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9 *Attorney for Complainant*

FILED

DEC 14 2023

DEPT. OF REAL ESTATE

By—

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Application of:

No. H-05789-SD

12 HEATHER NOONA CONNOR,

FIRST AMENDED STATEMENT OF ISSUES

13 Respondent.

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15 **This First Amended Statement of Issues amends the Statement of Issues filed on**
16 **September 11, 2023.** The Statement of Issues filed on September 11, 2023, is amended to: revise
17 Paragraph 1 to add allegations regarding the receipt of Respondent's original application for a real
18 estate salesperson license, the misplacing of the original application, and the request for, and receipt
19 of, another application; and in the last paragraph on page 4, to amend "real estate broker license"
20 to "real estate salesperson license." No other parts of the Statement of Issues are affected.

21 Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the Department
22 of Real Estate ("Department" or "DRE") of the State of California, for cause of Statement of Issues
23 against HEATHER NOONA CONNOR ("Respondent"), is informed and alleges in her official
24 capacity as follows:

25 1. On or about December 15, 2022, Respondent initially made application to the
26 Department for a real estate salesperson license. However, because the original application went
27 missing, the Department requested Respondent to provide another application, which was received
28 by the Department on June 20, 2023.

1 **CAUSE FOR DENIAL OF APPLICATION**

2 (LICENSE DISCIPLINE BY AGENCY OF ANOTHER STATE)

3 2. By the Stipulation and Final Agency Order of the Real Estate Commission of the
4 State of Colorado ("Stipulation and Final Agency Order"), executed February 22, 2021, in *In the*
5 *Matter of the Disciplinary Action Against the Real Estate Broker's License of HEATHER N.*
6 *CONNOR, License #EA.100017435*, Complaint No. 2019-1462, Respondent stipulated that:

7 a. Respondent admitted to the following factual findings and violations of
8 Colorado real estate licensing law and/or Commission rules:

9 **§12-10-217(1)(h), C.R.S.** [Colorado Revised Statutes ("C.R.S.")],
10 Respondent failed to account for or to remit, within a reasonable
11 time, any monies coming into his/her possession that belong to
12 others, whether acting as a real estate brokers [*sic*] or otherwise;

13 **§12-10-217(1)(i), C.R.S.**, Respondent converted and/or diverted
14 funds of others, without proper authorization, or commingled funds
15 of others with his/her own funds, or failed to keep funds of others in
16 an escrow or trust account;

17 **§12-10-217(1)(m), C.R.S.**, Respondent disregarded or violated any
18 provision of the Real Estate Broker License Law or Commission
19 rule or regulation, or provision of this part 2 or part 4 of this article;

20 **Commission Rule E-8**, Respondent advertised in a name other than
21 that of his/her employing broker[.]

22 b. Respondent agreed to pay a fine of \$5,000.00.

23 c. Respondent's Colorado real estate broker license was suspended for thirty
24 (30) days. During the period of suspension, Respondent was prohibited from engaging in
25 any act requiring a real estate license.

26 d. Effective on the date of execution of the Stipulation and Final Agency Order,
27 a Practice Restriction was imposed for a period of not less than two (2) years in which
28 Respondent "shall not accept, perform, or supervise any act of property management or
property management services requiring a real estate license as set forth in §12-10-201,
C.R.S. These acts include, but are not limited to, accounting for moneys belonging to others,
negotiating or administering property management agreements, brokerage disclosures, or
tenant leases."

1 e. Respondent was downgraded to a broker associate and required to work
2 under the supervision of an employing broker for a period of not less than two (2) years and
3 remain as such until successful completion of the twenty-four hour brokerage administration
4 course and any other requirements that are applicable at the time of license upgrade.

5 f. Respondent agreed to a Probationary License Requiring High Level of
6 Supervision in which Respondent shall only act in the capacity of a real estate broker in the
7 employ of and under the supervision of another licensed real estate broker commencing on
8 the date of execution and continuing for a period of two (2) years.

9 g. Respondent agreed to public censure.

