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APR 15 2011
DEPARTMENT OF REAL ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) No. H-32236 LA
TABITHA ANN MC CULLOCH,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On November 16, 2005, a Decision was rendered herein denying the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on January 11, 2006, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about May 27, 2009, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

1 salesperson license and that it would not be against the public interest to issue said license to
2 Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if
5 Respondent satisfies the following conditions:

6 1. Submits a completed application and pays the fee for a real estate salesperson
7 license within the 12 month period following the date of this Order; and

8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed application,
11 or (ii) within the 12 month period following the date of this Order.

12 This Order shall be effective immediately.

13 Dated: 2/16/2011

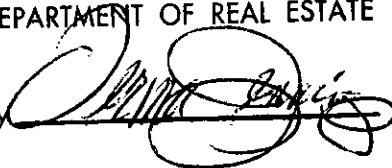
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16 JEFF DAVIS
17 Real Estate Commissioner
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1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED
JAN -3 2006

DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H-32236 LA
12 TABITHA ANN MC CULLOCH,) STIPULATION AND WAIVER
13 Respondent.)
14

15 I, TABITHA ANN MC CULLOCH, respondent herein, do hereby
16 affirm that I have applied to the Department of Real Estate for a
17 real estate salesperson license and that to the best of my
18 knowledge I have satisfied all of the statutory requirements for
19 the issuance of the license, including the payment of the fee
20 therefor.

21 I acknowledge that I have received and read the
22 Statement of Issues and the Statement to Respondent filed by the
23 Department of Real Estate on October 12, 2005, in connection with
24 my application for a real estate salesperson license. I
25 understand that the Real Estate Commissioner may hold a hearing
26 on this Statement of Issues for the purpose of requiring further
27

1 proof of my honesty and truthfulness and to prove other
2 allegations therein, or that he may in his discretion waive the
3 hearing and grant me a restricted real estate salesperson license
4 based upon this Stipulation and Waiver. I also understand that
5 by filing the Statement of Issues in this matter the Real Estate
6 Commissioner is shifting the burden to me to make a satisfactory
7 showing that I meet all the requirements for issuance of a real
8 estate salesperson license. I further understand that by
9 entering into this stipulation and waiver I will be stipulating
10 that the Real Estate Commissioner has found that I have failed to
11 make such a showing, thereby justifying the denial of the
12 issuance to me of an unrestricted real estate salesperson
13 license.

14 I hereby admit that the allegations of the Statement of
15 Issues filed against me are true and correct and request that the
16 Real Estate Commissioner in his discretion issue a restricted
17 real estate salesperson license to me under the authority of
18 Section 10156.5 of the Business and Professions Code. I
19 understand that any such restricted license will be issued
20 subject to and be limited by Section 10153.4 of the Business and
21 Professions Code.

22 I am aware that by signing this Stipulation and Waiver,
23 I am waiving my right to a hearing and the opportunity to present
24 evidence at the hearing to establish my rehabilitation in order
25 to obtain an unrestricted real estate salesperson license if this
26 Stipulation and Waiver is accepted by the Real Estate
27 Commissioner. However, I am not waiving my right to a hearing

1 and to further proceedings to obtain a restricted or unrestricted
2 license if this Stipulation and Waiver is not accepted by the
3 Commissioner.

4 I further understand that the following conditions,
5 limitations and restrictions will attach to a restricted license
6 issued by the Department of Real Estate pursuant hereto:

7 1. The license shall not confer any property right in
8 the privileges to be exercised including the right
9 of renewal, and the Real Estate Commissioner may by
10 appropriate order suspend the right to exercise any
11 privileges granted under this restricted license in
12 the event of:

13 a. The conviction of respondent (including a plea
14 of nolo contendere) to a crime which bears a
15 substantial relationship to respondent's
16 fitness or capacity as a real estate licensee;
17 or

18 b. The receipt of evidence that respondent has
19 violated provisions of the California Real
20 Estate Law, the Subdivided Lands Law,
21 Regulations of the Real Estate Commissioner or
22 conditions attaching to this restricted
23 license.

24 2. I shall not be eligible to apply for the
25 issuance of an unrestricted real estate license nor
26 the removal of any of the conditions, limitations
27 or restrictions attaching to the restricted license

1 until two years have elapsed from the date of
2 issuance of the restricted license to respondent.

