

FILED

JUN 27 2017

BUREAU OF REAL ESTATE

By R. POSAC

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

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

The Order Denying Reinstatement of License But Granting Right to a Restricted License filed on May 19, 2017 in Case No. H-38556 LA, is amended Nunc Pro Tunc, as follows:

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

1 filing of said petition.

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

6 I have considered Respondent's petition and the evidence submitted in support
7 thereof.

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

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

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

23 Respondent has failed to demonstrate to my satisfaction that Respondent has
24 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
25 estate broker license.

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

1 A restricted real estate broker license shall be issued to Respondent pursuant to
2 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
3 conditions prior to and as a condition of obtaining a restricted real estate broker license within
4 twelve (12) months from the effective date of this Order:

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

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

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

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

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

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

25 D. Respondent shall notify the Commissioner in writing within 72 hours of
26 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
27 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of

1 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
2 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
3 constitute an independent violation of the terms of the restricted license and shall be grounds for
4 the suspension or revocation of that license.

5 If Respondent fails to meet the above requirements, and those of sections 10150.6,
6 10153 and 10153.2 of the California Business & Professions Code, to qualify for the issuance of
7 a real estate broker license, Respondent may be issued a restricted real estate salesperson license
8 if Respondent qualifies for, takes and passes the examination for a real estate salesperson license,
9 submits a completed application and pays the required fee for a salesperson license within the 12
10 month period following the date of this order, and meets all of the other requirements for
11 issuance of a real estate salesperson license, including but not limited to section 10151 of the
12 California Business & Professions Code. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor the removal of any of the limitations,
14 conditions or restrictions of a restricted license until two (2) years have elapsed from the date of
15 the issuance of the restricted license to Respondent.

16 JUL 17 2017

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

18 IT IS SO ORDERED

19 WAYNE S. BELL

20 REAL ESTATE COMMISSIONER

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