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FILED

JUL 22 2008

DEPARTMENT OF REAL ESTATE

By Jean Arnaud

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	NO. H-30017 LA
	)	
MARTHA ELVIRA WRIGHT,	)	
	)	
Respondent.	)	
	)	

ORDER DENYING REINSTATEMENT OF LICENSE

On October 29, 2003, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to apply for and be issued a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on December 8, 2003.

On or about November 16, 2005, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of the petition.

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1 I have considered Respondent's petition and the  
2 evidence and arguments in support thereof. Respondent has  
3 failed to demonstrate to my satisfaction that Respondent  
4 has undergone sufficient rehabilitation to warrant the  
5 reinstatement of Respondent's real estate broker license,  
6 in that:  
7

8 I

9 In the Decision which revoked Respondent's real  
10 estate broker license, there were determination of issues made  
11 that there was cause to revoke Respondent's license pursuant  
12 to Business and Professions Code ("Code") Section 10177(d) for  
13 violation of Code Section 10145.

14 II

15 The burden of proving rehabilitation rests with the  
16 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).  
17 A petitioner is required to show greater proof of honesty and  
18 integrity than an applicant for first-time licensure. The proof  
19 must be sufficient to overcome the prior adverse judgment on the  
20 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d  
21 395).

22 The Department has developed criteria in Title 10,  
23 Chapter 6, California Code of Regulations ("Regulation") 2911 to  
24 assist in evaluating the rehabilitation of an applicant for  
25 reinstatement of a license. Among the criteria relevant in this  
26 proceeding are:

27 ///

1           2911(k) - Respondent has not shown that Respondent  
2 has corrected business practices resulting in injury to others  
3 or with the potential to cause such injury.

4           In 2007, as part of the petition application process,  
5 an audit examination was conducted of Respondent's books and  
6 records. Said examination found violations of Code Section  
7 10145 and Regulation 2832.

8           2911(n)(1) - Respondent has not provided proof of  
9 a change in attitude. As part of the petition application  
10 process, a Deputy Real Estate Commissioner requested that  
11 Respondent provide certain information. Respondent failed  
12 to do so.

13           2911(n)(2) - Respondent has not provided proof from  
14 others of a change in attitude from that which existed at the  
15 time of the conduct in question.

16           Given the fact that Respondent has not established  
17 that Respondent has complied with Regulation 2911(k), 2911(n)(1)  
18 and 2911(n)(2), I am not satisfied that Respondent is  
19 sufficiently rehabilitated to receive an unrestricted real  
20 estate broker license.

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NOW, THEREFORE, IT IS ORDERED that Respondent's  
petition for reinstatement of Respondent's real estate broker  
license is denied.

This Order shall become effective at 12 o'clock noon  
AUG 12 2008  
on \_\_\_\_\_.

DATED: 7-18-08

JEFF DAVI  
Real Estate Commissioner

  
\_\_\_\_\_

BY: Barbara J. Bigby  
Chief Deputy Commissioner

1 Department of Real Estate  
320 West Fourth Street, Suite 350  
2 Los Angeles, California 90013-1105  
3 Telephone: (213) 576-6982  
-or- (213) 576-6910 (Direct)

**FILED**  
NOV - 6 2003  
DEPARTMENT OF REAL ESTATE  
By CR

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 MARTHA ELVIRA WRIGHT, ) NO. H-30017 LA  
13 Respondent. ) L-2003040373  
14 ) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between MARTHA ELVIRA  
16 WRIGHT (hereafter "Respondent") represented by Ronald Appel,  
17 Esq., and the Complainant, acting by and through Chris Leong,  
18 Counsel for the Department of Real Estate, as follows for the  
19 purpose of settling and disposing of the First Amended  
20 Accusation filed on May 30, 2003 (hereafter "Accusation").

21 1. All issues which were to be contested and all  
22 evidence which was to be presented by Complainant and  
23 Respondent at a formal hearing on the Accusation, which hearing  
24 was to be held in accordance with the provisions of the  
25 Administrative Procedure Act, shall instead and in place  
26 thereof be submitted solely on the basis of the provisions of  
27

1 this Stipulation and Agreement (hereafter "Stipulation").