3 3. With the application for license, or with the
4 application for transfer to a new employing broker,
5 I shall submit a statement signed by the
6 prospective employing broker on a form approved by
7 the Department of Real Estate wherein the employing
8 broker shall certify as follows:

9 a. That broker has read the Statement of Issues
10 which is the basis for the issuance of the
11 restricted license; and

12 b. That broker will carefully review all
13 transaction documents prepared by the
14 restricted licensee and otherwise exercise
15 close supervision over the licensee's
16 performance of acts for which a license is
17 required.

18 4. My restricted real estate salesperson license is
19 issued subject to the requirements of Section
20 10153.4 of the Business and Professions Code, to
21 wit: I am required, within eighteen (18) months of
22 the issuance of the restricted license, to submit
23 evidence satisfactory to the Commissioner of
24 successful completion, at an accredited
25 institution, of a course in real estate practices
26 and one of the courses listed in Section 10153.2,
27 other than real estate principles, advanced legal

1 aspects of real estate, advanced real estate
2 finance, or advanced real estate appraisal. If I
3 fail to timely present to the Department
4 satisfactory evidence of successful completion of
5 the two required courses, the restricted license
6 shall be automatically suspended effective eighteen
7 (18) months after the date of its issuance. Said
8 suspension shall not be lifted unless, prior to the
9 expiration of the restricted license, I have
10 submitted the required evidence of course
11 completion and the Commissioner has given written
12 notice to respondent of the lifting of the
13 suspension.

14 5. Pursuant to Section 10154, if I have not satisfied
15 the requirements for an unqualified licensed under
16 Section 10153.4, respondent shall not be entitled
17 to renew the restricted license, and shall not be
18 entitled to the issuance of another license which
19 is subject to Section 10153.4 until four years
20 after the date of the issuance of the preceding
21 restricted license.

22 6. During the term of the restricted license,
23 respondent shall submit to the Department of Real
24 Estate as of the last day of each March, June,
25 September and December proof satisfactory to the
26 Real Estate Commissioner of respondent's ongoing
27 participation in a recognized drug and alcohol

1 diversion program. Said proof shall be submitted to
2 the Manager of the Crisis Response Team at the Los
3 Angeles Office of the Department of Real Estate and
4 shall be verified as true and accurate by
5 respondent under penalty of perjury.

6 a. The Commissioner may suspend the restricted
7 license issued to respondent pending a hearing held
8 in accordance with Section 11500, et seq., of the
9 Government Code if such proof is not timely
10 submitted as provided for herein, or as provided
11 for in a subsequent agreement between the
12 respondent and the Commissioner. The suspension
13 shall remain in effect until such proof is
14 submitted or until respondent enters into an
15 agreement satisfactory to the Commissioner to
16 provide such proof, or until a decision providing
17 otherwise is adopted following a hearing held
18 pursuant to this condition.

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

11
12 _____
13 Dated

14
15 _____
16 TABITHA ANN MC CULLOCH
 Respondent

17 * * * *

18 I have read the Statement of Issues filed herein and
19 the foregoing Stipulation and Waiver signed by respondent. I am
20 satisfied that the hearing for the purpose of requiring further
21 proof as to the honesty and truthfulness of respondent need not
22 be called and that it will not be inimical to the public interest
23 to issue a restricted real estate salesperson license to
24 respondent.

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26 ///

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

11
12 11-1-05
13 Dated

14
15 Tabytha Ann McCulloch
16 TABYTHA ANN MC CULLOCH
17 Respondent

18 * * * *

19 I have read the Statement of Issues filed herein and
20 the foregoing Stipulation and Waiver signed by respondent. I am
21 satisfied that the hearing for the purpose of requiring further
22 proof as to the honesty and truthfulness of respondent need not
23 be called and that it will not be inimical to the public interest
24 to issue a restricted real estate salesperson license to
25 respondent.

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27 ///

1 Therefore, IT IS HEREBY ORDERED that a restricted real
2 estate salesperson license be issued to respondent TABITHA ANN
3 MC CULLOCH if respondent has otherwise fulfilled all of the
4 statutory requirements for licensure. The restricted license
5 shall be limited, conditioned and restricted as specified in the
6 foregoing Stipulation and Waiver.

