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APR 13 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-837 SA
KATHLEEN MAUREEN MCGRAW) L-47286
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 26, 1989, a Decision was rendered herein revoking the real estate salesperson license of Respondent, KATHLEEN MAUREEN MCGRAW (hereinafter "Respondent"), effective October 26, 1989.

On September 4, 1992, Respondent again petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently exist to deny the issuance of an unrestricted real estate salesperson license to Respondent.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement is granted and that an
3 unrestricted real estate salesperson license be issued to
4 Respondent, KATHLEEN MAUREEN MCGRAW after Respondent
5 satisfies the following conditions within one (1) year from
6 the date of this Order:

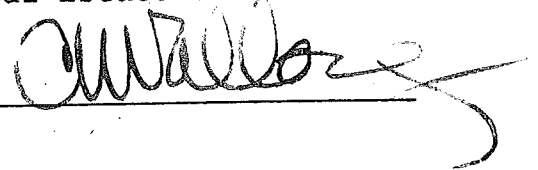
7 1. Submittal of a completed application and
8 payment of the fee for a real estate salesperson license.

9 2. Submittal of evidence satisfactory to the Real
10 Estate Commissioner that Respondent has, since her original
11 real estate salesperson license was issued taken and
12 successfully completed the continuing education requirements
13 of subdivisions (a) and (b) of Section 10170.5 of the
14 California Business and Professions Code.

15 This Order shall become effective immediately.

16 DATED: 4/2/93.

17 CLARK WALLACE
18 Real Estate Commissioner

19 
20

21 KATHLEEN MAUREEN MCGRAW
22 c/o Gregory Patton
23 825 N. Park Center Drive, Suite 150
24 Santa Ana, California 92705

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27 REB:SR
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DEC 16 1991

DEPARTMENT OF REAL ESTATE
BY *Sylvia Williams*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-837 SA
	)	
KATHLEEN MAUREEN McGRAW	)	L-47286
	)	
Respondent.	)	
	)	

ORDER DENYING REINSTATEMENT OF LICENSE

On September 26, 1989, a Decision was rendered herein, effective October 26, 1989, revoking the real estate salesperson license of KATHLEEN MAUREEN McGRAW (hereinafter Respondent). Respondent was granted the right to apply for and receive a restricted real estate salesperson license but Respondent failed to exercise this right in a timely manner.

On November 7, 1990, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed

1 to demonstrate sufficient rehabilitation to warrant the
2 reinstatement of her real estate license at this time.

3 This determination has been made upon the basis of
4 the following factors and considerations:

5 1. The Decision revoking Respondent's license as a
6 real estate salesperson made a Finding of Fact that Respondent
7 was, on September 7, 1988, convicted of the crime of violating
8 three counts of Penal Code Section 476(a) (writing checks with
9 insufficient funds). As a result of this Finding, Respondent's
10 license was revoked pursuant to Sections 490 and 10177(b) of the
11 California Business and Professions Code (hereinafter Code).

12 2. Respondent has failed to present evidence that the
13 conviction which led to the revocation of her license has been
14 expunged. This is evidence of a lack of rehabilitation and is
15 cause to deny her petition for reinstatement of license under
16 Section 2911(c) of Chapter 6, Title 10, California Code of
17 Regulations.

18 3. On or about October 31, 1989, Respondent negotiated
19 an offer from buyers Jerry and Louise Waldron to purchase property
20 located at 5812 Dean Way, Riverside, California, on behalf of
21 the sellers, Elias and Maria Carbajal, for or in expectation of
22 compensation.

23 On or about November 10, 1989, Respondent obtained an
24 Exclusive Right to Sell Agreement for property located at 42925
25 Dogwood, Big Bear, California, on behalf of Seller, Carolyn
26 Trujillo, for or in expectation of compensation.

