

FILED
JAN 13 2004

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By 

* * *

In the Matter of the Accusation of)
CARRYE WASHINGTON MORGENSTERN,)
Respondent.)

NO. H-30323 LA

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 December 11, 2003, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision suspends or revokes one or more real estate licenses on the grounds of a discipline of a professional license held by Respondent. Respondent's license to practice law was disciplined by the State Bar of California. The State Bar disciplined Respondent for, among other things, seeking to mislead a judge or judicial officer while representing a client before the United States Bankruptcy Court.

The right to reinstatement of a revoked license is controlled by Section 11522 of the Government Code. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto for the information of the Respondent.

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FINDINGS OF FACT

I

On September 12, 2003, Maria Suarez made the Accusation in her 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 September 12, 2003. Second and third attempts were made by regular mail on October 3, 2003 and November 5, 2003.

II

On December 11, 2003, 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.

III

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 broker.

IV

Respondent was originally issued a real estate salesperson license on or about February 28, 1975. She later was issued a real estate broker license on October 29, 1992. Respondent's current license has an expiration date of October 28, 2004.

V

On or about May 17, 2002, the Supreme Court of the State of California, En Banc, in State Bar Court Case No. 01-O-00773, ordered that Respondent be suspended from the practice of law for six (6) months and that execution of said suspension be stayed and that she be placed on probation for a period of two (2) years. Respondent was also ordered to take and pass the Multistate Professional Responsibility Examination within one year of the effective date of the Order. Costs were awarded to the State Bar and were ordered repaid by Respondent. Said discipline was based on the following acts and/or omissions:

1. In conjunction with representing a party before the United State Bankruptcy Court, Respondent sought to mislead a judge or judicial officer by an artifice or false statement of fact or law in violation of Business and Professions Code section 6068(d).

2. Respondent also failed to disclose to her clients in the same Bankruptcy matter the actual and foreseeable consequences to the clients to have Respondent act as their legal counsel in a matter in which Respondent had a legal, business, financial, professional, or personal relationship in violation of the Rules of Professional Conduct.

VI

Respondent's discipline by the State Bar of California, as described above in Paragraph III, is cause under.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Section 10177(f) based on the discipline taken against Respondent's State Bar license and Respondent's actions that served as the underlying basis for the State Bar's discipline.

II

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

ORDER

The licenses and license rights of Respondent CARRYE WASHINGTON MORGENSTERN 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 February 2, 2004.

DATED: January 7, 2004

JOHN R. LIBERATOR
Chief Deputy Commissioner

John R. Liberator

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6982

FILED
DEC 11 2003

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12 CARRYE WASHINGTON MORGENSTERN,)
13 Respondent.)

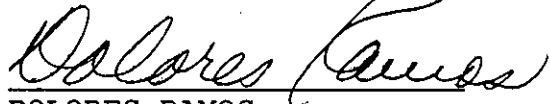
NO. H-30323 LA

DEFAULT ORDER

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

20 IT IS SO ORDERED Dec 11, 2003.

21
22 JOHN R. LIBERATOR
23 Chief Deputy Commissioner

24 
25 By: DOLORES RAMOS
26 Regional Manager
27

58070

MARY E. WORK, Counsel
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FILED
SEP 12 2003

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
CARRYE WASHINGTON MORGENSTERN,)
Respondent.)

NO. H-30323 LA

A C C U S A T I O N

I

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against CARRYE WASHINGTON MORGENSTERN is informed and alleges in her official capacity as follows:

II

At all times mentioned herein, CARRYE WASHINGTON MORGENSTERN (hereinafter referred to as "Respondent") was and still is licensed by the Department of Real Estate of the State of California ("Department") as a real estate broker under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

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III

On or about May 17, 2002, in State Bar Court Case No. 01-O-00773, the Supreme Court of California, En Banc, Ordered that Respondent be suspended from the practice of law for six months, that execution of said suspension be stayed and that she be placed on two years probation. In addition, Respondent was ordered to take and pass the Multistate Professional Responsibility Examination within one year of the effective of Order. Costs were awarded to the State Bar and were to be repaid by Respondent. Said discipline was based on the following Stipulation Re Facts, Conclusions of Law and Disposition:

1. In conjunction with representing a party before the United State Bankruptcy Court, Respondent sought to mislead a judge or judicial officer by an artifice or false statement of fact or law in violation of Business and Professions Code section 6068(d).

2. Respondent also failed to disclose to her clients in the Bankruptcy matter in issue the actual and foreseeable consequences to the clients to have Respondent as their legal counsel in a matter in which Respondent had a legal, business, financial, professional, or personal relationship in violation of the Rules of Professional Conduct.

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IV

Respondent's discipline by the State Bar of California, as described above in Paragraph III, is cause under Section 10177(f) of the Business and Professions Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate law.

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 CARRYE WASHINGTON MORGENSTERN under the Real Estate Law and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles, California
this 10th day of September, 2003.


Deputy Real Estate Commissioner

cc: Carrye Washington Morgenstern
Maria Suarez
SACTO
AE