10 3. Based on the Stipulation and Final Agency Order of the Colorado Real Estate
11 Commission in Complaint No. 2019-1462, Respondent's acts and/or omissions in violation of the
12 Colorado real estate licensing law and Real Estate Commission rules, resulting in discipline on
13 Respondent's Colorado real estate license, including a 30-day suspension, if done by a California
14 real estate licensee, would be grounds for the suspension or revocation of a California real estate
15 licensee under California Business and Professions Code ("Code") sections 10140.6 (disclosure of
16 responsible broker's identity), 10145 (trust fund handling), 10176(e) (commingling), and 10177(d)
17 (willfully disregarding the Real Estate Law), and Title 10, California Code of Regulations
18 ("Regulations"), sections 2773 (disclosure of responsible broker's name), 2832 (deposit into trust
19 account within 3 days), and 2832.1 (trust fund shortages / conversion)

20 4. The prior license action against Respondent, as alleged in Paragraph 2 above,
21 constitutes cause for the denial of Respondent's application for a real estate salesperson license
22 pursuant to Code section 10177(f).

23 5. These proceedings are brought under the provisions of Section 10100, Division 4 of
24 the Business and Professions Code of the State of California and Sections 11500 through 11528 of
25 the California Government Code.

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1 WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and,
2 upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance
3 of, and deny the issuance of, a real estate salesperson license to Respondent HEATHER NOONA
4 CONNOR and for such other and further relief as may be proper under other applicable provisions
5 of law.

6 Dated at San Diego, California on 12/14/2023.

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8 *Veronica Kilpatrick*

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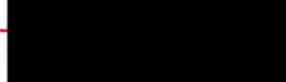
Veronica Kilpatrick
Supervising Special Investigator

10 cc: HEATHER NOONA CONNOR
11 Jason Lopez
12 Veronica Kilpatrick
13 Sacto.
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

No. H-05789-SD

HEATHER NOONA CONNOR,

STATEMENT OF ISSUES

Respondent.

Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the Department of Real Estate ("Department" or "DRE") of the State of California, for cause of Statement of Issues against HEATHER NOONA CONNOR ("Respondent"), is informed and alleges in her official capacity as follows:

1. On or about June 20, 2023, Respondent made application to the Department for a real estate salesperson license.

CAUSE FOR DENIAL OF APPLICATION

(LICENSE DISCIPLINE BY AGENCY OF ANOTHER STATE)

2. By the Stipulation and Final Agency Order of the Real Estate Commission of the State of Colorado ("Stipulation and Final Agency Order"), executed February 22, 2021, in *In the Matter of the Disciplinary Action Against the Real Estate Broker's License of HEATHER N. CONNOR*, License #EA.100017435, Complaint No. 2019-1462, Respondent stipulated that:

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1 a. Respondent admitted to the following factual findings and violations of
2 Colorado real estate licensing law and/or Commission rules:

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4 Respondent failed to account for or to remit, within a reasonable
5 time, any monies coming into his/her possession that belong to
6 others, whether acting as a real estate brokers [*sic*] or otherwise;

7 **§12-10-217(1)(i), C.R.S.**, Respondent converted and/or diverted
8 funds of others, without proper authorization, or commingled funds
9 of others with his/her own funds, or failed to keep funds of others in
10 an escrow or trust account;

11 **§12-10-217(1)(m), C.R.S.**, Respondent disregarded or violated any
12 provision of the Real Estate Broker License Law or Commission
13 rule or regulation, or provision of this part 2 or part 4 of this article;

14 **Commission Rule E-8**, Respondent advertised in a name other than
15 that of his/her employing broker[.]

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18 (30) days. During the period of suspension, Respondent was prohibited from engaging in
19 any act requiring a real estate license.

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21 a Practice Restriction was imposed for a period of not less than two (2) years in which
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23 property management services requiring a real estate license as set forth in §12-10-201,
24 C.R.S. These acts include, but are not limited to, accounting for moneys belonging to others,
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26 tenant leases."

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28 under the supervision of an employing broker for a period of not less than two (2) years and
remain as such until successful completion of the twenty-four hour brokerage administration
course and any other requirements that are applicable at the time of license upgrade.

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Supervision in which Respondent shall only act in the capacity of a real estate broker in the

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2 upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance
3 of, and deny the issuance of, a real estate broker license to Respondent HEATHER NOONA
4 CONNOR and for such other and further relief as may be proper under other applicable provisions
5 of law.

6 Dated at San Diego, California on September 8, 2023.

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8 _____
9 Veronica Kilpatrick
Supervising Special Investigator

10 cc: HEATHER NOONA CONNOR
11 Jason Lopez
12 Veronica Kilpatrick
13 Sacto.
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