27 On or about January 13, 1990, Respondent negotiated an

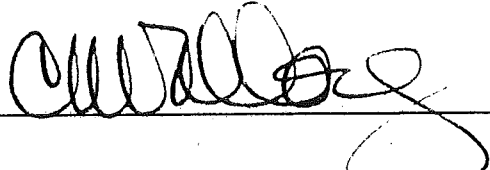
1 offer from buyers Joseph and Kathleen Stewart to purchase
2 property located at 4335 Avon Street, Glen Avon, California, on
3 behalf of sellers, James and Denise Seeley, for or in expectation
4 of compensation. As a result of this conduct an Order to Desist
5 and Refrain in Case Number H-992 SA was filed against Respondent
6 on June 22, 1990. Said conduct of Respondent is that of a real
7 estate licensee as described in Section 10131(a) of the Code.
8 The conduct of Respondent in performing said tasks after her
9 license had been revoked is in violation of Section 10130 of the
10 Code. This violation is further evidence of Respondent's lack
11 of rehabilitation and is cause to deny her petition for reinstatement
12 under Section 10177(d) of the Code.

13 NOW, THEREFORE, Respondent's petition for reinstatement
14 of her real estate salesperson license is hereby denied.

15 This Order shall become effective at 12 o'clock noon
16 on September 5, 1991.

17 DATED: August 6, 1991.
18

19 CLARK WALLACE
20 Real Estate Commissioner

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26 cc: Kathleen Maureen McGraw
27 1828 Butternut
Corona, CA 91720

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

OCT-6 1989

* * * *

In the Matter of the Accusation of)
)
KATHLEEN MAUREEN McGRAW,)
)
)
)
)
)
Respondent.)

BY Laura B. Ormon
NO. H- 837- SAC REAL ESTATE

L- 47286

DECISION

The Proposed Decision dated August 21, 1989
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.

The Decision suspends or revokes one or more real
estate licenses on grounds of (the conviction of a crime/~~knowingly~~
~~making a false statement of fact required to be revealed in an~~
~~application for license~~).

The right to reinstatement of a revoked real estate
license or to the reduction of a suspension is controlled by
Section 11522 of the Government Code. A copy of Section 11522
and a copy of the Commissioner's Criteria of Rehabilitation
are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock
noon on October 26, 1989.

IT IS SO ORDERED September 26, 1989.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

John R. Liberator
BY: John R. Liberator
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of	)	
	)	NO. H-837 SA
KATHLEEN MAUREEN McGRAW,	)	
	)	L-47286
Respondent.	)	

PROPOSED DECISION

This matter was heard by Rosalyn M. Chapman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on August 3, 1989. Complainant was represented by James Peel, Staff Counsel. Respondent was present throughout the hearing and represented herself.

The record was held open for ten days for complainant to submit proof regarding the nature of respondent's license. Said document was received on August 9, 1989, and is hereby admitted into evidence as Exhibit 4.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Accusation was made by Thomas McCrady solely in his official capacity as Deputy Real Estate Commissioner of the State of California.

2. On November 5, 1987, the Department of Real Estate (hereafter Department), State of California, pursuant to Business and Professions Code (BPC) Section 10153.3, issued conditional real estate salesperson's license no. 974042 to Kathleen Maureen McGraw, aka Kathleen Negrete (hereafter respondent). Effective July 18, 1989, respondent submitted proof to the Department that she had complied with all conditional licensing requirements and the conditional nature of respondent's license was deleted. Said unconditional license is now in full force and effect.

3. A. On September 7, 1988, in the Municipal Court of the West Judicial District, Orange County, California, respondent pleaded guilty to, and was convicted of, three counts of violating Penal Code Section 476a (writing checks with insufficient funds), a crime involving moral turpitude per se.

B. Respondent was ordered to make restitution and to pay a fine.

C. Said crime is substantially related to the duties, qualifications and functions of a real estate salesperson.

4. The facts and circumstances surrounding respondent's conviction are, as follows: In October and November 1987 respondent wrote three checks, each of which was less than \$200, which were not honored by the bank upon which they were drawn.

