

FILED

JUN 29 2010

DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-5287 SF
MICHAEL JOHN O'DONNELL,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 20, 1983, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting a restricted license to Respondent, which license was issued on August 26, 1983. Respondent's license expired on October 29, 1991 and was not renewed.

On or about March 3, 2009, Respondent petitioned for reinstatement of said real estate salesperson license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following conditions within twelve (12) months from the date of this

6 Order:

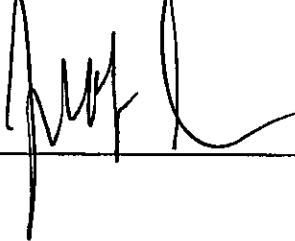
- 7
- 8 1. Respondent shall qualify for, take and pass the real estate salesperson license
9 examination.
- 10 2. Submittal of a completed application and payment of the fee for a real estate
11 salesperson license.

12 This Order shall be effective immediately.

13 Dated: 5-13-2010

14

15 JEFF DAVI
16 Real Estate Commissioner

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FILED
AUG 22 2003
DEPARTMENT OF REAL ESTATE

By Laura B. Chene

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-5287 SF
)
MICHAEL JOHN O'DONNELL,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On July 20, 1983, a Decision was rendered herein
revoking the real estate salesperson license of Respondent,
but granting Respondent the right to apply for and be issued a
restricted real estate salesperson license. A restricted real
estate salesperson license was issued to Respondent on August
26, 1983.

On July 31, 1986, Respondent petitioned for
reinstatement of said license. On February 13, 1987, an Order
Granting Reinstatement of License was rendered, on certain terms
and conditions. Respondent failed to timely comply with the
required terms and conditions.

1 On December 11, 1987, Respondent again petitioned for
2 reinstatement of said license. On November 1, 1988, an Order
3 Denying Reinstatement of License was rendered, pursuant to
4 Section 2911(i), title 10, Chapter 6, California Code of
5 Regulations ("Regulations"). Respondent had failed to discharge
6 or make bona fide efforts toward discharging an adjudicated
7 debt.

8 On July 16, 2002, Respondent once again petitioned
9 for reinstatement of said license and the Attorney General of
10 the State of California has been given notice of the filing of
11 the petition.
12

13 I have considered Respondent's petition and
14 the evidence and arguments in support thereof. Respondent
15 has failed to demonstrate to my satisfaction that Respondent
16 has undergone sufficient rehabilitation to warrant the
17 reinstatement of Respondent's real estate salesperson license,
18 in that:
19

20 I

21 In the Decision which revoked the real estate
22 salesperson license of Respondent there were Determination of
23 Issues made that there was cause to revoke Respondent's real
24 estate license pursuant to Business and Professions Code
25 ("Code") Sections 490, 10177(b) and 10177(f).
26

27 ///

1 On or about December 6, 1982, Respondent was
2 convicted of violating Penal Code Section 487.1 (Attempted
3 Grand Theft). The crime involved moral turpitude and was
4 substantially related to the qualifications, functions and
5 duties of a real estate licensee pursuant to Regulation 2910.
6

7 Respondent's conviction arose out of an insurance
8 claim for theft of equipment from his yacht.

9 II

10 Respondent's petition for reinstatement of her
11 license is governed by the Criteria of Rehabilitation set forth
12 in the California Administrative Code, Section 2911, Title 10,
13 Chapter 6, California Code of Regulations ("Regulations").
14 Section 2911 provides as follows: "The following criteria have
15 been developed by the department pursuant to Section 482(a) of
16 the Business and Professions Code for the purpose of evaluating
17 the rehabilitation of an applicant for issuance or for
18 reinstatement of a license in considering whether or not to
19 deny the issuance or reinstatement on account of a crime or act
20 committed by the applicant."
21
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The Criteria of Rehabilitation as applied to Respondent is as follows: Regulation 2911, subsection, (a) two (2) years have passed since the conviction (b) restitution is not applicable; (c) the conviction has been expunged; (d) registration pursuant to Penal Code Section 290 is not applicable; (e) probation has been completed; (f) abstinence from controlled substance or alcohol is not applicable; (g) payment of fine or monetary penalty is not applicable; (h) stable family life appears to exist; (j) Respondent has had debts discharged in bankruptcy; (k) business practices appear to have been corrected; (m) there are new social and business relationships.

III

Respondent has not submitted proof of completion of, or enrollment in, educational or vocational training courses. This evidences lack of rehabilitation and is cause to deny Respondent's petition application pursuant to Regulation 2911(i).

