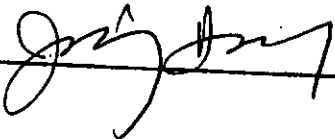


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FILED
JUL - 6 2001
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26140 LA
JANET MC HUGH,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 22, 1996, a Decision was rendered herein
revoking the real estate salesperson license of Respondent, but
granting Respondent the right to apply for and be issued a
restricted real estate salesperson license.

On December 15, 2000, Respondent petitioned for
reinstatement of said real estate salesperson license and
the Attorney General of the State of California has been
given notice of the filing of said petition.

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///

1 I have considered the petition of Respondent and
2 the evidence and arguments in support thereof. Respondent
3 has demonstrated to my satisfaction that Respondent meets
4 the requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 Respondent JANET MC HUGH.
8

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 salesperson license be issued to Respondent, if Respondent
12 satisfies the following conditions within nine (9) months from
13 the date of this Order:

14 1. Submittal of a completed application and payment
15 of the fee for a real estate salesperson license.

16 2. Submittal of evidence of having, since the most
17 recent issuance of an original or renewal real estate license,
18 taken and successfully completed the continuing education
19 requirements of Article 2.5 of Chapter 3 of the Real Estate
20 Law for renewal of a real estate license.

21 This Order shall be effective immediately.

22 Dated: June 29, 2001.

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 

26 cc: Janet E. McHugh
27 P.O. Box 4089
Redondo Beach, CA 90277

FILED
MAR - 1 1996
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By K. M. M. M. M.

* * * * *

In the Matter of the Accusation of)

No. H-26140 LA

L-9508106

JANET MC HUGH,

Respondent(s).

DECISION

The Proposed Decision dated February 8, 1996,
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.

This Decision shall become effective at 12 o'clock
noon on March 21, 1996.

IT IS SO ORDERED

2/22/96

JIM ANTT, JR.
Real Estate Commissioner

J. Antt Jr.

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of:	)	
	)	No. H-26140 LA
JANET MC HUGH,	)	
	)	L-9508106
	)	
	)	
Respondent.	)	
	)	

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on February 1, 1996.

James R. Peel, Staff Counsel, represented the complainant.

Respondent appeared in person and was represented by Frank E. DiGiacomo, Attorney at Law.

Oral and documentary evidence and evidence by way of stipulation and official notice was received and the matter then argued and thereafter submitted.

The Administrative Law Judge now finds, determines, and orders as follows:

FINDING OF FACT
RE: ACCUSATION

1

The Complainant, Peter F. Hurst, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2

Janet Mc Hugh, respondent herein, 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 referred to as the "Code").

1

At all times herein mentioned, respondent was acting in expectation of compensation, and performing acts for which a real estate license is required.

On or about April 14, 1992, respondent and the buyers, John E. and Liberty P. Dono, knowingly and unlawfully combined, conspired, and agreed to commit fraud and dishonest dealings in the purchase of real property located at 25417 Belle Porte Avenue No. 1 (Harbor City Area), Los Angeles, California ("property"). The terms of the sale required, among other things, that the buyers apply for and obtain new first trust deed financing from Great Western Bank.

As part of the loan transaction, respondent and the buyers, with the intent to induce the lender Great Western Bank to make the loan to the buyers, caused to be prepared and submitted to lender for funding a false and fraudulent residential loan application and supporting documentation on the buyers' behalf which falsely represented that the source of the buyers \$17,800 down payment deposit was cash and gift. Said conduct was done with the full knowledge and participation of respondent.

In truth and in fact, the source of the buyers' deposit came from respondent, her friends and relatives, and the sellers, Edward J. and Helen E. Forgeron, trustees of the Edward J. and Helen E. Forgeron Family Trust, and was not a gift.

The lender did not know the information submitted by respondent and the buyers was false and reasonably relied on said representations. Had the lender known the true facts, the lender would not have agreed to make the loan to the buyers. Lender will have to set up loss reserves to cover potential losses, the loan may have to be repurchased and servicing premiums will have to be repaid to agencies and investors.

SUPPLEMENTAL FINDING

8

Respondent was first licensed in September 1988. She has been continually employed under said license since that time with no record of prior discipline.

DETERMINATION OF ISSUES

I

Cause exists pursuant to Business and Professions Code sections 10176(a) and 10176(i) for the suspension or revocation of all licenses and license rights of respondent under the Real Estate law by reason of Findings Re: Accusation.

