FILED

JUN 2 6 2026

DEPT. OF REAL ESTATE

By [redacted]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of:	DRE No. H-43222 LA
SARA ANN BRINKMAN,	OAH No. 2026020570
Respondent.	

DECISION

The Proposed Decision dated May 14, 2026, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The application for a real estate salesperson license is denied, but the right to a restricted real estate salesperson license is granted to Respondent.

Pursuant to Government Code Section 11521, the Department of Real Estate may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire thirty (30) days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

///

If and when a petition for removal of restrictions is filed, all competent evidence of rehabilitation presented by the Respondent will be considered by the Real Estate Commissioner.

This Decision shall become effective at 12 o'clock noon on JUL 16 2026.

IT IS SO ORDERED June 18, 2026

Chika Sunquist
REAL ESTATE COMMISSIONER

[redacted]

Chika Sunquist
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

SARA ANN BRINKMAN,

Respondent.

Agency No. H-43222 LA

OAH No. 2026020570

PROPOSED DECISION

Sandy Yu, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on April 22, 2026.

Steve Chu, Attorney, represented complainant Ray Dagnino, Supervising Special Investigator, Department of Real Estate (Department).

Respondent Sara Ann Brinkman represented herself at the hearing.

The ALJ received testimony and documentary evidence. The record closed, and the matter was submitted for decision at the end of the hearing.

During a review of the evidence, the ALJ redacted respondent's dates of birth from Exhibits C and J.

SUMMARY

The Department seeks to deny respondent's application for a real estate salesperson license based on her 2009 felony convictions for forgery and identity theft because her criminal convictions are substantially related to the qualifications, functions, and duties of a real estate licensee. Complainant met the burden of showing cause to deny respondent's application. However, respondent presented sufficient evidence of rehabilitation to warrant the issuance of a restricted salesperson's license for a period of two years. The restricted license will adequately protect public safety and the integrity of the real estate profession.

FACTUAL FINDINGS

Jurisdictional Matters

1. On November 1, 2024, respondent applied for a real estate salesperson license. The application is pending, and no license has been issued to respondent.

2. On January 20, 2026, complainant, in his official capacity filed the Statement of Issues against respondent alleging grounds to deny respondent's application under Business and Professions Code sections 475, subdivisions (a)(2) and (a)(3), 480, subdivisions (a)(1) and (a)(2), and 10177, subdivision (b)(1).

3. On February 2, 2026, respondent timely filed a Notice of Defense, requesting a hearing.

///

2009 Felony Convictions

4. On December 17, 2009, in the Superior Court of Washington, County of Thurston, case number 09-1-00384-3, respondent pleaded guilty to two counts of violating Revised Code of Washington (RCW) section 9A.60.020, subdivision (1)(a)(b), forgery, felonies. The court ordered respondent to serve six months in jail and pay restitution, fines, and fees.

5. The facts and circumstances underlying respondent's forgery convictions occurred on November 25, 2008, when respondent attempted to purchase items at a store with a check belonging to D.D. When the cashier asked to see respondent's identification, respondent pulled the driver's license halfway out. The cashier then took the license from respondent and discovered that the picture matching respondent had been glued over the original picture on the license. The cashier also grabbed the checkbook from respondent and turned it over to the police. The police found respondent using another D.D.'s check to purchase items at a grocery store earlier that day.

6. Also, on December 17, 2009, in the Superior Court of Washington, County of Thurston, case number 09-1-00041-1, respondent pleaded guilty to one count of violating RCW section 9.35.020, subdivisions (1) and (3), identity theft in the second degree, a felony, and one count of violating RCW section 69.50.4013, subdivision (1), unlawful possession of a controlled substance - methamphetamine, a felony. The court ordered respondent to serve six months in jail, 12 months in community custody, and pay restitution, fines, and fees.

7. The facts and circumstances underlying respondent's identity theft and unlawful possession of methamphetamine convictions occurred on January 8, 2009,

when several police officers responded to a report of individuals stealing mail. The police officers stopped a vehicle matching the description given to them. Respondent was in the vehicle. During a search of the vehicle, the police officers found financial and other personal identifying information for over 10 different individuals. In addition, the police officers found a powder that field tested positive as methamphetamine in respondent's purse.

Factor in Aggravation - 2007 Felony Conviction

8. On June 6, 2007, in the Superior Court of Washington, County of Thurston, case number 07-1-00330-8, respondent pleaded guilty of violating RCW section 69.50.403, subdivision (1)(c), unlawfully obtaining a controlled substance - oxycodone, a felony.

9. The facts and circumstances underlying respondent's criminal conviction occurred on February 15, 2007, when a police officer responded to a pharmacy regarding a prescription forgery incident. While respondent was waiting for a prescription to be filled, the pharmacy employee had verified with respondent's doctor that the prescription had been altered from 40 mg of oxycodone to 80 mg of oxycodone.

