

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0781

FILED

FEB 18 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 CONSTANCE HELEN WRIGHT,)
14 Respondent.)

No. H-5077 SAC

STIPULATION AND
AGREEMENT

15 It is hereby stipulated by and between CONSTANCE HELEN WRIGHT,
16 (hereinafter "Respondent"), and the Complainant, acting by and through Truly Sughrue,
17 Counsel for the Department of Real Estate, as follows for the purpose of settling and
18 disposing the Accusation filed on October 2, 2008 in this matter:
19

20 1. All issues which were to be contested and all evidence which was to be
21 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
22 was to be held in accordance with the provisions of the Administrative Procedure Act
23 (hereinafter "APA"), shall instead and in place thereof be submitted solely on the basis of the
24 provisions of this Stipulation and Agreement.
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1 2. Respondent has received, read and understands the Statement to
2 Respondent, and the Discovery Provisions of the APA filed by the Department of Real Estate in
3 this proceeding.

4 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
7 acknowledges that she understands that by withdrawing said Notice of Defense she will thereby
8 waive her rights to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA, and that she will waive
10 other rights afforded to her in connection with the hearing such as the right to present evidence in
11 defense of the allegations in the Accusation and the right to cross-examine witnesses.
12

13 4. This stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expediency and economy, Respondent chooses not to contest these
15 factual allegations, but to remain silent and understands that, as a result thereof, these factual
16 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
17 forth below. The Real Estate Commissioner shall not be required to provide further evidence to
18 prove such allegations.
19

20 5. This Stipulation and Respondent's decision not to contest the Accusation
21 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
22 limited to this proceeding and any other proceeding or case in which the Department of Real
23 Estate (hereinafter "the Department"), the state or federal government, an agency of this state, or
24 an agency of another state is involved.
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1 6. It is understood by the parties that the Real Estate Commissioner may
2 adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty
3 and sanctions on the real estate licenses and license rights of Respondent as set forth in the below
4 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and
5 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
6 and proceeding on the Accusations under all the provisions of the APA and shall not be bound by
7 any admission or waiver made herein.
8

9 7. The Order or any subsequent Order of the Real Estate Commissioner made
10 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
11 further administrative or civil proceedings by the Department of Real Estate with respect to any
12 matters which were not specifically alleged to be causes for accusation in this proceeding.
13

14 * * *

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations and waivers and solely for the purpose of
17 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
18 following determination of issues shall be made:
19

20 I

21 The acts and omissions of Respondent as described in the Accusation are
22 grounds for the suspension or revocation of Respondent's licenses and license rights under
23 Sections 10176(a) and 10177(j) of the Business and Professions Code (hereinafter "the Code");
24

25 * * *

26 ORDER
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1
2 All licenses and licensing rights of Respondent under the Real Estate Law are
3 revoked; provided, however, a restricted real estate salesperson license shall be issued to
4 Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent
5 makes application therefore and pays to the Department of Real Estate the appropriate fee for the
6 restricted license within 90 days from the effective date of this Decision. The restricted license
7 issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business
8 and Professions Code and to the following limitations, conditions and restrictions imposed under
9 authority of Section 10156.6 of that Code:

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

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

22 3. Respondent shall not be eligible to apply for the issuance of an
23 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
24 of a restricted license until two (2) years have elapsed from the effective date of this Decision.

26 4. Respondent shall submit with any application for license under an
27 employing broker, or any application for transfer to a new employing broker, a statement signed

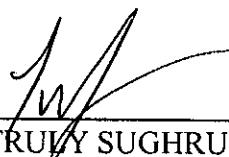
1 by the prospective employing real estate broker on a form approved by the Department of Real
2 Estate which shall certify:

- 3 (a) That the employing broker has read the Decision of the Commissioner
4 which granted the right to a restricted license; and
5 (b) That the employing broker will exercise close supervision over the
6 performance by the restricted licensee relating to activities for which a real
7 estate license is required.
8

9 5. Respondent shall, within nine (9) months from the effective date of this
10 Order, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since
11 the most recent issuance of an original or renewal real estate license, taken and successfully
12 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
13 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
14 Commissioner may order the suspension of the restricted license until Respondent presents such
15 evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant to the
16 Administrative Procedure Act to present such evidence.
17

18 6. Respondent shall, within six (6) months from the effective date of this
19 Decision, take and pass the Professional Responsibility Examination administered by the
20 Department including the payment of the appropriate examination fee. If Respondent fails to
21 satisfy this condition, the Commissioner may order suspension of the license until Respondent
22 passes the examination.
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24
25 14-Jan-09
26 DATED


27 TRUDY SUGHRUE
Counsel for Complainant

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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, 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.

