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**FILED**  
DEC 12 2011  
DEPARTMENT OF REAL ESTATE  
By *L. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of  
  
DONALYN R. EDWARDS-DUNN,  
  
Respondent.

No. H-10030 SF

ORDER GRANTING UNRESTRICTED LICENSE

On September 28, 2007, a Decision was rendered herein denying Respondent's application for a real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on October 23, 2007, and Respondent has operated as a restricted licensee since that time.

On March 18, 2010, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker 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

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1 an unrestricted real estate broker license and that it would not be against the public interest to  
2 issue said license to Respondent.

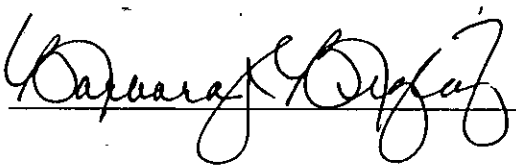
3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of  
4 restrictions is granted and that a real estate broker license be issued to Respondent if Respondent  
5 satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate broker  
7 license within the 12 month period following the date of this Order; and  
8 2. Submits proof that Respondent has completed the continuing education  
9 requirements for renewal of the license sought. The continuing education courses must be  
10 completed either (i) within the 12 month period preceding the filing of the completed  
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 IT IS SO ORDERED 11/21/11

14 BARBARA J. BIGBY  
15 Acting Real Estate Commissioner

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
SEP 28 2007  
DEPARTMENT OF REAL ESTATE

By K. Contreras

\* \* \*

In the Matter of the Application of )  
DONALYN RACHELLE EDWARDS-DUNN, )  
Respondent. )

NO. H-10030 SF  
N-2007060904

DECISION

The Proposed Decision dated August 31, 2007, 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 application for a real estate broker license is denied, but the right to a restricted real estate broker license is granted to Respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy is attached hereto for the information of Respondent.

If and when application is made for a real estate broker license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is appended hereto.

This Decision shall become effective at 12 o'clock noon  
on October 18, 2007.

IT IS SO ORDERED a-28, 2007.

JEFF DAVI  
Real Estate Commissioner

[Signature]

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of:

DONALYN RACHELLE EDWARDS-  
DUNN,

Respondent.

Case No. H-10030 SF

OAH No. 2007060904

**PROPOSED DECISION**

This matter was heard before Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, in Oakland, California, on August 17, 2007.

Complainant Charles W. Koenig, Deputy Real Estate Commissioner, was represented by Daniel E. Kehew, Counsel, Department of Real Estate.

Respondent Donalyn Edwards-Dunn represented herself.

The matter was submitted for decision on August 17, 2007.

**FACTUAL FINDINGS**

1. On November 6, 2006, respondent Donalyn Rachelle Edwards-Dunn submitted to the Department of Real Estate an application for a real estate broker license. The department denied respondent's application because she had a criminal conviction she had not reported on her application. Respondent appealed.

2. On July 19, 1990, respondent was convicted of a misdemeanor violation of Unemployment Insurance Code section 2101 (false statement to obtain unemployment insurance), a crime that involves moral turpitude and that is substantially related to the qualifications, functions and duties of a real estate licensee. Upon conviction, respondent was placed on one year's probation and was required to pay restitution of about \$1,300, representing an overpayment of about \$900 plus penalties and interest. Respondent was released from probation on July 18, 1991, upon successful completion of all terms and conditions.

3. The circumstances leading to this conviction were that respondent collected unemployment insurance while she was between jobs and attending school part time. During this period she worked some on-call, part-time jobs but did not report her income from them.

Respondent attributes her failure to do so to the fact she was under stress because she had recently been diagnosed with two serious medical conditions.

4. On her application for a real estate broker license, respondent checked "no" to the question, "Have you ever been convicted of any violation of law?" Respondent asserts she did not realize her crime was a misdemeanor because she was never arrested and taken to jail, she did not remember going to court, and the conviction had never come up on background checks either when she became a registered tax preparer or when she was bonded to work with women and children.

5. Respondent was careless in the way she completed the application, but she had no intent to deceive the department.

6. Respondent is the operations director for A Safe Place, the only battered women's shelter in Oakland. She has been in this position since 2000, and has worked for A Safe Place since 1995. She first served as the organization's fiscal manager, and then its financial administrator, before becoming operations director. She is responsible for overseeing all programs and personnel for A Safe Place, which receives up to a million dollars a year in funding from local, state, and federal governments.

From 1994 until 2000, while working as fiscal manager and financial administrator for A Safe Place, respondent also worked as the administrative bookkeeper for Sentinel Fair Housing; a non-profit organization providing services to landlords and tenants. She was responsible for controlling that organization's budget, which consisted of up to \$700,000 in funding from government sources.

In addition to these positions, respondent has operated her own business since 1995. She is a registered tax preparer certified by the Internal Revenue Service to process electronic returns. Respondent prepares tax returns for individuals and small businesses.

7. In 2002, respondent obtained a bachelor's degree in management from St. Mary's College in Moraga.

8. In February 2007, respondent had her conviction expunged pursuant to Penal Code section 1203.4. She says she would have done this earlier had she realized there was a conviction on her record.