2           2. Respondent has received, read and understands the  
3 Statement to Respondent, the Discovery Provisions of the  
4 Administrative Procedure Act and the Accusation, filed by the  
5 Department of Real Estate in this proceeding.

6           3. Respondent filed a Notice of Defense pursuant to  
7 Section 11505 of the Government Code for the purpose of  
8 requesting a hearing on the allegations in the Accusation.  
9 Respondent hereby freely and voluntarily withdraws said Notice  
10 of Defense. Respondent acknowledges that she understands that  
11 by withdrawing said Notice of Defense that she will thereby  
12 waive her right to require the Commissioner to prove the  
13 allegations in the Accusation at a contested hearing held in  
14 accordance with the provisions of the Administrative Procedure  
15 Act and that Respondent will waive other rights afforded to her  
16 in connection with the hearing, such as the right to present  
17 evidence in defense of the allegations in the Accusation and  
18 the right to cross-examine witnesses.

19           4. In the interest of expedience and economy,  
20 Respondent chooses not to contest the factual allegations in  
21 Paragraphs 1 through 11 of the Accusation, but to remain silent  
22 and understands that, as a result thereof, these factual  
23 statements, without being admitted or denied, will serve as a  
24 prima facie basis for the disciplinary action stipulated to  
25 herein. The Real Estate Commissioner shall not be required to  
26 provide further evidence to prove such allegations.

1                   5. It is understood by the parties that the Real  
2 Estate Commissioner may adopt the Stipulation as her Decision  
3 in this matter, thereby imposing the penalty and sanctions on  
4 Respondent's real estate license and license rights as set  
5 forth in the "Order" below. In the event that the Commissioner  
6 in her discretion does not adopt the Stipulation, it shall be  
7 void and of no effect, and Respondent shall retain the right to  
8 a hearing and proceeding on the Accusation under all the  
9 provisions of the Administrative Procedure Act and shall not be  
10 bound by any admission or waiver made herein.

11                   6. The Order or any subsequent Order of the Real  
12 Estate Commissioner made pursuant to this Stipulation shall not  
13 constitute an estoppel, merger or bar to any further  
14 administrative or civil proceeding by the Department of Real  
15 Estate with respect to any matters which were not specifically  
16 alleged to be causes for accusation in this proceeding.

17                   DETERMINATION OF ISSUES

18                   By reason of the foregoing stipulations, admissions  
19 and waivers and solely for the purpose of settlement of the  
20 pending Accusation without a hearing, it is stipulated and  
21 agreed that the following Determination of Issues shall be  
22 made:

23                   I

24                   The conduct acts and/or omissions of Respondent, as  
25 alleged in the Accusation, are grounds for the suspension or  
26 revocation of all real estate licenses and license rights of  
27 Respondent under the provisions of Business and Professions

1 Code (hereafter sometimes referred to as "Code") Section  
2 10177(d) for violation of Code Section 10145.

3 ORDER

4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 A. All licenses and licensing rights of Respondent  
6 under the Real Estate Law are revoked; provided, however, a  
7 restricted real estate broker license shall be issued to  
8 Respondent pursuant to Section 10156.5 of the Business and  
9 Professions Code if Respondent makes application therefor and  
10 pays to the Department of Real Estate the appropriate fee for  
11 the restricted license within 90 days from the effective date  
12 of this Decision. The restricted license issued to Respondent  
13 shall be subject to all of the provisions of Section 10156.7 of  
14 the Business and Professions Code and to the following  
15 limitations, conditions, and restrictions imposed under  
16 authority of Section 10156.6 of that Code:

17 1. The restricted license issued to Respondent may  
18 be suspended prior to hearing by Order of the Real Estate  
19 Commissioner in the event of Respondent's conviction or plea of  
20 nolo contendere to a crime which is substantially related to  
21 Respondent's fitness or capacity as real estate licensee.

22 2. The restricted license issued to Respondent may  
23 be suspended prior to hearing by Order of the Real Estate  
24 Commissioner on evidence satisfactory to the Commissioner that  
25 Respondent has violated provisions of the California Real  
26 Estate Law, the Subdivided Lands Law, Regulations of the Real  
27 Estate Commissioner or conditions attaching to the restricted



license.