IV

Respondent has not submitted proof of involvement in community, church, or social programs. This evidences lack of rehabilitation and is cause to deny Respondent's application pursuant to Regulation 2911(1).

///

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V

As part of the petition application process, Respondent had a personal interview with a Deputy Real Estate Commissioner ("Deputy"). Respondent did not evidence a change in attitude from that which existed at the time of the conduct in question. This evidences a lack of rehabilitation and is cause to deny Respondent's petition pursuant to Regulation 2911(n)(1).

VI

Respondent has not provided evidence from others familiar with his previous conduct and subsequent attitudes and behavioral patterns, of a change in attitude from that which existed at the time of the conduct in question. This evidences a lack of rehabilitation and is cause to deny Respondent's petition pursuant to Regulation 2911(n)(2).

VII

Due to the very serious nature of the conduct which led to the revocation of Respondent's real estate salesperson license, and the facts set forth in Paragraphs III, IV, V and VI, additional time is needed to assess Respondent's rehabilitation.

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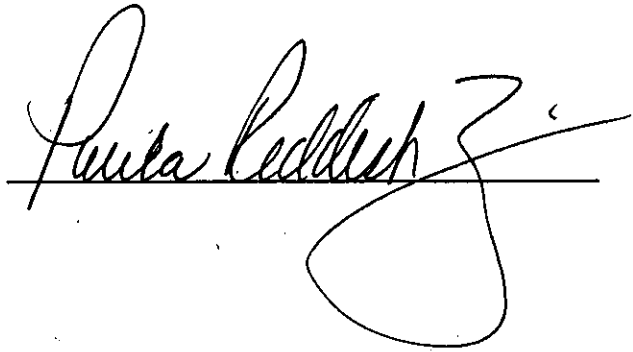
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1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of Respondent's salesperson license
3 is denied.

4 This Order shall become effective at 12 o'clock noon
5 on September 11, 2003.

7 DATED: August 13, 2003

8 PAULA REDDISH ZINNEMANN
9 Real Estate Commissioner

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21 _____
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24 _____

25 cc: Michael John O'Donnell
26 78840 Aurora Way
27 La Quinta, CA 92253

FILED
NOV 9 1988

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-5287 SF
MICHAEL JOHN O'DONNELL,)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On July 20, 1983, a Decision was rendered herein
revoking the real estate salesperson license of respondent.

On December 11, 1987, respondent 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 failed to
demonstrate to my satisfaction that he has undergone sufficient
rehabilitation to warrant the reinstatement of his real estate
salesperson license, in that:

1. Respondent has failed to discharge or to make a bona fide

1 effort toward discharging the following adjudicated debt:

2	<u>COURT & CASE #</u>	<u>PLAINTIFF</u>	<u>DEFENDANT</u>	<u>AMOUNT OF JUDGMENT</u>	<u>DATE OF JUDGMENT</u>
3	U.S. Bankruptcy	Fremont Bank,	Michael J.	\$6,650.02	8/10/88
4	Court, Northern	A Calif.	O'Donnell,		
5	Dist. of Calif.,	Banking Corp.	et ux		
5	4-87-05860 JS6				

6 Respondent's failure to satisfy or to make a bona fide effort to
7 satisfy the above adjudicated debt is grounds for denial of his
8 petition for reinstatement under the provisions of Section
9 2911(i), Title 10, California Code of Regulations.

10 2. During the petition process it was determined that respondent
11 is currently a defendant in at least eight (8) different civil
12 law suits revolving around his business practices and financial
13 affairs, including three which are set for trial before the end
14 of 1988. In light of this situation, it would be premature at
15 this time to grant respondent's petition for reinstatement of
16 his real estate license.

17 NOW, THEREFORE, IT IS ORDERED that respondent's
18 petition for reinstatement of his real estate salesperson license
19 is denied.

20 This Order shall be effective at 12 o'clock noon on
21 November 29th, 1988.

22 DATED: 11-1-88

23

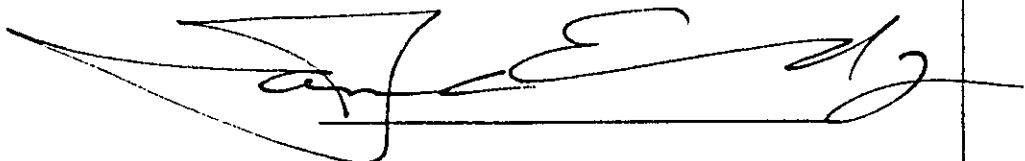
24

JAMES A. EDMONDS, JR.
Real Estate Commissioner

25

26

27



FILED
FEB 25 1987

DEPARTMENT OF REAL ESTATE

By Roshni R. Kalidin
Roshni R. Kalidin

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter the Accusation of) No. H-5287 SF
MICHAEL JOHN O'DONNELL,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 10, 1983, a Decision was rendered herein revoking the real estate salesperson license of respondent but granting respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to respondent on August 26, 1983, and respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On July 31, 1986, respondent 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 the petition of respondent and the

1 evidence and arguments in support thereof. Respondent has
2 demonstrated to my satisfaction that he meets the requirements
3 of law for the issuance to him of an unrestricted real estate
4 salesperson license and that it would not be against the public
5 interest to issue said license to him.

