

**November 19, 2011**

DEPARTMENT OF REAL ESTATE

By *L. Jones*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	
	)	
YVONNE SCHUCK ATALIG,	)	DRE NO. H-11127 SF
	)	
Respondent.	)	
_____	)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on November 4, 2011, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license and/or license rights on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license 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.

FINDINGS OF FACT

1

On April 21, 2011, E. J. HABERER II made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on April 25, 2011.

On October 19, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

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) (hereinafter "the Code") as a real estate salesperson.

On or about July 28, 2010, with amendments to the judgment on November 23, 2010, in the Monterey County Superior Court, State of California, in case number MS286727A, Respondent was convicted of violating Section 23153(b) of the California Vehicle Code (DUI with BAL of 0.08% or greater with injuries) a misdemeanor which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations to the qualifications, functions, or duties of a real estate licensee.

DETERMINATION OF ISSUES

The findings above constitute cause for the suspension or revocation of the licenses and license rights of Respondent under Sections 490 and 10177(b) of the Code.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

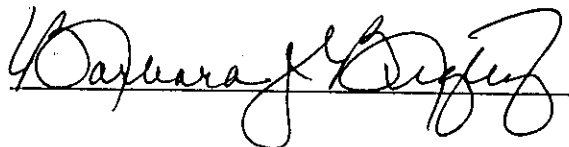
ORDER

All licenses and licensing rights of Respondent YVONNE SCHUCK ATALIG under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on DEC - 9 2011

DATED: 11/10/11

BARBARA J. BIGBY  
Acting Real Estate Commissioner



FLAG

KENNETH C. ESPELL (SBN 178757)  
Real Estate Counsel II  
Counsel Department of Real Estate  
P. O. Box 187007  
Sacramento, CA 95818-7007

**FILED**

APR 25 2011

DEPARTMENT OF REAL ESTATE  
By [Signature]

Telephone: (916) 227-0789  
-or- (916) 227-0868 (Direct)

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In the Matter of the Accusation of	)	H-11127 SF
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YVONNE SCHUCK ATALIG,	)	<u>ACCUSATION</u>
	)	
	)	
Respondent.	)	
	)	

The Complainant, E. J. HABERER II, in his official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against YVONNE SCHUCK ATALIG (hereinafter "Respondent"), is informed and alleges as follows:

1

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) (hereinafter "the Code") as a real estate salesperson.

2

On or about July 28, 2010, with amendments to the judgment on November 23, 2010, in the Monterey County Superior Court, State of California, in case number MS286727A, Respondent was convicted of violating Section 23153(b) of the California Vehicle Code (DUI with BAL of 0.08% or greater with injuries) a misdemeanor which bears a substantial

1 relationship under Section 2910, Title 10, California Code of Regulations to the qualifications,  
2 functions, or duties of a real estate licensee and which constitutes cause for suspension or  
3 revocation of all licenses and license rights of Respondent under Sections 490 and 10177(b) of  
4 the California Business and Professions Code.

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

10  
11   
12 \_\_\_\_\_  
E. J. HABERER II  
Deputy Real Estate Commissioner

13 Dated at Oakland, California,  
14 this 21<sup>st</sup> day of April, 2011.

15  
16 **DISCOVERY DEMAND:**

17 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedures Act*,  
18 the Department of Real Estate hereby makes demand for discovery pursuant to the  
19 guidelines set forth in the *Administrative Procedures Act*. Failure to provide Discovery to  
20 the Department of Real Estate may result in the exclusion of witnesses and documents at  
21 the hearing or other sanctions that the Office of Administrative Hearings deems  
22 appropriate.