9. In addition to her employment at A Safe Place, which clearly benefits the community, respondent is involved in other community activities. She does some work with the homeless and she is in the final stages of being certified as a foster parent in San Joaquin County, where she lives.

10. Respondent has been an active member of her church, the Acts Full Gospel Church of God and Christ in Oakland, for 10 years. She financially supports the church's ministries, she is personally active in the church's convalescent ministry, and she attends

services twice a week. Although respondent has moved to the Stockton area, she continues to attend 8:00 a.m. Sunday services in Oakland. She also attends services on Wednesday nights.

11. Respondent has good credit, is financially responsible and has no debt other than mortgages on three properties she owns. She wants to obtain a real estate broker license primarily to deal with her own properties. But she also wants to gain more knowledge about available resources so she can help first-time home buyers and make "educated referrals" for them. Respondent does not plan on leaving her job at A Safe Place and does not plan on opening her own real estate brokerage; she intends to work under the tutelage of an experienced broker.

12. The department has offered to issue respondent a restricted real estate broker license but respondent wants an unrestricted license. She believes she does not pose any danger to the public, especially since she does not plan on opening her own brokerage and will work under another broker's license.

#### LEGAL CONCLUSIONS

1. Business and Professions Code sections 480, subdivision (a), and 10177, subdivision (b), together provide that an application for a real estate license may be denied if the applicant has been convicted of a felony or a crime involving moral turpitude that is substantially related to the qualifications, functions or duties of a real estate licensee. The matters set forth in Factual Finding 2 establish cause for denial of respondent's application under those sections.

2. Business and Professions Code sections 480, subdivision (c), and 10177, subdivision (a), together provide that a license may be denied if the applicant knowingly made a false and material misstatement of fact required to be revealed on an application. Respondent's failure to disclose her conviction on her application establishes cause for denial of respondent's application under those sections.


3. Respondent's conviction occurred 17 years ago and the matters set forth in Findings 6 through 11 demonstrate that she has fully rehabilitated herself. Considering the conviction alone, issuance of an unrestricted license would be warranted. But respondent was careless in completing her license application, resulting in a second cause for denial. While this lack of care might not be indicative of the manner in which respondent usually conducts her personal and business affairs, it does warrant caution since real estate brokers are required to complete many complex and technical documents. Thus, before respondent is issued an unrestricted license she should be required to prove herself during an initial period of licensure under a restricted license.

ORDER

The application of respondent Donalyn Rachelle Edwards-Dunn for a real estate broker license is denied; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to respondent 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:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
  - (a) The conviction of respondent (including a plea of nolo contendere) of a crime that is substantially related to respondent's fitness or capacity as a real estate licensee; or
  - (b) The receipt of evidence 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.
  
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license or the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.

DATED: August 31, 2007

  
MICHAEL C. COHN  
Administrative Law Judge  
Office of Administrative Hearings

1 DANIEL E. KEHEW, Counsel (SBN 231550)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0425 (Direct)

FILED  
JUN 14 2007

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 \* \* \*

12 In the Matter of the Application of )  
13 DONALYN RACHELLE EDWARDS-DUNN, ) H-10030 SF  
14 Respondent. ) STATEMENT OF ISSUES  
15 )

16 The Complainant, CHARLES W. KOENIG, a Deputy Real  
17 Estate Commissioner of the State of California, for Statement  
18 of Issues against DONALYN RACHELLE EDWARDS-DUNN (hereinafter  
19 "Respondent"), is informed and alleges as follows:

20 I

21 Complainant, CHARLES W. KOENIG, a Deputy Real Estate  
22 Commissioner of the State of California, makes this Statement of  
23 Issues against Respondent in his official capacity.

24 II

25 Respondent made application to the Department of Real  
26 Estate of the State of California for a real estate broker  
27 license on or about November 6, 2006.



1 III

2 In response to Question 25 of said application, to  
3 wit: "Have you ever been convicted of any violation of law?",  
4 Respondent concealed and failed to disclose the convictions  
5 described in Paragraph IV, below.

6 IV

7 On or about July 19, 1990, in the Superior Court of the  
8 State of California, County of Alameda, Respondent was convicted  
9 of False Statement to Obtain Unemployment Insurance in violation  
10 of Unemployment Insurance Code Section 2101, a misdemeanor and  
11 crime involving moral turpitude that bears a substantial  
12 relationship under Section 2910, Title 10, California Code of  
13 Regulations, to the qualifications, functions, or duties of a  
14 real estate licensee.

15 V


16 Respondent's criminal conviction, described in  
17 Paragraph IV above, constitutes cause for denial of Respondent's  
18 application for a real estate license under Sections 480(a) and  
19 10177(b) of the Code.

20 VI

21 Respondent's failure to reveal in said application the  
22 conviction set forth in Paragraph IV above constitutes the  
23 procurement of a real estate license by fraud, misrepresentation,  
24 or deceit, or by making a material misstatement of fact in said  
25 application, which failure is cause for denial of Respondent's  
26 application for a real estate license under Sections 480(c) and  
27 10177(a) of the Code.

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

  
\_\_\_\_\_  
CHARLES W. KOENIG  
Deputy Real Estate Commissioner

Dated at Sacramento, California  
this 14<sup>th</sup> day of May, 2007.