the Proposed Decision of

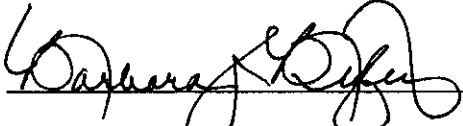
1 the Administrative Law Judge along with a copy of said Proposed Decision. Respondent was  
2 notified that the case would be decided by me upon the record, the transcript of proceedings  
3 held on December 7, 2009, and upon any written argument offered by Respondent and  
4 Complainant.

5 I have given careful consideration to the record in this case including the  
6 transcript of the proceedings of December 7, 2009, and written arguments submitted by  
7 Respondent and Complainant. I have determined that the Proposed Decision of the  
8 Administrative Law Judge of January 6, 2010, but erroneously dated January 6, 2009, is  
9 appropriate in all respects and it is hereby adopted as the Decision of the Real Estate  
10 Commissioner in this proceeding.

11 This Decision shall become effective at 12 o'clock noon on JUN 28 2010

12 IT IS SO ORDERED 6/1, 2010.

13 JEFF DAVI  
14 Real Estate Commissioner

15 

16 BY: Barbara J. Bigby  
17 Chief Deputy Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

PATRICIA ANNE CALLAGHAN,

Respondent.

Case No.: H-35843 LA

OAH No.: 2009060553

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 December 7, 2009.

Julie L. To, Real Estate Staff Counsel, represented the Complainant.

Respondent appeared and was represented by Joseph Hawkins Low, IV, Attorney at Law.

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

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

FACTUAL FINDINGS

*Parties*

1. The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, brought the Accusation in her official capacity.
2. Respondent is presently licensed and has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code, as a real estate salesperson.

### *Criminal Conviction*

3. On May June 18, 2004, Respondent was involved in an auto accident. As part of her contract with Geico Insurance she was entitled to the use of a rental car. Thereafter, on November 29, 2004 she submitted a forged "receipt" to her insurance carrier, Geico, claiming a payment for a rental car that she was not entitled to in that she had not rented a car. When that fraudulent conduct was uncovered Respondent was subjected to criminal proceedings. Thereafter, on June 29, 2007, in the Superior court of California, County of Orange, in Case No. 06CF2428, Respondent was convicted of violating California Penal Code sections 550, subdivision (b)(3) (insurance fraud) and 470, subdivision (d) (forgery), both misdemeanors.

### *Rehabilitation*

4. As a result of the conviction Respondent, on June 29, 2009, was sentenced to 60 days in jail, three years of formal probation, and ordered to pay fines. She served the 60 days under home arrest, timely paid all fines and is presently in compliance with all conditions of probation. She has suffered no subsequent convictions and is presently in compliance with society's norms and rules.

5. Respondent's mother is deceased and she has remained close to her father. Subsequent to the conviction she provided care and support to her father, who suffered from a terminal disease, prior to his death. Respondent, therefore, has fulfilled familial responsibilities subsequent to the offense.

6. At present Respondent does volunteer work for a golf group that sponsors an annual charity tournament for the benefit of the Boys and Girls Club. She also does volunteer work for the Capistrano Valley Symphony and has recently participated in fund raisers for charitable organizations. She therefore has, subsequent to the offense, demonstrated significant or conscientious involvement in community, and privately sponsored programs designed to provide social benefits or to ameliorate social problems.

7. A number of persons familiar with Respondent submitted character letters on her behalf. The persons included colleagues, clients, a loan officer and other real estate professionals. Most were aware of her conviction. All, credibly, attested to her past and present character traits of honesty, trustworthiness, and diligence.

8. Personal friends with knowledge of Respondent's conviction gave testimony on behalf of Respondent. One, a real estate broker who has known her for decades, credibly attested to her real estate competence and knowledge over the years and to her present reputation as an honest and trustworthy agent. Another friend credibly testified to her character traits of loyalty and caring.

9. Respondent's employing broker, Bob Chapman, President and Broker/Owner of Coast Sotheby's International Realty, who agreed to monitor Respondent's activities while she was on house arrest for the conviction, testified on Respondent's behalf. He credibly testified to Respondent's work ethic and her trustworthiness and to his willingness to provide supervision of Respondent under a restricted license.

10. Respondent received a Catholic education as a child in Nova Scotia, Canada and thereafter, in the United States received a bachelor's degree in psychology and business. She has been an active real estate licensee since 1972 in Michigan and in California from 1982 to the present. At present she attends Catholic mass at least three times a month. She has suffered no license discipline, and in fact, has been a trustworthy salesperson for decades. Despite her Catholic upbringing her moral compass went adrift in 2004 resulting in the conviction. Her moral compass is now in the right position.