January 10th 2009
DATED

Constance Helen Wright
CONSTANCE HELEN WRIGHT
Respondent

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

IT IS SO ORDERED _____.

JEFF DAVI
Real estate Commissioner

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DATED

CONSTANCE HELEN WRIGHT
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on MAR 11 2009

IT IS SO ORDERED 2-4-09

JEFF DAVIS
Real estate Commissioner

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

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OCT - 2 2008

DEPARTMENT OF REAL ESTATE

By H. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12)
13) CONSTANCE HELEN WRIGHT)

14) Respondent.)

No. H-5077 SAC

ACCUSATION

15
16 The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner
17 of the State of California, for cause of Accusation against CONSTANCE HELEN WRIGHT,
18 (hereinafter "Respondent"), is informed and alleges as follows:

19 I

20 The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner
21 of the State of California, makes this Accusation in his official capacity.

22 II

23 Respondent is presently licensed and/or have license rights under the Real Estate
24 Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

25 III

26 At all times mentioned, Respondent was and is licensed by the Department as a
27 real estate broker.

1 IV

2 At all times mentioned, Respondent was performing acts requiring a real estate
3 license for or in expectation of compensation.

4 V

5 Between on or about December 11, 2006 and January 9, 2007, Respondent, acting
6 as an agent of Stevenson Uy (hereinafter "Uy"), solicited and obtained a written agreement to
7 purchase residential real property located at 141 West Lassen Avenue, Unit #12, Chico,
8 California (hereinafter "Unit #12"). In order to induce Countrywide Home Loans to finance
9 Uy's purchase of Unit #12, Respondent concealed and/or failed to disclose Addendum 1A from
10 the mortgage lender in which the seller was to pay the sum of \$16,884 to Uy to cover concessions
11 of three years of property taxes, property management and homeowner's association fees.

12 VI

13 Between on or about November 17, 2006 and January 10, 2007, Respondent,
14 acting as an agent of Raymond Brulez (hereinafter "Brulez"), solicited and obtained a written
15 agreement to purchase residential real property located at 139 West Lassen Avenue, Unit #29,
16 Chico, California (hereinafter "Unit #29"). In order to induce Countrywide Home Loans to
17 finance Brulez's purchase of Unit #29, Respondent concealed and/or failed to disclose
18 Addendum 2A from the mortgage lender in which the seller was to pay the sum of \$16,884 to
19 Brulez to cover concessions of three years of property taxes, property management and
20 homeowner's association fees.

21 VII

22 Between on or about November 9, 2006 and January 9, 2007, Respondent, acting
23 as an agent of Mary A. Kucel (hereinafter "Kucel"), solicited and obtained a written agreement
24 to purchase residential real property located at 141 West Lassen Avenue, Unit #13, Chico,
25 California (hereinafter "Unit #13"). In order to induce Countrywide Home Loans to finance
26 Brulez's purchase of Unit #13, Respondent concealed and/or failed to disclose to the mortgage

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1 lender that the seller was to pay the sum of \$16,508.75 to Kucel to cover concessions of three
2 years of property taxes, property management and homeowner's association fees.

3 VIII

4 Between on or about October 24, 2006 and January 10, 2007, Respondent, acting
5 as an agent of Sara Martinez (hereinafter "Martinez"), solicited and obtained a written agreement
6 to purchase residential real property located at 141 West Lassen Avenue, Unit #8, Chico,
7 California (hereinafter "Unit #8"). In order to induce Countrywide Home Loans to finance
8 Martinez's purchase of Unit #8, Respondent misrepresented a \$5,000 loan from the seller to be
9 secured by Unit #8 as a gift from "father".

10 IX

11 Between on or about September 12, 2006 and January 9, 2007, Respondent,
12 acting as an agent of Steven Carter Johnson (hereinafter "Johnson"), solicited and obtained a
13 written agreement to purchase residential real property located at 141 West Lassen Avenue, Unit
14 #11, Chico, California (hereinafter "Unit #11"). In order to induce Countrywide Home Loans to
15 finance Johnson's purchase of Unit #11, Respondent concealed and/or failed to disclose to the
16 mortgage lender a \$5,000 loan from the seller to be secured by Unit #11.

