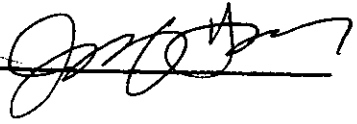


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FILED
DEC 22 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-27153 LA
)	
SHELMADINE G. WRIGHT,)	
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 17, 1997, a Decision was rendered herein revoking Respondent's real estate salesperson license.

On July 19, 1999, Respondent petitioned for reinstatement of said real estate salesperson license.

An Order Denying Reinstatement was filed on August 4, 2000, which denied reinstatement, but granted Respondent the right to apply for and be issued a restricted real estate salesperson license. Respondent did not comply with the conditions and a restricted real estate salesperson license was not issued to Respondent.

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2 On October 29, 2003, Respondent again petitioned
3 for reinstatement of said real estate salesperson license
4 and the Attorney General of the State of California has been
5 given notice of the filing of said petition.

6 I have considered the petition of Respondent and
7 the evidence and arguments in support thereof. Respondent
8 has demonstrated to my satisfaction that Respondent meets
9 the requirements of law for the issuance to Respondent of
10 an unrestricted real estate salesperson license and that
11 it would not be against the public interest to issue said
12 license to Respondent.

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

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

20 2. Submittal of evidence satisfactory to the Real
21 Estate Commissioner that Respondent has, since Respondent's
22 license was revoked, taken and passed the written examination
23 required to obtain a real estate salesperson license.

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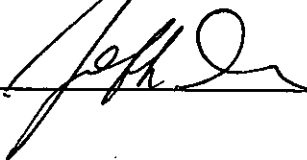
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2 3. Submittal of evidence of having, since the most
3 recent issuance of an original or renewal real estate license,
4 taken and successfully completed the continuing education
5 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
6 for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

7 This Order shall be effective immediately.

8 Dated: December 16, 2004.

9 JEFF DAVI
10 Real Estate Commissioner

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24 cc: Shelmadine Wright
25 11709 Gloria Court
26 Lakewood, CA 90715
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FILED
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DEPARTMENT OF REAL ESTATE
By Shelly Elzy

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
SHELMADINE G. WRIGHT,) No. H-27153 LA
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On November 26, 1997, an order was rendered herein
revoking the real estate salesperson license of Respondent.

On July 19, 1999, 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.

I have considered Respondent's petition and the
evidence and arguments in support thereof. Respondent has failed
to demonstrate to my satisfaction that Respondent has undergone
sufficient rehabilitation to warrant the reinstatement of
Respondent's real estate salesperson license, in that:

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1 (a) Respondent has failed, despite request therefor,
2 to present any evidence that Respondent has obtained expungement
3 of either the September 17, 1985 petty theft conviction or the
4 June 22, 1993 theft of property conviction described in the
5 Decision of November 26, 1997 revoking Respondent's real estate
6 salesperson license; and

7 (b) Respondent has failed, despite request therefor,
8 to present any evidence of the completion of, or sustained
9 enrollment by Respondent in, formal educational or vocation
10 training courses for economic self improvement.

11 NOW, THEREFORE, IT IS ORDERED that Respondent's
12 petition for reinstatement of her real estate salesperson license
13 is denied.

14 However, Respondent has offered evidence that she is
15 partially rehabilitated and it appears that Respondent will pose
16 no danger to the public if issued a properly restricted
17 salesperson license.

18 Therefore, a restricted real estate salesperson shall
19 be issued to Respondent pursuant to Section 10156.5 of the Code
20 Respondent if Respondent satisfies the following conditions
21 within nine (9) months from the date of this Order:

22 1. The license issued pursuant to this order shall be
23 deemed to be the first renewal of respondent's real estate
24 salesperson license for the purpose of applying the provisions of
25 Section 10153.4.

26 2. Within nine (9) months from the date of this order
27 respondent shall:

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

3 (b) Submit evidence of having taken and successfully
4 completed the courses specified in subdivisions (a) (1),
5 (2), (3) and (4) of Section 10170.5 of the Real Estate
6 Law for renewal of a real estate license.

7 3. Upon renewal of the license issued pursuant to this
8 order, respondent shall submit evidence of having taken and
9 successfully completed the continuing education requirements of
10 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
11 real estate license.

12 4. Prior to and as a condition of the issuance of the
13 restricted license, Respondent shall, under the provisions of
14 Section 10153.4 of the Business and Professions Code, submit
15 evidence satisfactory to the Commissioner of successful
16 completion, at an accredited institution, of two of the courses
17 listed in Section 10153.2, other than real estate principles,
18 advanced legal aspects of real estate, advanced real estate
19 finance or advanced real estate appraisal.

20 The restricted license issued to Respondent shall be subject
21 to all of the provisions of Section 10156.7 of the Code and to
22 the following limitations, conditions and restrictions imposed
23 under authority of Section 10156.5 of the Code:

24 1. The license shall not confer any property right in
25 the privileges to be exercised including the right of renewal,
26 and the Real Estate Commissioner may by appropriate order suspend

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1 the right to exercise any privileges granted under this
2 restricted license in the event of:

3 (a) The conviction of Respondent (including a plea of
4 nolo contendere) to a crime which bears a substantial
5 relationship to Respondent's fitness or capacity as a real estate
6 licensee; or

7 (b) The receipt of evidence that Respondent has
8 violated provisions of the California Real Estate Law, the
9 Subdivided Lands Law, Regulations of the Real Estate Commissioner
10 or conditions attaching to this restricted license.