II

The objective of an administrative proceeding relating to discipline, if any, is to protect the public; to determine whether a license holder has exercised her privilege in derogation of the public interest. Such proceedings are not for the primary purpose of punishment Camacho v. Youde (1979) 95 Cal.App.3d 161, 165; Ex Parte Brounsell (1778) 2 Cowp. 829, 98 Eng. Rep. 1385. In light of the foregoing and by reason of Finding 8 the public interest would be protected by allowing continued licensure of respondent in a restricted status.

ORDER

I

All licenses and licensing rights of respondent Janet Mc Hugh under the Real Estate Law are revoked; provided, however, a restricted salesperson's license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. 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 that Code:

(A) The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction (including a plea of nolo contendere) to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

3

(B) The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.

(C) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until one (1) year has elapsed from the effective date of this Decision.

(D) Respondent shall, within 12 months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, 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. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent present such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

(E) Respondent shall, within six months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the commissioner may order suspension of the restricted license until respondent passes the examination.

(F) With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:

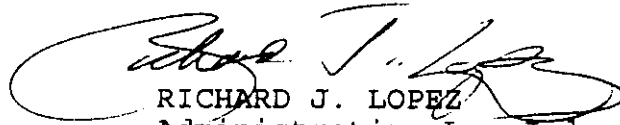
- (1) That the broker has read the Decision and Order of the Commissioner which granted the right to a restricted license; and
- (2) That the broker will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

(G) Respondent shall obey all laws of the United States, the State of California and its political subdivision, and shall further obey and comply with all rules and regulations of the Real Estate Commissioner.

II

Any restricted license issued to respondent under the Real Estate Law is suspended for a period of ninety (90) days from the date said license is issued.

DATED: 8 Feb 1996



RICHARD J. LOPEZ
Administrative Law Judge
Office of Administrative Hearings

RJL:btm

Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
SEP - 6 1995
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

JANET MC HUGH,

By K. Kriederholz

Case No. H-26140 LA

OAH No. L-9508106

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 314 West First Street, Los Angeles

on February 1, 1996, at the hour of 9:00 a.m.
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: SEP - 6 1995

By James R. Peel
Counsel

cc: Janet McHugh
Frank E. DiGiacomo, Esq.
Sacto
OAH
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RE 501 (1/92)
kw

1 JAMES R. PEEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

FILED
APR 12 1995
DEPARTMENT OF REAL ESTATE

By K. Hudenholz

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of) No. H-26140 LA
12)
13 JANET MC HUGH,) ACCUSATION
14)
15 Respondent.)

16 The Complainant, Peter F. Hurst, a Deputy Real Estate
17 Commissioner of the State of California, for cause of accusation
18 against JANET MC HUGH, alleges as follows:

I

19 The Complainant, Peter F. Hurst, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation in
21 his official capacity.

II

22
23 JANET MC HUGH (hereinafter referred to as respondent) is
24 presently licensed and/or has license rights under the Real Estate
25 Law (Part 1 of Division 4 of the Business and Professions Code,
26 hereinafter referred to as the "Code").
27

III

At all times herein mentioned, respondent was acting in expectation of compensation, and performing acts for which a real estate license is required.

IV

On or about April 14, 1992, respondent and the buyers, John E. and Liberty P. Dono, knowingly and unlawfully combined, conspired, and agreed to commit fraud and dishonest dealings in the purchase of real property located at 25417 Belle Porte Avenue No. 1 (Harbor City Area), Los Angeles, California ("property"). The terms of the sale required, among other things, that the buyers apply for and obtain new first trust deed financing from Great Western Bank.

V

As part of the loan transaction, respondent and the buyers, with the intent to induce the lender Great Western Bank to make the loan to the buyers, caused to be prepared and submitted to lender for funding a false and fraudulent residential loan application and supporting documentation on the buyers' behalf which falsely represented that the source of the buyers \$17,800 down payment deposit was cash and gift. Said conduct was done with the full knowledge and participation of respondent.

VI

In truth and fact, the source of the buyers' deposit came from respondent, her friends and relatives, and the sellers, Edward J. and Helen E. Forgeron, trustees of the Edward J. and Helen E. Forgeron Family Trust, and was not a gift.

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VII

The lender did not know the information submitted by respondent and the buyers was false and reasonably relied on said representations. Had the lender known the true facts, the lender would not have agreed to make the loan to the buyers. Lender will have to set up loss reserves to cover potential losses, the loan may have to be repurchased and servicing premiums will have to be repaid to agencies and investors.

VIII

The conduct of respondent, as alleged above, subjects her real estate licenses and license rights to suspension and revocation pursuant to Sections 10176(a) and 10176(i) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent JANET MC HUGH under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law. Dated at Los Angeles, California this 12th day of April, 1995.

PETER F. HURST

Deputy Real Estate Commissioner

cc: Janet McHugh
Sacto
AS
Robert Kenneth Todd