5. Respondent has suffered no other convictions. She has made restitution and paid a fine. Respondent is 29 years old, married, and the mother of six children, ranging in age from eleven years to four months. Respondent holds an Associate of Arts degree from Cerritos College. Respondent and her children cannot survive solely on respondent's spouse's salary; and need the income from respondent's activities as a real estate salesperson for their daily living expenses. Respondent has been a successful real estate salesperson, and hopes to continue in that profession.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

CONCLUSIONS OF LAW

1. Grounds exist to revoke or suspend respondent's license to act as a real estate salesperson pursuant to Business and Professions Code (BPC) Sections 10177(b) and 490, as set forth in Findings 3 and 4 above.

2. In mitigation, the facts set forth in Finding 3B and 5 have been considered, and it is determined that the public interest would not be adversely affected by granting respondent a restricted license to act as a real estate salesperson.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

A. All licenses and licensing rights of respondent Kathleen Maureen McGraw to act as a real estate salesperson are hereby revoked; provided, however, that respondent shall be entitled to apply for, and shall be issued, a restricted real estate salesperson's license pursuant to Business and Professions Code (BPC) Section 10156.5, if she makes application therefor within sixty (60) days of the effective date of this Decision.

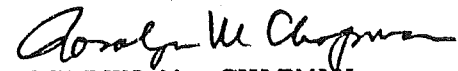
B. The restricted license to be issued to respondent shall be subject to the provisions of BPC Section 10156.7 and the following limitations, conditions and restrictions imposed pursuant to BPC Section 10156.6:

1. Said restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction of, or plea of nolo contendere to, a crime which bears a substantial relationship to respondent's fitness or capacity to act as a real estate salesperson.

2. Said restricted license 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 the Real Estate Commissioner or conditions attaching to said restricted license.

3. Respondent shall not be eligible for the issuance of a non-restricted real estate license, nor the removal of any of the conditions, limitations or restrictions on the restricted license, until three (3) years have elapsed from the date of issuance of the restricted license to her.

DATED: August 21, 1989


ROSALYN M. CHAPMAN
Administrative Law Judge
Office of Administrative Hearings

RMC:mh

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day*

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 620-4790

APR-6 1989

DEPARTMENT OF REAL ESTATE
BY *Laura B. Chua*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-837 SA
KATHLEEN MAUREEN McGRAW,)	<u>A C C U S A T I O N</u>
)	
)	
)	
)	
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against KATHLEEN MAUREEN McGRAW, alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California makes this accusation in his official capacity.

II

KATHLEEN MAUREEN McGRAW (hereinafter referred to as respondent) is presently licensed and/or has license rights as a real estate salesperson subject to Section 10153.4 of the Business

1 and Professions Code (hereinafter Code).

2 III

3 At all times herein mentioned, respondent was licensed
4 by the Department of Real Estate of the State of California as a
5 real estate salesperson.

6 IV

7 On or about September 7, 1988, in the Municipal Court of
8 West Judicial District, County of Orange, State of California,
9 respondent was convicted of the crime of violating Penal Code
10 Section 476-a (NSF checks three counts), a crime involving moral
11 turpitude.

12 VI

13 The crime of which respondent was convicted bears a
14 substantial relationship to the qualifications, functions or
15 duties of a real estate licensee.

16 VII

17 Respondent's criminal conviction is cause under Sections
18 490 and 10177(b) of the Business and Professions Code for
19 suspension or revocation of all licenses and license rights of
20 respondent under the Real Estate Law.

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

8 Dated at Santa Ana, California
9 this 6th day of April, 1989.

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11
12 THOMAS MCCRADY
13 Deputy Real Estate Commissioner
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26 cc: Kathleen Maureen McGraw
27 Merrill Lynch Mortgage Corporation
 Sacto.
 AG

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