1  
2           3. Respondent shall not be eligible to apply for the  
3 issuance of an unrestricted real estate license nor for the  
4 removal of any of the conditions, limitations or restrictions  
5 of a restricted license until two (2) years have elapsed from  
6 the effective date of this Decision.

7           4. Respondent shall, within nine (9) months from the  
8 effective date of this Decision, present evidence satisfactory  
9 to the Real Estate Commissioner that Respondent has, since the  
10 most recent issuance of an original or renewal real estate  
11 license, taken and successfully completed the continuing  
12 education requirements of Article 2.5 of Chapter 3 of the Real  
13 Estate Law for renewal of a real estate license. If Respondent  
14 fails to satisfy this condition, the Commissioner may order the  
15 suspension of the restricted license until the Respondent  
16 presents such evidence. The Commissioner shall afford  
17 Respondent the opportunity for a hearing pursuant to the  
18 Administrative Procedure Act to present such evidence.

19           5. Respondent shall, within six (6) months from the  
20 effective date of this Decision, take and pass the Professional  
21 Responsibility Examination administered by the Department  
22 including the payment of the appropriate examination fee. If  
23 Respondent fails to satisfy this condition, the Commissioner  
24 may order suspension of Respondent's license until Respondent  
25 passes the examination.

26           B. Any restricted real estate license issued to  
27 Respondent pursuant to this Decision shall suspended for a

1 period of thirty (30) days from the date of issuance of said  
2 restricted license. If Respondent petitions, said suspension  
3 or a portion thereof shall be stayed upon condition that:

4 1. Pursuant to Code Section 10175.2, Respondent pays a  
5 monetary penalty at the rate of of fifty dollars (\$50.00) per day  
6 for a total monetary penalty of \$1,500.00.

7 2. Said payment shall be in the form of a cashier's  
8 check or certified check made payable to the Recovery Account of  
9 the Real Estate Fund. Said check must be received by the  
10 Department prior to the effective date of the Decision in this  
11 matter.

12 3. No further cause for disciplinary action against  
13 the real estate license of Respondent occurs within two (2)  
14 years from the effective date of the Decision in this matter.

15 4. If Respondent fails to pay the monetary penalty in  
16 accordance with the terms and conditions of the Decision, the  
17 Commissioner may, without a hearing, order the immediate  
18 execution of all or any part of the stayed suspension in which  
19 event the Respondent shall not be entitled to any repayment nor  
20 credit, prorated or otherwise, for money paid to the Department  
21 under the terms of this Decision.

22 5. If Respondent pays the monetary penalty and if no  
23 further cause for disciplinary action against the real estate  
24 license of Respondent occurs within two (2) years from the  
25 effective date of this Decision, the stay hereby granted shall  
26 become permanent.

1 C. Pursuant to Section 10148 of the Business and  
2 Professions Code, Respondent shall pay the Commissioner's  
3 reasonable cost for: a) the audit which led to this  
4 disciplinary action and b) a subsequent audit to determine if  
5 Respondent has corrected the trust fund violations found in the  
6 Determination of Issues. The cost of the audit which led to  
7 this disciplinary action is \$2,809.00. In calculating the  
8 amount of the Commissioner's reasonable cost, the Commissioner  
9 may use the estimated average hourly salary for all persons  
10 performing audits of real estate brokers, and shall include an  
11 allocation for travel time to and from the auditor's place of  
12 work. Said amount for the subsequent audit shall not exceed  
13 \$2,809.00.

14 Respondent shall pay such cost for the follow-up audit  
15 within 60 days of receiving an invoice from the Commissioner  
16 detailing the activities performed during the audit and the  
17 amount of time spent performing those activities. The  
18 Commissioner may suspend the restricted license issued to  
19 Respondent pending a hearing held in accordance with Section  
20 11500, et seq., of the Government Code, if payment is not timely  
21 made as provided for herein, or as provided for in a subsequent  
22 agreement between the Respondent and the Commissioner. The  
23 suspension shall remain in effect until payment is made in full,  
24 or until Respondent enters into an agreement satisfactory to the  
25 Commissioner to provide for payment, or until a decision  
26 providing otherwise is adopted following a hearing held pursuant  
27 to this condition.