11 2. Respondent shall not be eligible to apply for the
12 issuance of an unrestricted real estate license nor the removal
13 of any of the conditions, limitations or restrictions attaching
14 to the restricted license until two years has elapsed from the
15 date of issuance of the restricted license to Respondent.

16 3. With the application for license, or with the
17 application for transfer to a new employing broker, Respondent
18 shall submit a statement signed by the prospective employing
19 broker on a form approved by the Department of Real Estate
20 wherein the employing broker shall certify as follows:

21 (a) The employing broker has read the Order of the
22 Commissioner which granted the right to a restricted license; and

23 (b) That the employing broker will exercise close
24 supervision over the performance of the restricted licensee of
25 activities for which a real estate license is required.

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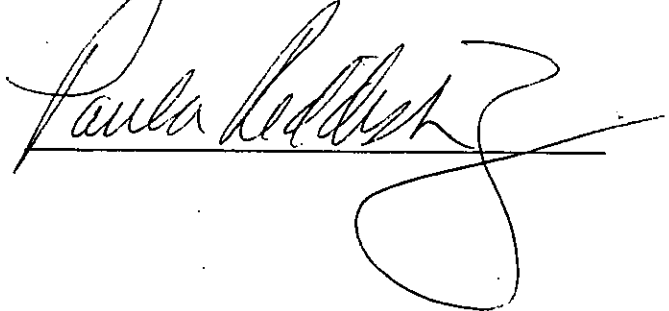
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This Order shall be effective at 12 o'clock noon on
August 20, 2000.

DATED: July 7, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



FILED
NOV - 6 1997
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By 

* * * * *

In the Matter of the Accusation of)	No. H-27153 LA
)	
SHELMADINE G. WRIGHT,)	L-1997060402
)	
Respondent.)	
_____)	

DECISION

The Proposed Decision dated September 22, 1997, 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.

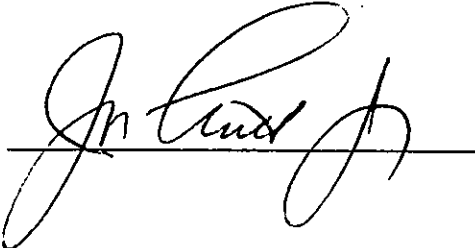
The Decision suspends or revokes one or more real estate licenses on grounds of knowingly making a false statement of fact required to be revealed in an application for license.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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.

This Decision shall become effective at 12 o'clock noon on November 26, 1997.

IT IS SO ORDERED 10 - 17, 1997.

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
SHELMADINE G. WRIGHT,)
Respondent.)

Case No. H-27153 LA
OAH No. L-1997060402

PROPOSED DECISION

This matter came on regularly for hearing before H. Stuart Waxman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on September 10, 1997.

Complainant, Thomas McCrady, was represented by Darlene Averetta, Real Estate Counsel.

Respondent, Shelmadine G. Wright ("Respondent"), was present and represented herself.

At the hearing, Complainant amended Paragraph V of the Accusation at Page 2, lines 25-26, to read: "Respondent failed to reveal the following convictions."

Oral and documentary evidence was received, and the matter was submitted for decision.

FINDINGS OF FACT

The Administrative Law Judge makes the following Findings of Fact:

1. The Accusation was made by Thomas McCrady, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in his official capacity.

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2. Respondent was issued a license as a real estate salesperson by the Department of Real Estate ("the Department") on September 27, 1996. The license was issued subject to Respondent's completing two educational courses pursuant to Business and Professions Code section 10153.4. Respondent's conditional salesperson's license will expire on March 27, 1998. The license itself will expire on September 26, 2000 unless renewed.

3. Respondent submitted her application for her real estate salesperson's license on July 12, 1996. Question No. 25 on the application read: Have you ever been convicted of any violation of law? (You may omit any traffic violation where the disposition was a fine and the amount was \$100 or less.)" Respondent answered the question affirmatively. However, in response to Question No. 27, calling for details concerning her convictions, Respondent only indicated the court as "Los Angeles", the arresting agency as "Los Angeles Police," the disposition as "community service" and that the conviction was for a misdemeanor. She omitted from her answer the name of the court(s) in which she was convicted, the date(s) of conviction, the code section(s) and number(s) violated and the case number(s).

4. The Department subsequently requested additional information from Respondent regarding her conviction. In a written Statement, dated September 17, 1996, Respondent referred to a conviction in 1988 or 1989 for trespassing for which she served twenty-four (24) days of community service. The original charge against her in that case had been petty theft.

5. On September 17, 1985, In Municipal Court of California, Santa Clara County Judicial District, in Case No. C8515998, Respondent was convicted, on her plea of guilty, of violation of Penal Code section 484-488 (Petty Theft), a crime involving moral turpitude and one substantially related to the qualifications, functions and duties of a real estate licensee. Respondent was placed on probation for a period of one (1) year and was ordered to pay fines and restitution totalling two hundred dollars (\$200).