## LEGAL CONCLUSIONS

### *Applicable Statutes and Regulations*

1. Business and Professions Code section 490 provides in pertinent part:

(a) . . . a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions or duties of the business or profession for which the license was issued.

(c) . . . a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. . . .

- - -

2. 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 substantially related to the qualifications, functions or duties of a real estate licensee, 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.

3. Penal Code section 550, subdivision (b) (3) provides:

- - -

- (b) It is unlawful to do, or to knowingly assist or conspire with any person to do, any of the following:
    - (3) Conceal, or knowingly fail to disclose the occurrence of, an event that affects any person's initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled.
- - -

Penal Code section 470, subdivision (d) provides in part:

- - -

- (d) Every person who, with the intent to defraud, falsely makes, alters, forges, or counterfeits, utters, publishes, passes or attempts or offers to pass, as true and genuine, any of the following items, knowing the same to be false, altered, forged, or counterfeited, is guilty of forgery: . . . (described items) . . .
- - -

4. California Code of Regulations, title 10, section 2910, provides in part:

(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 of an instrument or the uttering of a false statement.
- (4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.
- (8) Doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator.

5. The necessary elements of a crime under Penal Code sections 470, subdivision (d) and 550, subdivision (b) include the fraudulent taking of funds belonging to another; the uttering of a false statement; the employment of misrepresentation to achieve an end; the doing of an unlawful act with the intent of conferring a financial benefit upon Respondent. Accordingly, the crime set forth in Finding 3 bears a substantial relationship under California Code of Regulations, title 10, section 2910, subdivisions (a)(1), (a)(2), (a)(4) and (a)(8), to the qualifications, functions or duties of a real estate licensee.

6. Respondent's conviction for substantially related crimes constitutes grounds to discipline her real estate salesperson license pursuant to Business and Professions Code sections 490 and 10177, subdivision (b).

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*Penalty Considerations*

7. California Code of Regulations, title 10, section 2912, 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 a licensee who is subject to disciplinary action on account of a crime or act committed by the Respondent. Additionally, the public interest must be considered in that the objective of an administrative proceeding relating to licensing is to protect the public. *Fahmy v. MBC* (1995) 38 Cal.App. 4<sup>th</sup> 8107, 817; *Ex Parte Brounsall* (1778) 2 Cowp. 829, 98 Eng.Rep. 1385.

8. Respondent is still on probation and the crime has not been expunged. However, Respondent's conviction is more than two years remote and, thus, Respondent has met the initial factor set forth in the criteria. Additionally, by reason of Finding 4 through 10 Respondent has complied with much of the remaining applicable criteria. Respondent has suffered no other substantially related conviction and has not repeated the conduct set forth in Finding 3. At present Respondent is a person of good character. Accordingly, by reason of Respondent's record of rehabilitation to date, licensure of Respondent, on a restricted status for a two year period, is consistent with the public interest.

ORDER

All licenses and licensing rights of Respondent Patricia Anne Callaghan under the Real Estate Law are revoked, provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days of the effective date of this Decision. The restricted license issued to Respondent shall be subject 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 that Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of Real Estate Commissioner or conditions attaching to the restricted license.



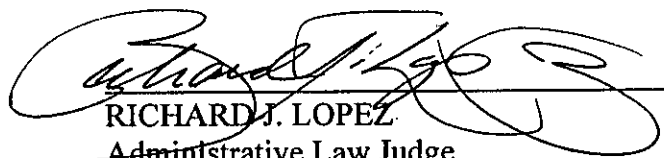
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating activities for which a real estate license is granted.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

Dated: January 6, 2009

  
RICHARD J. LOPEZ  
Administrative Law Judge  
Office of Administrative Hearings

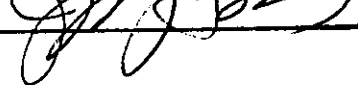
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**FILED**

JAN 29 2010

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	
	)	
PATRICIA ANNE CALLAGHAN,	)	No. H-35843 LA
	)	
Respondent.	)	L-2009060553

NOTICE

TO: PATRICIA ANNE CALLAGHAN, Respondent, and JOSEPH HAWKINS LOW, IV, her Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated January 6, 2010, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated January 6, 2010, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on December 7, 2009, any written argument hereafter submitted on behalf of Respondent and Complainant.

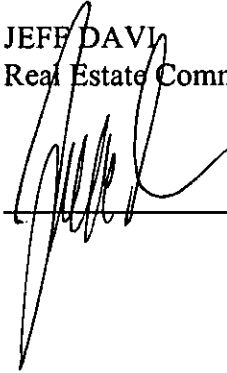
Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of December 7, 2009, at the

1 Los Angeles office of the Department of Real Estate unless an extension of the time is granted  
2 for good cause shown.

