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JAN 06 2008

DEPARTMENT OF REAL ESTATE

By *L. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

DEBRA KAY McCANN,

Respondent.

No. H-9215 SF

ORDER GRANTING UNRESTRICTED LICENSE

On April 7, 2005, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, 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 June 22, 2005, and Respondent has operated as a restricted licensee since that time.

On September 12, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of restrictions is granted and that a real estate salesperson license be issued to Respondent if, within nine (9) months from the date of this order, Respondent shall:

(a) Submit a completed application and pay the appropriate fee for a real estate salesperson license, and

(b) Submit evidence of having taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license.

This Order shall become effective immediately.

IT IS SO ORDERED

JEFF DAVIS
Real Estate Commissioner

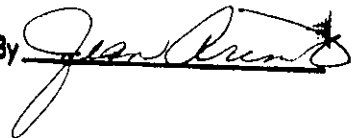
1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

MAY 13 2005

DEPARTMENT OF REAL ESTATE

By 

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 DEBRA K. MCCANN

12
13 Respondent

)
) No. H- 9215 SF
)
)

) **STIPULATION AND**
) **WAIVER**
)
)

14
15 I, DEBRA K. MCCANN, respondent herein, do hereby affirm that I have applied to the Department of
16 Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of
17 the statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on 04/27/2005, in connection with my application for a real estate
20 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of
21 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other
22 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate
23 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of
24 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
25 showing that I meet all the requirements for issuance of a real estate salesperson license. I further
26 understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
27

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
10 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:

- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
- 3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts
5 for which a license is required.

6 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
7 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
8 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
9 to the Department a fax copy of her actual signature as it appears on the Stipulation and Waiver, that receipt
10 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
11 the original signed Stipulation and Waiver.

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13 May 6, 2005
14 Dated

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Debra McCann
DEBRA K. McCANN, Respondent

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent DEBRA K. MCCANN if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED

May 13 2005


Jeff Davi

Real Estate Commissioner

1 LARRY A. ALAMAO, Counsel
2 State Bar No. 47379
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0789
7

FILED

APR 27 2005

DEPARTMENT OF REAL ESTATE

By Juan Arredondo

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-9215 SF
12 DEBRA K. McCANN,)
13)
14 Respondent.)
15

16 The Complainant, Steven J. Ellis, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against DEBRA K. McCANN (hereinafter "Respondent"), is informed
19 and alleges as follows:

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about November 18, 2004.

24 II

25 Complainant, Steven J. Ellis, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues in his official capacity and not otherwise.

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1 III

2 In response to Question 25 of said application, to wit:
3 "Have you ever been convicted of any violation of law?",
4 Respondent answered "Yes" but failed to disclose the conviction
5 described in Paragraph V.

6 IV

7 On or about February 4, 1993, in the Municipal Court,
8 County of Sonoma, Respondent was convicted of a violation of
9 Section 602(j) of the California Penal Code, a crime involving
10 moral turpitude which bears a substantial relationship under
11 Section 2910, Title 10, California Code of Regulations, to the
12 qualifications, functions, or duties of a real estate licensee.

13 V

14 On or about March 20, 1986, in the Municipal Court,
15 County of Sonoma, Respondent was convicted of a violation of
16 Section 23103 of the California Vehicle Code, a crime involving
17 moral turpitude which bears a substantial relationship under
18 Section 2910, Title 10, California Code of Regulations, to the
19 qualifications, functions, or duties of a real estate licensee.

20 VI

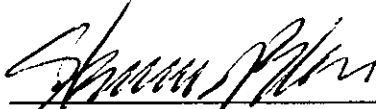
21 The crimes of which Respondent was convicted, as
22 alleged above, constitute cause for denial of Respondent's
23 application for a real estate license under Sections 480(a) and
24 10177(b) of the California Business and Professions Code.

25 VII

26 Respondent's failure to reveal the conviction set forth
27 above in Paragraph V constitutes the procurement of a real estate

1 license by fraud, misrepresentation, or deceit, or by making a
2 material misstatement of fact in said application, which failure
3 is cause for denial of Respondent's application for a real estate
4 license under Sections 480(c) and 10177(a) of the California
5 Business and Professions Code.

6 WHEREFORE, the Complainant prays that the above-
7 entitled matter be set for hearing and, upon proof of the charges
8 contained herein, that the Commissioner refuse to authorize the
9 issuance of, and deny the issuance of, a real estate salesperson
10 license to Respondent, and for such other and further relief as
11 may be proper under other provisions of law.

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15 STEVEN J. ELLIS
Deputy Real Estate Commissioner

16 Dated at Sacramento, California,
17 this 14th day of April, 2005.