

FILED

MAY 19 2017

BUREAU OF REAL ESTATE

By R. Posner

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

DONNA LEE PLOUGH,

a.k.a. Donna Lee Cartright,

Respondent.

No. H-38556 LA

ORDER DENYING REINSTATEMENT OF LICENSE  
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On November 7, 2013, in Case No. H-38566 LA, a Decision was rendered revoking the real estate broker license of Respondent, with the right to apply for a restricted broker license within 90 days of the December 5, 2013 effective date of the Decision.

Respondent never applied for a restricted broker license and her broker license remains revoked to date.

On May 23, 2016, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and

1 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the  
2 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

3 I have considered Respondent's petition and the evidence submitted in support  
4 thereof.

5 The Bureau has developed criteria in Section 2911 of Title 10, California Code of  
6 Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for  
7 reinstatement of a license. Among the criteria relevant in this proceeding are:

8 Regulation 2911(a) The passage of not less than two years since the most recent  
9 criminal conviction or act of the applicant that is a basis to deny the Bureau action sought. (A  
10 longer period will be required if there is a history of acts or conduct substantially related to the  
11 qualifications, functions or duties of a licensee of the Bureau.)

12 In the Stipulation and Agreement Respondent signed on October 10, 2013, in  
13 Case No. H-38556 LA, Respondent agreed that she "would not be eligible to apply for the  
14 issuance of an unrestricted real estate license nor for the removal of any of the conditions,  
15 limitations or restrictions of a restricted license until five (5) years have elapsed from the date of  
16 issuance of the restricted license to Respondent." Although a restricted license was never issued  
17 to Respondent, less than five (5) years have passed since Respondent signed the stipulation. A  
18 longer period than two years from the last conviction is still required, due to Respondent's  
19 history of substantially related acts.

20 Respondent has failed to demonstrate to my satisfaction that Respondent has  
21 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real  
22 estate broker license.

23 I am satisfied, however, that it will not be against the public interest to issue a  
24 restricted real broker license to Respondent.

25 A restricted real estate broker license shall be issued to Respondent pursuant to  
26 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following  
27

1 conditions prior to and as a condition of obtaining a restricted real estate broker license within  
2 twelve (12) months from the effective date of this Order:

3 1. Respondent shall qualify for, take and pass the real estate broker license  
4 examination.

5 2. Submittal of a completed application and payment of the fee for a real  
6 estate broker license.

7 The restricted license issued to Respondent shall be subject to all of the provisions  
8 of Section 10156.7 of the Business and Professions Code and to the following limitations,  
9 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

14 B. The restricted license issued to Respondent may be suspended prior to  
15 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
16 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
17 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to  
18 the restricted license.

19 C. Respondent shall not be eligible to apply for the issuance of an  
20 unrestricted real estate license nor the removal of any of the limitations, conditions or  
21 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance  
22 of the restricted license to Respondent.

23 D. Respondent shall notify the Commissioner in writing within 72 hours of  
24 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post  
25 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of  
26 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
27 the arresting law enforcement agency. Respondent's failure to timely file written notice shall



1 constitute an independent violation of the terms of the restricted license and shall be grounds for  
2 the suspension or revocation of that license.

3 This Order shall become effective at 12 o'clock noon on

JUN 08 2017

4 IT IS SO ORDERED

5/17/2017

6 WAYNE S. BELL  
7 REAL ESTATE COMMISSIONER

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