3 Written argument of Complainant to be considered by me must be submitted  
4 within 15 days after receipt of the argument of Respondent at the Los Angeles office of the  
5 Department of Real Estate unless an extension of the time is granted for good cause shown.

6 DATED: 1-27-2010

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8 JEFF DAVIS  
Real Estate Commissioner

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

PATRICIA ANNE CALLAGHAN,

Respondent.

Case No.: H-35843 LA

OAH No.: 2009060553

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 December 7, 2009.

Julie L. To, Real Estate Staff Counsel, represented the Complainant.

Respondent appeared and was represented by Joseph Hawkins Low, IV, Attorney at Law.

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

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

FACTUAL FINDINGS

*Parties*

1. The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, brought the Accusation in her official capacity.
2. Respondent is presently licensed and has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code, as a real estate salesperson.

### *Criminal Conviction*

3. On May June 18, 2004, Respondent was involved in an auto accident. As part of her contract with Geico Insurance she was entitled to the use of a rental car. Thereafter, on November 29, 2004 she submitted a forged "receipt" to her insurance carrier, Geico, claiming a payment for a rental car that she was not entitled to in that she had not rented a car. When that fraudulent conduct was uncovered Respondent was subjected to criminal proceedings. Thereafter, on June 29, 2007, in the Superior court of California, County of Orange, in Case No. 06CF2428, Respondent was convicted of violating California Penal Code sections 550, subdivision (b)(3) (insurance fraud) and 470, subdivision (d) (forgery), both misdemeanors.

### *Rehabilitation*

4. As a result of the conviction Respondent, on June 29, 2009, was sentenced to 60 days in jail, three years of formal probation, and ordered to pay fines. She served the 60 days under home arrest, timely paid all fines and is presently in compliance with all conditions of probation. She has suffered no subsequent convictions and is presently in compliance with society's norms and rules.

5. Respondent's mother is deceased and she has remained close to her father. Subsequent to the conviction she provided care and support to her father, who suffered from a terminal disease, prior to his death. Respondent, therefore, has fulfilled familial responsibilities subsequent to the offense.

6. At present Respondent does volunteer work for a golf group that sponsors an annual charity tournament for the benefit of the Boys and Girls Club. She also does volunteer work for the Capistrano Valley Symphony and has recently participated in fund raisers for charitable organizations. She therefore has, subsequent to the offense, demonstrated significant or conscientious involvement in community, and privately sponsored programs designed to provide social benefits or to ameliorate social problems.

7. A number of persons familiar with Respondent submitted character letters on her behalf. The persons included colleagues, clients, a loan officer and other real estate professionals. Most were aware of her conviction. All, credibly, attested to her past and present character traits of honesty, trustworthiness, and diligence.

8. Personal friends with knowledge of Respondent's conviction gave testimony on behalf of Respondent. One, a real estate broker who has known her for decades, credibly attested to her real estate competence and knowledge over the years and to her present reputation as an honest and trustworthy agent. Another friend credibly testified to her character traits of loyalty and caring.

9. Respondent's employing broker, Bob Chapman, President and Broker/Owner of Coast Sotheby's International Realty, who agreed to monitor Respondent's activities while she was on house arrest for the conviction, testified on Respondent's behalf. He credibly testified to Respondent's work ethic and her trustworthiness and to his willingness to provide supervision of Respondent under a restricted license.

10. Respondent received a Catholic education as a child in Nova Scotia, Canada and thereafter, in the United States received a bachelor's degree in psychology and business. She has been an active real estate licensee since 1972 in Michigan and in California from 1982 to the present. At present she attends Catholic mass at least three times a month. She has suffered no license discipline, and in fact, has been a trustworthy salesperson for decades. Despite her Catholic upbringing her moral compass went adrift in 2004 resulting in the conviction. Her moral compass is now in the right position.

## LEGAL CONCLUSIONS

### *Applicable Statutes and Regulations*

1. Business and Professions Code section 490 provides in pertinent part:

(a) . . . a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions or duties of the business or profession for which the license was issued.

(c) . . . a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. . . .

2. 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 substantially related to the qualifications, functions or duties of a real estate licensee, 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.

3. Penal Code section 550, subdivision (b) (3) provides:

- - -
- (b) It is unlawful to do, or to knowingly assist or conspire with any person to do, any of the following:
    - (3) Conceal, or knowingly fail to disclose the occurrence of, an event that affects any person's initial or continued right or entitlement to any insurance benefit or payment, or the amount of any benefit or payment to which the person is entitled.