10. Respondent's criminal convictions have not been expunged.

Rehabilitation and Mitigation Evidence

11. Respondent is 40 years old. She has been married for over seven years and has a son, who is 15 years old. In July 2024, respondent moved with her family from Washington to California. Respondent is currently taking care of her son, who recently lost his eyesight. In addition to caring for her son, respondent has been

participating in a local softball league and a cornhole league, which have allowed her to build relationships in the community.

12. In 2005, when respondent was 19 years old, she began using drugs, leading a self-destructive life. At the hearing, she testified that between 2005 and 2009, she made poor choices that resulted from her substance abuse.

13. In 2009, respondent entered into a two-year drug court program, which required her to participate in random testing for drugs and treatment for substance abuse. In 2011, respondent had completed the drug court program, and her son was born, which she testified was a decisive turning point in her life. Respondent completed her criminal probation and paid the court-ordered restitution, fines, and fees.

14. In 2011, respondent began attending South Puget Sound Community College to further her education. Respondent earned an associate degree in general studies and an associate degree in applied science in 2014 and 2015, respectively. In 2019, respondent completed an expanded function dental auxiliary program, a specialized program designed for experienced dental assistants to further their skills and training, through South Puget Sound Community College. She became licensed as an expanded function dental auxiliary on October 2, 2019. She also previously had two other licenses: (1) a medical assistant/phlebotomist from October 2022 to January 2026 and (2) a dental assistant from July 2015 to January 2020. Respondent has no disciplinary actions with respect to her current and expired licenses.

15. From 2015 to 2022, respondent worked as a dental assistant and an expanded function dental assistant at Impressions Dentistry in Washington. In his letter of support, Suneet Bath, DMD, respondent's employer at Impressions Dentistry

from 2015 to 2022, vouched for respondent's character and talent. Dr. Bath wrote that despite respondent's criminal history, he is "proud of what [respondent] has become and know[s] [respondent] will continue to make waves in her career." (Exh. K, p. B81.) From 2022 to 2024, respondent worked as an expanded function dental assistant at Advanced Dentistry in Washington. In her email of support, Andreea Larhs, DDS, respondent's employer at Advanced Dentistry, Dr. Larhs wrote that respondent is "an exceptional employee - from skills to attitude to work ethics." (Exh. G, p. B64.)

16. In addition to Dr. Bath's and Dr. Larhs's support, respondent submitted four additional character letters of support. All the authors were familiar with respondent's criminal history and praised her rehabilitation. Brittany Shintaffer, respondent's sister-in-law who has known respondent for 22 years, stated that she has "seen [respondent] become someone who is thoughtful, grounded, and accountable. [Respondent] reflects on her choices and is mindful of how her actions affect others." (Exh. K, p. B78.) Additionally, Ruby James, respondent's friend for over 30 years, described respondent as someone who has "matured, learned from her past, and made meaningful changes in her life." (Exh. K, p. B82.)

17. Jordan Pearson, Chief Executive Officer and Team Leader of Keller Williams World Class Realty in Westlake Village, California, provided a letter in support of respondent's application. Mr. Pearson described respondent as "professional, transparent, and proactive." (Exh. N, p. B86.) Mr. Pearson stated that should respondent be granted a real estate salesperson license, his company is "prepared to provide direct supervision, mentorship, and oversight to ensure full compliance with the Department's regulations and fiduciary responsibilities." (*Ibid.*)

18. At the hearing, respondent's testimony was credible and persuasive. She demonstrated insight into the consequences of her past conduct, expressed sincere

remorse, and showed positive changes she made in her life. Although she had an alcoholic drink a few weeks ago, the last time she was under the influence of a controlled substance was in 2009, more than 17 years ago.

19. Respondent has no subsequent arrests or criminal convictions.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. The burden of proof is on the applicant to establish that she is entitled to the license. (*Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1221.)

2. The standard of proof is a preponderance of the evidence. (Evid. Code, § 115.) "'Preponderance of the evidence means evidence that has more convincing force than that opposed to it.' [Citations omitted.] The sole focus of the legal definition of 'preponderance' in the phrase 'preponderance of the evidence' is on the *quality* of the evidence. The *quantity* of evidence presented by each side is irrelevant." (*Glage v. Hawes Firearms Company* (1990) 226 Cal.App.3d 314, 324-325; italics in original.)

Applicable Law

3. The Real Estate Commissioner may deny a real estate license to an applicant on the grounds that the applicant has been convicted of a crime or been subjected to formal discipline by a licensing board within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of a real estate licensee. (Bus. & Prof. Code, §§ 480, subds. (a)(1) & (a)(2); 10177, subd. (b)(1).) However, this seven-year limitation does not apply if the applicant was convicted of a serious felony, as defined in Penal Code section 1192.7 or a

financial crime that is directly and adversely related to the qualifications, functions, or duties of the business or profession for which the application is made. (Bus. & Prof. Code, § 480, subd. (a)(1).) A financial crime is a felony crime where the applicant did one or more of the following in the commission of a criminal offense: (1) obtained money, property, or services; (2) deprived their victim of money, property, or services; (3) engaged in acts involving mishandling of money, property, or services, including but not limited to money laundering; or (4) committed an act of fraud, dishonesty, a breach of trust, or money laundering. (Cal. Code Regs., tit. 10 (CCR), § 2910.5, subd. (b).)