6. The conviction occurred while Respondent was a student at San Jose State University. She had been living on campus and had been unsuccessful in obtaining employment. She took certain food items from a grocery store because she did not have sufficient funds to pay for all of the items she had selected.

7. On June 22, 1993, In Municipal Court of California, South Bay Judicial District, in Case No. 93M05495, Respondent was convicted, on her plea of nolo contendere, of violation of Penal Code section 484(a) (Theft of Property), a crime involving moral turpitude and one substantially related to the qualifications, functions and duties of a real estate licensee. Respondent was placed on summary probation for a period of two (2) years and was ordered to pay a fine of five hundred ninety-four dollars (\$594).

8. The facts and circumstances underlying the conviction are that Respondent took items from a supermarket by going through a check-out line where her friend, a store employee, was operating the cash register. The friend allowed Respondent to exit the store without paying for some of her items.

9. In any event, Respondent admits she failed to reveal her convictions on the application. Her omission was intentional. She was hoping the 1985 conviction was old enough to have been removed from her records. She intentionally did not disclose the 1993 conviction because she was afraid it could hurt her chances of obtaining licensure. She is remorseful for not disclosing the convictions.

10. Respondent has not yet taken the two courses required for an unrestricted license. She is not currently employed. She has worked for some mortgage companies and wishes to use her real estate salesperson's license to advance in the industry.

DETERMINATION OF ISSUES

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

1. Cause exists to suspend or revoke respondent's real estate salesperson's license for procurement of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in an application, pursuant to the provisions of Business & Professions Code sections 498 and 10177(a), as set forth in Findings 3, 4, 5, 6, 7, 8, 9 and 10.

While the transgressions of a struggling college student can often be understood and occasionally forgiven, Respondent's history of either two or three convictions on theft-related charges and her intentional failure to disclose her convictions on her application for real estate salesperson's license, demonstrate a ready willingness to engage in dishonest acts in order to achieve her own ends. The fact that she deliberately hid her convictions from the very agency from which she was seeking licensure, coupled with the recency in time since that act, shows a complete lack of rehabilitation.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent, Shelmadine G. Wright, under the Real Estate Law are revoked.

DATED: September 22, 1997



H. STUART WAXMAN
Administrative Law Judge
Office of Administrative Hearings

SACTO
Plan


BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 30 1997
DEPARTMENT OF REAL ESTATE

* * * * *

In the Matter of the Accusation of)
)
SHELMADINE G. WRIGHT,)
)
Respondent.)

Case No. H-27153 LA
OAH No. L-1997060402

by 

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, 107 South Broadway, 2nd Floor, Los Angeles, California, on **September 10, 1997**, at the hour of 1:30 p.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.

Dated: June 30, 1997.

DEPARTMENT OF REAL ESTATE



DARLENE AVERETTA, Counsel

cc: Shelmadine G. Wright
Sacto.
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DARLENE AVERETTA, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
MAY 28 1997

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27153 LA
SHELMADINE G. WRIGHT,)	A C C U S A T I O N
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against SHELMADINE G. WRIGHT (hereinafter "Respondent"), alleges as follows:

I

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

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II

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 (hereinafter "Code") as a real estate salesperson subject to Section 10153.4 of the Code.

III

Respondent, pursuant to the provisions of Section 10153.3 of the Code, made application to the Department of Real Estate of the State of California (hereinafter "Department") for a real estate salesperson license on or about July 12, 1996, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Code Section 10153.4.

IV

Respondent was originally licensed by the Department as a conditional real estate salesperson on September 27, 1996. Respondent's conditional real estate salesperson license will be suspended if the education requirement pursuant to Code Section 10153.4 has not been met by March 27, 1998.

V

In response to Question 25 on Respondent's application (and supporting documents), to wit: "Have you ever been convicted of any violation of law? (You may omit any traffic violation where the disposition was a fine and the amount was \$100 or less)", Respondent marked the answer box denoting "No", and thereafter failed to reveal to following convictions.

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VI

On or about September 17, 1985, in the Municipal Court of California, Santa Clara County Judicial District, Respondent, SHELMADINE G. WRIGHT, aka Shelmadine Glenis Wright, was convicted on her plea of guilty to violating Section 484-488 of the Penal Code (Petty Theft), a crime involving moral turpitude 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.

VII

On or about June 22, 1993, in the Municipal Court of South Bay Judicial District, County of Los Angeles, State of California, Respondent, SHELMADINE G. WRIGHT, aka Shelley Wright, was convicted on her plea of guilty to violating Section 484(a) of the Penal Code (Petty Theft), a crime involving moral turpitude 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.

VIII

Respondent's failure to reveal the convictions against her as set forth herein above, constitutes the procurement of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in said application, which constitutes cause under Sections 498 and/or 10177(a) for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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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 the license and license rights of Respondent, SHELMADINE G. WRIGHT, 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 28th day of May, 1997.



Deputy Real Estate Commissioner

cc: Shelmadine G. Wright
Sacto.
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