17 X

18 Between on or about October 12, 2006 and January 9, 2007, Respondent, acting
19 as an agent of Dale Johnson and Steven Nash (hereinafter "Johnson and Nash"), solicited and
20 obtained a written agreement to purchase residential real property located at 141 West Lassen
21 Avenue, Unit #4, Chico, California (hereinafter "Unit #4"). In order to induce First Magnus
22 Financial Corporation to finance Johnson and Nash's purchase of Unit #4, Respondent
23 concealed and/or failed to disclose Addendum 1A from the mortgage lender in which the seller
24 was to pay the sum of \$16,884 to Johnson and Nash to cover concessions of three years of
25 property taxes, property management and homeowner's association fees.

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1 XI

2 Between on or about October 12, 2006 and January 9, 2007, Respondent, acting
3 as an agent of Mark Van Doren (hereinafter "Doren"), solicited and obtained a written
4 agreement to purchase residential real property located at 141 West Lassen Avenue, Unit #7,
5 Chico, California (hereinafter "Unit #7"). In order to induce First Magnus Financial Corporation
6 to finance Doren purchase of Unit #7, Respondent concealed and/or failed to disclose
7 Addendum 1A from the mortgage lender in which the seller was to pay the sum of \$16,884 to
8 Doren to cover concessions of three years of property taxes, property management and
9 homeowner's association fees.

10 XII

11 Between on or about November 8, 2006 and January 9, 2007, Respondent, acting
12 as an agent of Michael Kleinberg (hereinafter "Kleinberg"), solicited and obtained a written
13 agreement to purchase residential real property located at 141 West Lassen Avenue, Unit #10,
14 Chico, California (hereinafter "Unit #10"). In order to induce First Magnus Financial
15 Corporation to finance Kleinberg's purchase of Unit #10, Respondent concealed and/or failed
16 to disclose Addendum 1A from the mortgage lender in which the seller was to pay the sum of
17 \$16,884 to Kleinberg to cover concessions of three years of property taxes, property
18 management and homeowner's association fees.

19 XIII

20 Between on or about October 9, 2006 and January 9, 2007, Respondent, acting as
21 an agent of Valerie Lancer (hereinafter "Lancer"), solicited and obtained a written agreement to
22 purchase residential real property located at 141 West Lassen Avenue, Unit #15, Chico,
23 California (hereinafter "Unit #15"). In order to induce First Magnus Financial Corporation to
24 finance Lancer's purchase of Unit #15, Respondent concealed and/or failed to disclose
25 Addendum 1A from the mortgage lender in which the seller was to pay the sum of \$16,884 to
26 Lancer to cover concessions of three years of property taxes, property management and
27 homeowner's association fees.

1 XIV

2 Between on or about December 15, 2006 and January 9, 2007, Respondent,
3 acting as an agent of Jacob Williams (hereinafter "Williams"), solicited and obtained a written
4 agreement to purchase residential real property located at 141 West Lassen Avenue, Unit #31,
5 Chico, California (hereinafter "Unit #31"). In order to induce First Magnus Financial
6 Corporation to finance William's purchase of Unit #31, Respondent concealed and/or failed to
7 disclose Addendum 2A from the mortgage lender in which the seller was to pay the sum of
8 \$16,884 to Williams to cover concessions of three years of property taxes, property management
9 and homeowner's association fees.

10 XV

11 The acts and omissions of Respondent described in above constitutes fraud
12 and/or dishonest dealing, and constitutes cause to suspend or revoke all licenses and license
13 rights of Respondent pursuant to the provisions of Sections 10176(a), 10176(i), 10177(c),
14 and/or 10177(j) of the Code.

15 XVI

16 In the alternative, Respondent's conduct described above constitutes negligence
17 or incompetence in performing acts requiring a real estate license, and is cause under
18 Section 10177(g) of the Code for suspension or revocation of all licenses and license rights of
19 Respondent.

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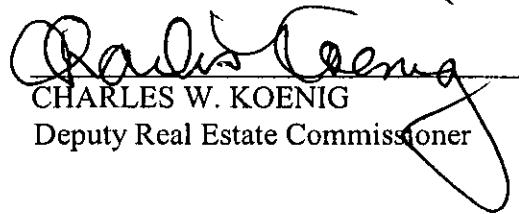
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2 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
3 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondents under the Real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

7
8 
9 CHARLES W. KOENIG
Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 1st day of October, 2008