6 NOW, THEREFORE, IT IS ORDERED that respondent's
7 petition for reinstatement is granted and that a real estate
8 salesperson license be issued to him if he satisfies the
9 following conditions within six months from the date of this
10 order:

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

13 2. Submittal of evidence of having, since the most
14 recent issuance of an original or renewal real estate license,
15 taken and successfully completed the continuing education
16 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
17 for renewal of a real estate license.

18 This Order shall be effective immediately.

19 DATED: February 13, 1987

20 JAMES A. EDMONDS, JR.
21 Real Estate Commissioner

22 By: John R. Liberator
23 JOHN R. LIBERATOR
24 Chief Deputy Commissioner
25
26
27

COPY

FILED
JUL 21 1983

DEPARTMENT OF REAL ESTATE

By Linda M. Eschen

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
MICHAEL JOHN O'DONNELL,)
Respondent.)

NO. H-5287 SF

N 20728

DECISION

The Proposed Decision dated July 8, 1983 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.

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 August 10, 1983.

IT IS SO ORDERED James A. Edmonds, Jr., 1983.


JAMES A. EDMONDS, JR.
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
of:)
MICHAEL JOHN O'DONNELL,)
Respondent.)

NO. H-5287 SF
OAH NO. N 20728

PROPOSED DECISION

This matter came for hearing before George R. Coan, Administrative Law Judge, State of California, Office of Administrative Hearings in San Francisco, California, on June 17, 1983.

Joseph McGovern, Counsel, represented the Department of Real Estate.

Respondent Michael John O'Donnell was represented by his attorney, John J. Purchio.

The following decision is hereby proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

Edward V. Chiolo made the accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

Michael John O'Donnell (hereinafter referred to as respondent) is presently licensed and/or has license rights

under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code). At all times mentioned herein, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson. This license has expired on May 8, 1983. Respondent has a right to renewal.

III

On or about December 6, 1982, in the Municipal Court for the Alameda Judicial District, County of Alameda, State of California, respondent entered a plea of guilty to violating Section 487.1 of the California Penal Code (Attempted Grand Theft). The court fixed the offense as a misdemeanor. Respondent was placed on three (3) years probation. On June 16, 1983, probation was terminated.

IV

Respondent's conviction arose out of an insurance claim for theft of equipment from his yacht. He was first licensed in 1970. He has worked in the real estate department of Bendix Corporation and American Forrest Properties. He was the general manager of a sales company with 75 salespersons. For the last seven years he has managed a real estate brokerage firm and a real estate development company. He is now working on a very large condominium development. He has completed his 45 hours of continuing education and has recently taken the broker examination.

V

Respondent has been convicted of a crime involving moral turpitude and one which is substantially related to the qualifications, functions and duties of a real estate licensee pursuant to Section 2910 of Title 10, California Administrative Code.

DETERMINATION OF ISSUES

Cause for disciplinary action has been established against respondent pursuant to Business and Professions Code sections 490, 10177(b) and 10177(f).

ORDER

1. All licenses and licensing rights of respondent Michael John O'Donnell under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

2. A restricted real estate salesperson license shall be issued to respondent O'Donnell pursuant to section

10156.5 of the Business and Professions Code if he makes application and pays the appropriate fee for such license to the Department of Real Estate within 90 days from the effective date of this Decision.

3. The restricted license issued to respondent O'Donnell 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 said code:

a) Said restricted license 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 bears a significant relation to respondent's fitness or capacity as a real estate licensee.

b) 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 this restricted license.

c) Respondent shall submit with his application for license under an employing broker -- or his application for transfer to a new employing broker -- a statement signed by the prospective employing broker which shall certify:

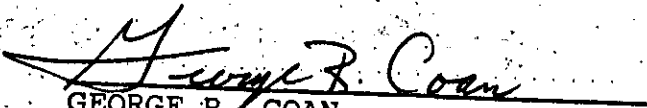
1. That he has read the Decision of the Commissioner which granted the right to a restricted license; and
2. That he will exercise close supervision over the performance by the restricted license of activities for which a real estate license is required.

d) The restricted license may be suspended by order of the Real Estate Commissioner pending a final determination after a hearing if the respondent fails to present evidence satisfactory to the Commissioner within six (6) months from the effective date of the Decision of having taken and completed 45 hours of approved continuing education offerings within the four-year period immediately preceding the date

on which the respondent presents such evidence to the Department. Such evidence shall be presented to the Department within six (6) months from the effective date of this Decision.