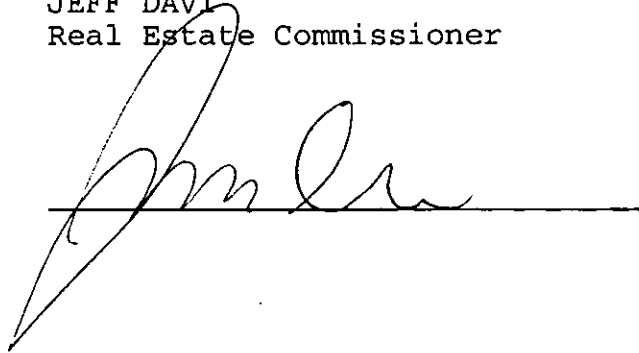
7 This Order is effective immediately.

8 IT IS SO ORDERED

11-16-05

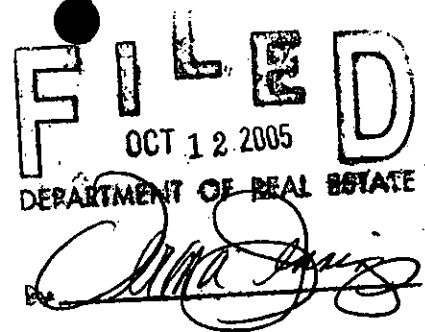
10 JEFF DAVIS
11 Real Estate Commissioner

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1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7



8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-32236 LA
12 TABITHA ANN MC CULLOCH,)
13 Respondent.)
14)
15)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against TABITHA ANN MC CULLOCH (Respondent) is informed and
19 alleges in her official capacity as follows:

20 I

21 On or about October 20, 2004 Respondent applied to the
22 Department of Real Estate of the State of California for a real
23 estate salesperson license with the knowledge and understanding
24 that any license issued as a result of that application would be
25 subject to the conditions of Section 10153.4 of the Business and
26 Professions Code.

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2 II

3 On or about September 30, 1997, in the Superior Court,
4 County of San Barnardino, State of California, Respondent was
5 convicted of violating Vehicle Code Section 23152(a) (driving
6 under the influence) and Vehicle Code Section 23152(b) (driving
7 with blood alcohol .08% or greater).

8 III

9 On or about February 19, 2003, in the Superior Court of
10 California, County of San Bernardino, Respondent was convicted of
11 violating Vehicle Code Section 23152(a) (driving under the
12 influence).

13 IV

14 The matters described above in Paragraphs II and III
15 are substantially related to the functions, duties, and
16 responsibilities of a real estate licensee.

17 V

18 The matters described in Paragraphs II and III
19 constitute cause for denial of Respondent's application for a
20 real estate salesperson license under Section 480(a) of the
21 California Business and Professions Code.

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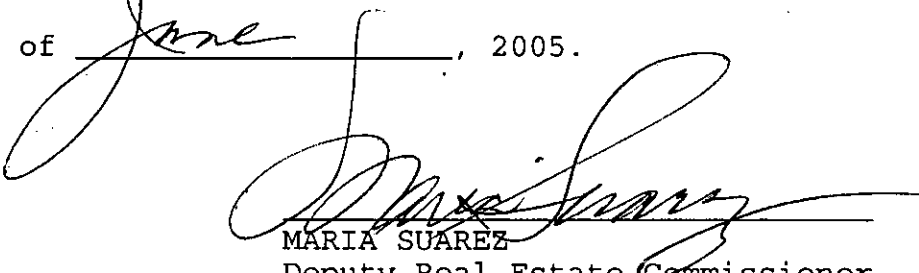
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1 The Statement of Issues is brought under the provisions
2 of Section 10100, Division 4 of the Business and Professions Code
3 of the State of California and Sections 11500 through 11528 of
4 the Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate salesperson
9 license to Respondent TABITHA ANN MC CULLOCH and for such other
10 and further relief as may be proper in the premises.

11 Dated at Los Angeles, California,

12 this 17 day of June, 2005.

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14 
15 MARIA SUAREZ
16 Deputy Real Estate Commissioner
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23 cc: Tabitha Ann McCulloch
24 John H. Paullin
25 Maria Suarez
26 Sacto.
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