- - -

Penal Code section 470, subdivision (d) provides in part:

- - -
- (d) Every person who, with the intent to defraud, falsely makes, alters, forges, or counterfeits, utters, publishes, passes or attempts or offers to pass, as true and genuine, any of the following items, knowing the same to be false, altered, forged, or counterfeited, is guilty of forgery: . . . (described items) . . .

- - -

4. California Code of Regulations, title 10, section 2910, provides in part:

(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 of an instrument or the uttering of a false statement.

- - -

- (4) The employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end.

- - -

- (8) Doing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator.

5. The necessary elements of a crime under Penal Code sections 470, subdivision (d) and 550, subdivision (b) include the fraudulent taking of funds belonging to another; the uttering of a false statement; the employment of misrepresentation to achieve an end; the doing of an unlawful act with the intent of conferring a financial benefit upon Respondent. Accordingly, the crime set forth in Finding 3 bears a substantial relationship under California Code of Regulations, title 10, section 2910, subdivisions (a)(1), (a)(2), (a)(4) and (a)(8), to the qualifications, functions or duties of a real estate licensee.

6. Respondent's conviction for substantially related crimes constitutes grounds to discipline her real estate salesperson license pursuant to Business and Professions Code sections 490 and 10177, subdivision (b).

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*Penalty Considerations*

7. California Code of Regulations, title 10, section 2912, 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 a licensee who is subject to disciplinary action on account of a crime or act committed by the Respondent. Additionally, the public interest must be considered in that the objective of an administrative proceeding relating to licensing is to protect the public. *Fahmy v. MBC* (1995) 38 Cal.App. 4<sup>th</sup> 8107, 817; *Ex Parte Brounsall* (1778) 2 Cowp. 829, 98 Eng.Rep. 1385.

8. Respondent is still on probation and the crime has not been expunged. However, Respondent's conviction is more than two years remote and, thus, Respondent has met the initial factor set forth in the criteria. Additionally, by reason of Finding 4 through 10 Respondent has complied with much of the remaining applicable criteria. Respondent has suffered no other substantially related conviction and has not repeated the conduct set forth in Finding 3. At present Respondent is a person of good character. Accordingly, by reason of Respondent's record of rehabilitation to date, licensure of Respondent, on a restricted status for a two year period, is consistent with the public interest.

ORDER

All licenses and licensing rights of Respondent Patricia Anne Callaghan under the Real Estate Law are revoked, provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days of the effective date of this Decision. The restricted license issued to Respondent shall be subject 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 that Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of Real Estate Commissioner or conditions attaching to the restricted license.

*not adopted*

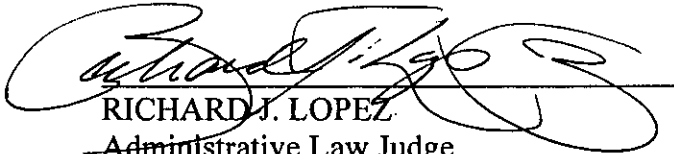
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating activities for which a real estate license is granted.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

Dated: January 6, 2009

  
RICHARD J. LOPEZ  
Administrative Law Judge  
Office of Administrative Hearings

RJL:rfm



1 California Business and Professions Code ("Code"), as a real  
2 estate salesperson.

3 3.

4 On or about June 29, 2007, in the Superior Court of  
5 California, County of Orange, in Case No. 06CF2428, Respondent  
6 was convicted of violating California Penal Code Sections  
7 550(b)(3) (insurance fraud) and 470(d) (forgery), both  
8 misdemeanors. Respondent was sentenced to 60 days in jail, three  
9 years of probation, and ordered to pay fines.

10 4.

11 This conviction, by its facts and circumstances, is a  
12 crime of moral turpitude and bears a substantial relationship  
13 under Section 2910, Title 10, Chapter 6, California Code of  
14 Regulations to the qualifications, functions or duties of a real  
15 estate licensee.

16 5.

17 The crime of which Respondent was convicted  
18 constitutes cause under Sections 490 and 10177(b) of the Code  
19 for the suspension or revocation of the license and license  
20 rights of Respondent under the Real Estate Law.

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1           WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent, PATRICIA ANNE CALLAGHAN, under the Real Estate Law  
6 (Part 1 of Division 4 of the Business and Professions Code) and  
7 for such other and further relief as may be proper under other  
8 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 2nd day of April, 2009.

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14 Maria Suarez  
15 Deputy Real Estate Commissioner  
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26 cc: PATRICIA ANNE CALLAGHAN  
27 Coast Properties International, Inc.  
Maria Suarez  
Sacto.