

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
AUG 29 1990
DEPARTMENT OF REAL ESTATE

Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
WILLIAM HOWARD DONOHUE,)
et al,)
Respondents.)

NO. H-895 Fresno
H-908 Fresno
N-32650
N-33834

NOTICE

TO: WILLIAM HOWARD DONOHUE, Respondent
and
RICHARD L. HARRIMAN, his Counsel

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated July 27, 1990, of the Administrative Law Judge, insofar as it applies to respondent William Howard Donohoe only, is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated July 27, 1990, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, this matter is referred back to Administrative Law Judge John D. Wagner to take and receive evidence in order to complete the hearing in

1 this matter and to prepare a Proposed Decision under Section
2 11517(c) of the Government Code.

3 DATED: August 27, 1990

4 JAMES A. EDMONDS, JR.
5 Real Estate Commissioner

6 By:

John R. Liberator
7 JOHN R. LIBERATOR
8 Chief Deputy Commissioner
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Amended	)	
Accusations Against:	)	Nos. H-895 FRESNO
	)	H-908 FRESNO
WILLIAM HOWARD DONOHUE, et al.,	)	
	)	OAH Nos. N-32650 and N-33834
	)	
Respondents.	)	

PROPOSED DECISION

On May 10, 1990, in Sacramento, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, conducted a settlement conference in these matters.

Complainant was represented by Roland Adickes, Counsel, Department of Real Estate.

Respondent William Howard Donohue was present and was represented by Richard L. Harriman, Attorney at Law.

At said conference, respondent Donohue reapproved his stipulation, which he signed on January 9, 1990, incorporated herein by reference and attached hereto. Based on said stipulation, the matters were submitted for decision on May 29, 1990.

FINDINGS OF FACT

I

Jerry E. Fiscus made the amended accusations in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

On June 8, 1988, complainant filed Amended Accusation No. H-895 FRESNO, incorporated herein by reference, against respondent

(and other parties), charging him with violation of section 10177(d) in conjunction with section 11018.2 of the Business and Professions Code. On said date, complainant also filed Amended Accusation No. H-908 FRESNO, incorporated herein by reference, against respondent (and other parties), charging respondent with violation of sections 10176(a) and 10177(g) of said code.

III

The allegations against respondent Donohue contained in the above Amended Accusations are true and admitted by said respondent.

DETERMINATION OF ISSUES

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

Cause for the discipline of respondent's license was established for violation of section 10177(d) in conjunction with section 11018.2 and sections 10176(a) and 10177(g) of the Business and Professions Code, by reason of Finding III.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent William Howard Donohue under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision; provided, however, that:

Said suspension shall be stayed for one (1) year upon the following terms and conditions:

- Not adopted*
1. That no further cause for disciplinary action against respondent occurs during the (twelve) 12 months. If cause for disciplinary action occurs within twelve (12) months from the effective date of this decision, the Commissioner may, after a hearing in accordance with the Administrative Procedure Act, vacate the stay and impose the thirty (30) day suspension together with other discipline, if any, resulting from such hearing. If no cause for discipline occurs within twelve (12) months from the effective date of this decision, the stay of the thirty (30) days suspension shall become permanent.

*not
adapted*

2. Respondent Donohue shall, within six (6) months from the effective date of this decision, take and pass the Professional Responsibility Examination administered by the Department, including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

Dated: _____

July 27, 1990

John D. Wagner

JOHN D. WAGNER
Administrative Law Judge
Office of Administrative Hearings