1 D. Respondent shall, prior to and as a condition of  
2 the issuance of the restricted license, submit proof satisfactory  
3 to the Commissioner of having taken and successfully completed  
4 the continuing education course on trust fund accounting and  
5 handling specified in subdivision (a) of Section 10170.5 of the  
6 Code. Proof of satisfaction of this requirement includes  
7 evidence that Respondent has successfully completed the trust  
8 fund account and handling continuing education course within 120  
9 days prior to the effective date of the Decision in this matter.

10  
11 DATED: \_\_\_\_\_

10/17/03

CHRIS LEONG

CHRIS LEONG, ESQ.  
Counsel for Complainant

12  
13 \* \* \*

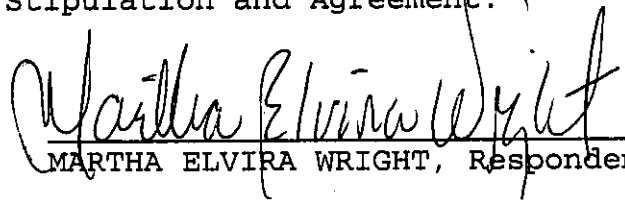
14 I have read the Stipulation and Agreement, have  
15 discussed it with my counsel, and its terms are understood by  
16 me and are agreeable and acceptable to me. I understand that I  
17 am waiving rights given to me by the California Administrative  
18 Procedure Act (including but not limited to Sections 11506,  
19 11508, 11509 and 11513 of the Government Code), and I  
20 willingly, intelligently and voluntarily waive those rights,  
21 including the right of requiring the Commissioner to prove the  
22 allegations in the Accusation at a hearing at which I would  
23 have the right to cross-examine witnesses against me and to  
24 present evidence in defense and mitigation of the charges.

25 Respondent can signify acceptance and approval of the  
26 terms and conditions of this Stipulation and Agreement by  
27

1 faxing a copy of the signature page, as actually signed by  
2 Respondent, to the Department at the following fax number (213)  
3 576-6917. Respondent agrees, acknowledges and understands that  
4 by electronically sending to the Department a fax copy of her  
5 actual signature as it appears on the Stipulation and  
6 Agreement, that receipt of the faxed copy by the Department  
7 shall be as binding on Respondent as if the Department had  
8 received the original signed Stipulation and Agreement.

9  
10 DATED:

9/9/03

  
MARTHA ELVIRA WRIGHT, Respondent

11  
12 DATED:

9/9/03

  
RONALD APPEL, ESQ.  
Counsel for Respondent

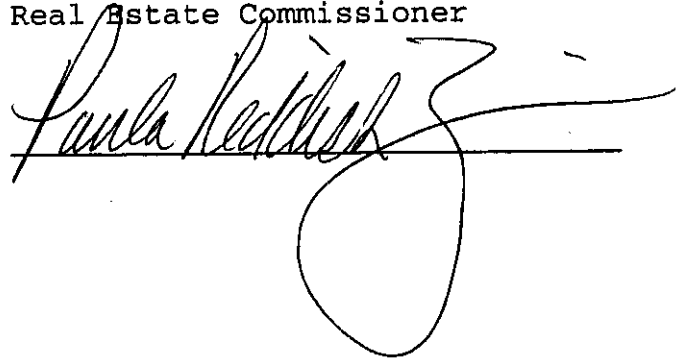
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14 \* \* \*

15 The foregoing Stipulation and Agreement is hereby  
16 adopted as my Decision in this matter and shall become  
17 effective at 12 o'clock noon on December 8, 2003.

18 IT IS SO ORDERED

October 29, 2003

19 PAULA REDDISH ZINNEMANN  
20 Real Estate Commissioner

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1 CHRIS LEONG, Counsel (SBN 141079)  
Department of Real Estate  
2 320 West Fourth Street, Suite 350  
Los Angeles, CA 90013-1105  
3  
4 Telephone: (213) 576-6982  
-or- (213) 576-6910 (Direct)

**FILED**  
MAY 30 2003  
DEPARTMENT OF REAL ESTATE

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7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
MARTHA ELVIRA WRIGHT, ) No. H-30017 LA  
L-2003040373  
12 ) FIRST AMENDED  
13 ) ACCUSATION  
Respondent. )  
14 )

15 This Accusation amends the Accusation filed on  
16 March 20, 2003, by correcting the Respondent's name.

17 The Complainant, Maria Suarez, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of  
19 Accusation against MARTHA ELVIRA WRIGHT (hereinafter  
20 "Respondent"), is informed and alleges in her official capacity  
21 as follows:

22 1.

