

1 Bureau of Real Estate on November 16, 2015. Respondent has not submitted a Notice of
2 Defense to date.

3 2.

4 On January 4, 2016, no Notice of Defense having been filed by Respondent
5 within the time prescribed by Section 11506 of the Government Code, Respondent's default
6 was entered herein.

7 LICENSE HISTORY

8 3.

9 Respondent presently has license rights under the Real Estate Law, Part 1 of
10 Division 4 of the California Business and Professions Code ("Code"), as a real estate broker.

11 VIOLATIONS

12 4.

13 On or about November 25, 2013, the Supreme Court of Washington, in Supreme
14 Court Case No. 201,250-7, suspended Respondent from the practice of law in Washington for
15 one year, and ordered Respondent to pay restitution, fines and fees. As more fully stated in the
16 Findings of Fact, Conclusions of Law and Hearing Officer's Recommendation adopted by the
17 Washington State Bar Association ("WSBA") Disciplinary Board, the Hearing Officer found
18 that Respondent violated Washington Rules of Professional Conduct by: (1) failing to deposit a
19 client's advance fee payment of \$6,000 into a trust account, (2) withdrawing and using the
20 client's advance fee payment before Respondent earned or incurred \$6,000 in fees or expenses,
21 (3) failing to provide a written accounting to her client after distributing the client's advance fee
22 payment and upon request, and (4) making false statements to the WSBA Disciplinary Counsel
23 about the nature of the fee arrangement and to her client's subsequent attorney about the nature
24 of the fee arrangement and the disposition of the advance fee payment. Specifically,
25 Respondent falsely stated to WSBA Disciplinary Counsel that Respondent had never taken a
26 fee for Respondent's representation of the client, and that Respondent had "donated" her time
27 to her client in exchange for the client's donation to Respondent's "ministry". Furthermore,

1 Respondent told client's subsequent attorney that the fee arrangement between Respondent and
2 client was a "true retainer, not an hourly," and that Respondent had deposited the funds into a
3 trust account, when Respondent knew that neither of those assertions were true.

4 5.

5 On or about October 22, 2014, the Supreme Court of California, in Case
6 No. 14-J-00582, suspended Respondent from the practice of law in California for two years,
7 with execution of the suspension stayed and Respondent placed on probation for two years,
8 subject to conditions, including an actual suspension for the first 90 days of probation. Within
9 the Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving Actual
10 Suspension, Respondent admitted to violating California Rules of Professional Conduct and
11 Section 6106 of the Code (Moral Turpitude – Misrepresentation) by: (1) failing to deposit a
12 client's advance fee payment of \$6,000 into a trust account, (2) withdrawing and using the
13 client's advance fee payment before Respondent earned or incurred \$6,000 in fees or expenses,
14 (3) failing to provide a written accounting to her client after distributing the client's advance fee
15 payment and upon request, and (4) making false statements to the WSBA Disciplinary Counsel
16 about the nature of the fee arrangement and to her client's subsequent attorney about the nature
17 of the fee arrangement and the disposition of the advance fee payment. Specifically,
18 Respondent falsely stated to WSBA Disciplinary Counsel that Respondent had never taken a
19 fee for Respondent's representation of the client, and that Respondent had "donated" her time
20 to her client in exchange for the client's donation to Respondent's "ministry". Furthermore,
21 Respondent told client's subsequent attorney that the fee arrangement between Respondent and
22 client was a "true retainer, not an hourly," and that Respondent had deposited the funds into a
23 trust account, when Respondent knew that neither of those assertions were true. Respondent
24 stipulated to knowing that those representations were false and misleading.

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6.

To date, the Bureau of Real Estate has incurred costs totaling (\$887.10) in its investigation and enforcement of Case No. H-40019 LA.

DETERMINATION OF ISSUES

7.

The prior license discipline against Respondent and the conduct underlying the prior license discipline, as described in Paragraphs 4 and 5 above, constitute cause under Section 10177(f) and Section 10177(j) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

8.

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

ORDER

The real estate license and license rights of Respondent DIANE J. BEALL under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Order shall become effective at 12 o'clock noon on FEB 11 2016.

DATED: Jan 16, 2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: 
JEFFREY MASON
Chief Deputy Commissioner

FILED

JAN - 5 2016

BUREAU OF REAL ESTATE

By 

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

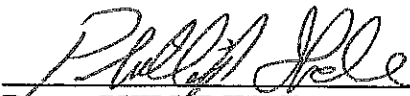
In the Matter of the Accusation of)	No. H-40019 LA
)	
DIANE J. BEALL,)	
)	
Respondent.)	
)	

DEFAULT ORDER

Respondent DIANE J. BEALL, having failed to file a Notice of Defense within the time required by California Government Code section 11506, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED on JANUARY 4, 2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER


By: PHILLIP IHDE
Regional Manager