

FILED
JUL 10 2024
DEPARTMENT OF REAL ESTATE
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)
) DRE No. *H-12729 SF*
WHITNEY LEE QUIN,)
)
Respondent.)

ORDER VACATING DECISION AND SETTING ASIDE DEFAULT

On June 17, 2024, a Decision was rendered revoking the real estate broker license of Respondent, WHITNEY LEE QUIN, effective July 08, 2024.

On *July 3, 2024*, good cause was presented to vacate the Decision of June 17, 2024, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

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1 NOW, THEREFORE, IT IS ORDERED that the Decision of June 17, 2024, is
2 vacated and that the Matter of the Accusation filed on March 04, 2024, is remanded to the Office
3 of Administrative Hearings.

4 This Order shall be effective immediately.

5 DATED: Jul 5, 2024.

6 Chika Sunquist
7 REAL ESTATE COMMISSIONER

8 **Signature:** *Marcus McCarther*

9 **Email:** marcus.mccarther@dre.ca.gov

10 By: Marcus L. McCarther
11 Chief Deputy Real Estate Commissioner

FILED

JUN 18 2024

DEPARTMENT OF REAL ESTATE
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

WHITNEY LEE QUIN,

Respondent.

No. H-12729 SF

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 April 25, 2024, 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 on grounds of conviction of a crime.

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1

On February 28, 2024, Stephanie Yee made the Accusation in her official capacity as a Supervising Special Investigator of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested and regular mail, to Respondent's last known mailing address on file with the Department on March 4, 2024.

2

On April 25, 2024, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (the Code) as a real estate broker.

4

On or about July 20, 2023, in the Superior Court of the State of California, County of Contra Costa, Case No. 01-22-00271, Respondent was convicted of violating Section 23153(b) of the California Vehicle Code (driving under the influence of alcohol or a drug causing bodily injury), a felony and a crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, (the Regulations), to the qualifications, functions, or duties of a real estate licensee.

5

A diligent search was made of the records of the Department of Real Estate (Department), relating to Respondent's Real Estate Broker. As a result of said search, no record was discovered having been received from Respondent notifying the Department, in writing, of any conviction or license disciplinary action.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent exists with reference to the conviction set out in Paragraph 4, above, pursuant to Sections 490 and 10177(b) of the Code.

2

The facts alleged above in Paragraphs 4 and 5, indicate Respondent's failure to comply with Sections 10186.2 (failure to report in writing to the Department of a conviction or charges of a felony within 30 days) of the Code, and constitutes cause under Section 10177(d) (willful disregard or violation of real estate law) of the Code for revocation of all licenses and license rights of Respondent under said Real Estate Law.

3

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

ORDER

All licenses and licensing rights of Respondent WHITNEY LEE QUIN, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

JUL 08 2024

DATED: _____

Meto 6/17/2024

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER


By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

1 Department of Real Estate
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 576-8700

FILED

APR 25 2024

DEPARTMENT OF REAL ESTATE
By J. Taggart

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12 WHITNEY LEE QUIN,

13 Respondent.

No. H-12729 SF

DEFAULT ORDER

14
15 Respondent, WHITNEY LEE QUIN, having failed to file a Notice of Defense
16 within the time required by Section 11506 of the Government Code, is now in default. It is,
17 therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED APR 24 2024

19 CHIKA SUNQUIST
20 REAL ESTATE COMMISSIONER

21
22 By:

Tricia D. Parkhurst

23 Tricia D. Parkhurst, Assistant Commissioner,
24 Enforcement
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