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

2.

1 The Complainant Maria Suarez, a Deputy Real Estate  
2 Commissioner of the State of California, makes this Accusation  
3 against Respondent in her official Capacity.  
4

3.

5 At all times material herein, Respondent engaged in  
6 the business of, acted in the capacity of, advertised or  
7 assumed to act as a real estate broker for others in the State  
8 of California, within the meaning of Code Section 10131(a) and  
9 (d), including the operation and conduct of a real estate  
10 sales, and mortgage loan business with the public wherein  
11 Respondent solicited buyers and sellers of real property on  
12 and/or solicited borrowers for loans secured by interest in  
13 real property in expectation of compensation.  
14

15 FIRST CAUSE OF ACCUSATION

16 (First Audit Findings)

4.

17 On September 19, 2002, the Department concluded its  
18 examination of Respondent's books and records pertaining to  
19 Respondent's activities as a real estate broker in audit number  
20 LA 010518, covering a period from approximately January 1,  
21 2001 to July 31, 2002. The examination revealed violations of  
22 the Code and of Title 10, Chapter 6, California Code of  
23 Regulations (hereinafter "Regulations"), as set forth below.  
24

5.

25 At all times herein, in connection with the real  
26 estate sales, loan and loan servicing activity described in  
27

1 Paragraph 3, above, Respondent accepted or received funds,  
2 including funds in trust (hereinafter "trust funds") from or on  
3 behalf of actual and prospective parties to transactions  
4 handled by Respondent and thereafter made deposits and/or  
5 disbursements of such funds. From time to time herein  
6 mentioned, said trust funds were deposited and/or maintained by  
7 Respondent in bank accounts not designated as trust accounts.

8 6.

9 Respondent acted in violation of the Code and the  
10 Regulations as set forth below and as more specifically  
11 described in Audit Report LA 010518 and the exhibits attached  
12 thereto:

13 (a) Respondent failed to deposit \$2,000.00 of trust  
14 funds into a neutral escrow depository or into a trust fund  
15 account in the name of the broker, including the trust funds of  
16 Juan and Francisca Veras, in violation of Code Section 10145  
17 and Regulation 2832;

18 (b) trust funds held on behalf of buyers were  
19 commingled with Respondent's personal funds, in violation of  
20 Code Section 10176(e);

21 (c) trust funds held on behalf of buyers were  
22 converted by Respondent for personal use, in violation of Code  
23 Section 10145;

24 (d) Respondent used the unlicensed dba Real Estate  
25 Services, in violation of Code Section 10159.5; and

26 (e) Respondent failed to maintain records of trust  
27 funds received but not deposited into a trust account, in



1 violation of Code Section 10145 and Regulation 2831.

2 SECOND CAUSE OF ACCUSATION

3 7.

4 On March 28, 2001, Respondent, using the dba Real  
5 Estate Services, prepared a Residential Purchase Agreement and  
6 Joint Escrow Instructions (hereinafter "Deposit Receipt") for  
7 Juan and Francisca Vera (hereinafter "Veras") to purchase real  
8 property located at 1540 Mikinda Ave., La Habra, CA (hereinafter  
9 "Mikinda property"). Wanda Varner was the listing broker of the  
10 Mikinda property. Debbie Pressley was the listing agent of the  
11 Mikinda property. Respondent represented on the Deposit Receipt  
12 that the Veras gave her a deposit in the amount of \$3,000.00 to  
13 purchase the Mikinda property for a sales price of \$235,000.00.  
14 Respondent represented that the Veras would increase their  
15 deposit by an additional \$2,000.00 with "Escrow Holder within 25  
16 days after acceptance or prior to close of escrow".

17 8.