DATED:

July 2, 1983


GEORGE R. COAN
Administrative Law Judge

GRC:rem

COPY

FILED

MAY 20 1983

BEFORE THE DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Mary A. Morello
Mary A. Morello

In the Matter of the Accusation of

MICHAEL JOHN O'DONNELL

Case No. H-5287 SF

N 20728

Respondent(s)

CONTINUED

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, State Building, Room 2248, 455 Golden Gate Avenue, San Francisco, CA 94102

on the 17th day of June, 1983, at the hour of 9:00 A.M.,
or as soon thereafter as the matter can be heard, upon the charges made in the
Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, 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.

DATED: May 20, 1983

DEPARTMENT OF REAL ESTATE

By

Stephen W. Thomas
STEPHEN W. THOMAS

Counsel

FILED
MAR 30 1983

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Roshni R. Kalidin
Roshni R. Kalidin

In the Matter of the Accusation of

MICHAEL JOHN O'DONNELL,

Case No. H-5287 SF

N20728

Respondent(s)

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, State Building,
455 Golden Gate, San Francisco, CA 94102

on the 25th day of May, 1983, at the hour of 1:30 PM,
or as soon thereafter as the matter can be heard, upon the charges made in the
Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, 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.

DATED: March 30, 1983.

DEPARTMENT OF REAL ESTATE

By

Stephen W. Thomas
STEPHEN W. THOMAS, Counsel

COPY

FILED
MAR 15 1983

STEPHEN W. THOMAS, Counsel
DEPARTMENT OF REAL ESTATE
185 Berry Street, Room 5816
San Francisco, CA 94107-1770

Telephone: (415) 557-3220

DEPARTMENT OF REAL ESTATE

By Mary A. Morelle
Mary A. Morelle

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) NO. H-5287 SF
MICHAEL JOHN O'DONNELL,)
Respondent.)
-----)
-----)

The complainant, EDWARD V. CHILOLO, a Deputy Real Estate
Commissioner of the State of California, for cause of accusation
against MICHAEL JOHN O'DONNELL, is informed and alleges as follows:

I

That MICHAEL JOHN O'DONNELL (hereinafter referred to as
respondent) is presently licensed and/or has license rights under
the Real Estate Law (Part 1 of Division 4 of the Business and
Professions Code).

II

That at all times mentioned herein, respondent was
licensed by the Department of Real Estate of the State of
California as a real estate salesperson. That said license will
expire on or about May 8, 1983.

1 III

2 That the complainant, EDWARD V. CHIOLO, a Deputy Real
3 Estate Commissioner of the State of California, acting in his
4 official capacity as such and not otherwise, makes this accusation
5 against respondent and alleges as follows:

6 IV

7 That on or about December 6, 1982, in the Municipal Court
8 for the Alameda Judicial District, County of Alameda, State of
9 California, respondent entered a plea of guilty to violating
10 Section 487.1 of the California Penal Code (ATTEMPTED GRAND
11 THEFT).

12 V

13 That the crime of which respondent was convicted,
14 as alleged in Paragraph IV above, is a crime involving moral
15 turpitude and a crime which is substantially related to the
16 qualifications, functions, or duties of a real estate licensee.

17 VI

18 That the facts as alleged in Paragraphs IV and V above
19 constitute grounds for disciplinary action under the provisions
20 of Sections 490, 10177(b), and 10177(f) of the Business and
21 Professions Code of the State of California.

22 * * * * *

23 WHEREFORE, complainant prays that a hearing be
24 conducted on the allegations of this Accusation and that upon
25 proof thereof, a decision be rendered imposing disciplinary
26 action against all licenses and license rights of respondent
27 under the Real Estate Law (Part 1 of Division 4 of the Business

1 and Professions Code) and for such other and further relief as
2 may be proper under other applicable provisions of law.

3
4 *Edward M. Chio*

5
6 EDWARD V. CHIOLO
Deputy Real Estate Commissioner

7
8 Dated at San Francisco, California
9 this 15th day of March, 1983.