4. CCR section 2910, subdivision (a), identifies crimes or acts that are substantially related to the qualifications, functions, or duties of the Department licensee, including "(1) [t]he fraudulent taking, obtaining, appropriating or retaining of funds or property belonging to another person; (2) [c]ounterfeiting, forging or altering of an instrument or the uttering of a false statement. [¶] . . . [¶] (4) [t]he employment of bribery, fraud, deceit, falsehood or misrepresentation to achieve an end. [¶] . . . [¶] (8) [d]oing of any unlawful act with the intent of conferring a financial or economic benefit upon the perpetrator or with the intent or threat of doing substantial injury to the person or property of another."

Cause for Denial of Application

5. Cause exists to deny respondent's application, pursuant to Business and Professions Code sections 475, subdivisions (a)(2) and (a)(3), 480, subdivision (a)(1), and 10177, subdivision (b)(1). Respondent was convicted of two counts of forgery, one count of identity theft in the second degree, and one count of unlawful possession of methamphetamine on December 17, 2009. Respondent's application date is November 1, 2024. Respondent's criminal convictions occurred more than seven years before she

submitted her application. However, respondent's forgery and identity theft convictions involved acts of dishonesty, when respondent fraudulently took others' financial information, and therefore qualify as financial crimes under CCR section 2910.5, subdivision (b). "Honesty and truthfulness are two qualities deemed by the Legislature to bear on one's fitness and qualification to be a real estate licensee. If appellant's offenses reflect unfavorably on her honesty, it may be said [he] lacks the necessary qualifications to become a real estate salesperson." (*Harrington v. Dept. of Real Estate* (1989) 214 Cal.App.3d 394, 402, citing *Golde v. Fox* (1979) 98 Cal.App.3d 167, 176.) As respondent's forgery and identity theft convictions fall within the financial crime exception, they may be considered even though they occurred more than seven years before respondent submitted her application. In addition, respondent's forgery and identity theft convictions are substantially related to the qualifications, functions, or duties of a licensee because her crimes involved fraudulently taking others' mail and forging checks with the intent of conferring a financial benefit. Because respondent's forgery and identity theft convictions meet the "substantially related" criteria, complainant met the burden of showing cause to deny respondent's application.

6. Cause does not exist to deny respondent's application, pursuant to Business and Professions Code section 480, subdivision (a)(2). Complainant did not present any evidence showing respondent was subject to formal discipline by another licensing board.

Level of Discipline

7. Even though cause exists for the denial of respondent's application, the Real Estate Commissioner may issue respondent a license if she can prove sufficient rehabilitation. The Department's criteria for evaluating the rehabilitation of an

applicant for a license are set forth at CCR section 2911, subdivisions (a)(1) through (a)(14). The rehabilitation criteria include the passage of more than two years after the most recent conviction or act; any restitution the applicant has made; expungement of convictions; successful completion of probation; abstinence from the use of alcohol for at least two year if the conduct forming a basis to deny the license is attributable in part to alcohol use; payment of fines imposed in connection with a criminal conviction; stability of family life and fulfillment of familial responsibilities; completion of educational courses taken for economic self-improvement; involvement in community programs designed to provide social benefits; new and different social and business relationships; and changes in attitude as reflected by, for example, testimony by the applicant, evidence from family members or others familiar with respondent's previous conduct, any changes in behavior, and the absence of subsequent convictions.

8. Although respondent's criminal convictions were serious and have not been expunged, most of the other rehabilitation criteria weigh in favor of granting her license. Respondent's crimes occurred more than 17 years ago. Respondent completed her probation and has paid court-ordered restitution, fines, and fees. She no longer associates with individuals connected to her past substance use and criminal conduct in Washington and now enjoys a stable family life in California. Respondent earned two associate degrees from South Puget Sound Community College. She has been a licensed expanded function dental assistant since October 2019. She also previously had two other licenses as a medical assistant/phlebotomist from October 2022 to January 2026 and a dental assistant from July 2015 to January 2020, with no disciplinary actions against her licenses. Although complainant's attorney expressed concerns regarding respondent's recent use of alcohol, the conduct forming a basis to deny the license is attributable in part to her substance use, not her alcohol use. Respondent has abstained from the use of controlled substances since 2009.

Considering the evidence as a whole, it is sufficient to conclude that respondent is a very different person from the one who engaged in forgery and identity theft offenses in 2009. However, because of the extraordinarily sensitive nature of the work real estate licensees are entrusted with and its need for honesty and integrity, issuing respondent a restricted license for a period of two years is necessary for the public safety.

ORDER

Respondent Sara Ann Brinkman's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to respondent shall be subject to all the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

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

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license or the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

4. Respondent shall notify the Real Estate Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate. The letter shall set forth the date of respondent's arrest, the crime for which respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

DATE: 05/14/2026

[redacted]

SANDY YU

Administrative Law Judge

Office of Administrative Hearings