18 The Veras issued Check No. 2195 payable to the order of  
19 R. E. Services (hereinafter "Real Estate Services") in the amount  
20 of \$3,000.00. Real Estate Services endorsed Check No. 2195  
21 payable to Complete Escrow for deposit in the Veras' escrow  
22 account. The Veras issued their Check No. 2196 payable to Real  
23 Estate Services in the amount of \$2,000.00. Respondent endorsed  
24 the Veras' Check No. 2196 and converted the funds for personal  
25 use.

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9.

On March 29, 2001, the Veras accepted the Sellers' Counter Offer to sell the Mikinda property for \$235,000.00 providing that the Sellers were successful in closing escrow on property located at 611 Arbolade, Fullerton, CA. On April 3, 2001, Complete Escrow accepted the Veras Check No. 2195, for deposit in the Veras' Escrow No. 29413.

10.

On May 4, 2001, Respondent purchased Official Check No. 968246306, in the amount of \$2,000.00, payable to the order of Complete Escrow for deposit in the Veras' Escrow No. 29413 Account. On May 9, 2001, Complete Escrow accepted Official Check No. 968246306 for deposit in the Veras' Escrow No. 29413 Account. From March 29, 2001 to May 4, 2001, Wanda Varner and Debbie Pressley asked Respondent when the additional \$2,000.00 was going to be put into escrow. Respondent misrepresented that she had not yet received the funds from the buyer. Sellers were damaged because the delay in this sale almost caused them to lose their new purchase and because Respondent converted their funds for her personal use.

11.

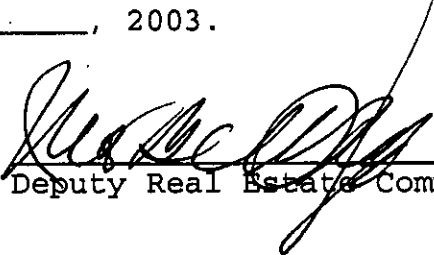
The conduct, acts and omissions of Respondent, as described in Paragraphs 4 through 10, violated the Code and the Regulations as set forth above and constitutes cause for the suspension or revocation of all real estate licenses and license rights of Respondent under the provisions of Code

1 Sections 10176(e), 10177(d), 10177(g) and/or 10177(j).

2  
3 WHEREFORE, Complainant prays that a hearing be  
4 conducted on the allegations of this Accusation and that upon  
5 proof thereof, a decision be rendered imposing disciplinary  
6 action against all licenses and/or license rights of  
7 Respondent, MARTHA ELVIRA WRIGHT, under the Real Estate Law  
8 (Part 1 of Division 4 of the Business and Professions Code),  
9 and for such other and further relief as may be proper under  
10 other applicable provisions of law.

11 Dated at Los Angeles, California

12 this 30<sup>th</sup> day of May, 2003.

13  
14   
15 Deputy Real Estate Commissioner

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23  
24 cc: Martha Elvira Wright  
25 Janice Waddell  
26 Sacto.  
27 LA Audit/Hawes  
AK  
OAH





1 against Respondent in her official Capacity.

2 3.

3 At all times material herein, Respondent engaged in  
4 the business of, acted in the capacity of, advertised or  
5 assumed to act as a real estate broker for others in the State  
6 of California, within the meaning of Code Section 10131(a) and  
7 (d), including the operation and conduct of a real estate  
8 sales, and mortgage loan business with the public wherein  
9 Respondent solicited buyers and sellers of real property on  
10 and/or solicited borrowers for loans secured by interest in  
11 real property in expectation of compensation.

12 FIRST CAUSE OF ACCUSATION

13 (First Audit Findings)

14 4.

15 On September 19, 2002, the Department concluded its  
16 examination of Respondent's books and records pertaining to  
17 Respondent's activities as a real estate broker in audit number  
18 LA 010518, covering a period from approximately January 1,  
19 2001 to July 31, 2002. The examination revealed violations of  
20 the Code and of Title 10, Chapter 6, California Code of  
21 Regulations (hereinafter "Regulations"), as set forth below.

22 5.

23 At all times herein, in connection with the real  
24 estate sales, loan and loan servicing activity described in  
25 Paragraph 3, above, Respondent accepted or received funds,  
26 including funds in trust (hereinafter "trust funds") from or on  
27 behalf of actual and prospective parties to transactions

1 handled by Respondent and thereafter made deposits and/or  
2 disbursements of such funds. From time to time herein  
3 mentioned, said trust funds were deposited and/or maintained by  
4 Respondent in bank accounts not designated as trust accounts.

5 6.

6 Respondent acted in violation of the Code and the  
7 Regulations as set forth below and as more specifically  
8 described in Audit Report LA 010518 and the exhibits attached  
9 thereto:

10 (a) Respondent failed to deposit \$2,000.00 of trust  
11 funds into a neutral escrow depository or into a trust fund  
12 account in the name of the broker, including the trust funds of  
13 Juan and Francisca Veras, in violation of Code Section 10145  
14 and Regulation 2832;

15 (b) trust funds held on behalf of buyers were  
16 commingled with Respondent's personal funds, in violation of  
17 Code Section 10176(e);

18 (c) trust funds held on behalf of buyers were  
19 converted by Respondent for personal use, in violation of Code  
20 Section 10145;

21 (d) Respondent used the unlicensed dba Real Estate  
22 Services, in violation of Code Section 10159.5; and

23 (e) Respondent failed to maintain records of trust  
24 funds received but not deposited into a trust account, in  
25 violation of Code Section 10145 and Regulation 2831.

26 ///

SECOND CAUSE OF ACCUSATION

7.

On March 28, 2001, Respondent, using the dba Real Estate Services, prepared a Residential Purchase Agreement and Joint Escrow Instructions (hereinafter "Deposit Receipt") for Juan and Francisca Vera (hereinafter "Veras") to purchase real property located at 1540 Mikinda Ave., La Habra, CA (hereinafter "Mikinda property"). Wanda Varner was the listing broker of the Mikinda property. Debbie Pressley was the listing agent of the Mikinda property. Respondent represented on the Deposit Receipt that the Veras gave her a deposit in the amount of \$3,000.00 to purchase the Mikinda property for a sales price of \$235,000.00. Respondent represented that the Veras would increase their deposit by an additional \$2,000.00 with "Escrow Holder within 25 days after acceptance or prior to close of escrow".

8.

The Veras issued Check No. 2195 payable to the order of R. E. Services (hereinafter "Real Estate Services") in the amount of \$3,000.00. Real Estate Services endorsed Check No. 2195 payable to Complete Escrow for deposit in the Veras' escrow account. The Veras issued their Check No. 2196 payable to Real Estate Services in the amount of \$2,000.00. Respondent endorsed the Veras' Check No. 2196 and converted the funds for personal use.

///

///



9.

1 On March 29, 2001, the Veras accepted the Sellers'  
2 Counter Offer to sell the Mikinda property for \$235,000.00  
3 providing that the Sellers were successful in closing escrow on  
4 property located at 611 Arbolade, Fullerton, CA. On April 3,  
5 2001, Complete Escrow accepted the Veras Check No. 2195, for  
6 deposit in the Veras' Escrow No. 29413.  
7

10.

8 On May 4, 2001, Respondent purchased Official Check  
9 No. 968246306, in the amount of \$2,000.00, payable to the order  
10 of Complete Escrow for deposit in the Veras' Escrow No. 29413  
11 Account. On May 9, 2001, Complete Escrow accepted Official Check  
12 No. 968246306 for deposit in the Veras' Escrow No. 29413 Account.  
13 From March 29, 2001 to May 4, 2001, Wanda Varner and Debbie  
14 Pressley asked Respondent when the additional \$2,000.00 was going  
15 to be put into escrow. Respondent misrepresented that she had  
16 not yet received the funds from the buyer. Sellers were damaged  
17 because the delay in this sale almost caused them to lose their  
18 new purchase and because Respondent converted their funds for her  
19 personal use.  
20

11.

21 The conduct, acts and omissions of Respondent, as  
22 described in Paragraphs 4 through 10, violated the Code and the  
23 Regulations as set forth above and constitutes cause for the  
24 suspension or revocation of all real estate licenses and  
25 license rights of Respondent under the provisions of Code  
26 Sections 10176(e), 10177(d), 10177(g) and/or 10177(j).  
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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 all licenses and/or license rights of Respondent, MARTHA E. 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 19 day of March, 2003.

  
Deputy Real Estate Commissioner

cc: Martha E. Wright  
Janice Waddell  
Sacto.  
LA Audit/Hawes  
AK