

FILED  
APR 30 2008  
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-31319 LA  
)  
COLLEEN HOGAN MEYNET, )  
)  
Respondent. )  
\_\_\_\_\_ )

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 15, 2005, a Decision was rendered herein, revoking 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 April 11, 2005.

On or about April 9, 2007, Respondent petitioned for reinstatement of said real estate salesperson license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

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1 I have considered Respondent's petition and the  
2 evidence and arguments submitted in support thereof. Respondent  
3 has demonstrated to my satisfaction that Respondent meets the  
4 requirements of law for the issuance to Respondent of an  
5 unrestricted real estate salesperson license and that it would  
6 not be against the public interest to issue said license to  
7 Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement is granted and that a real estate  
10 salesperson license be issued to Respondent, if Respondent  
11 satisfies the following conditions within nine (9) months from  
12 the date of this Order:

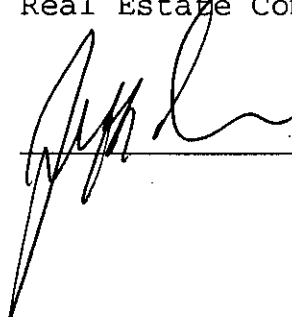
13 1. Submittal of a completed application and payment of  
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate  
19 Law for renewal of a real estate license.

20 This Order shall be effective immediately.

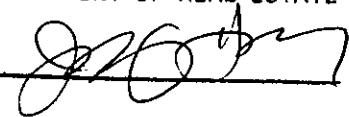
21 Dated: \_\_\_\_\_ 4-22-08 \_\_\_\_\_

22  
23 JEFF DAVI  
24 Real Estate Commissioner

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**FILED**  
MAR 22 2005

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
By 

\* \* \* \* \*

In the Matter of the Accusation of )  
  )  
  )  
COLLEEN HOGAN MEYNET,              )  
  )  
  )  
  )  
  )  
  )  
Respondent.                          )  
\_\_\_\_\_)

No. H-31319 LA  
L-2004100678

DECISION

The Proposed Decision dated February 18, 2005, 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.

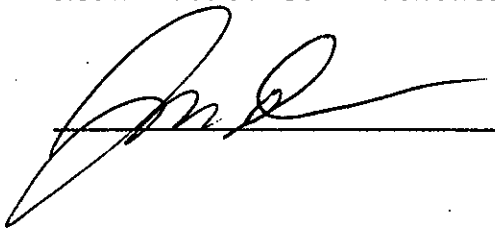
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on April 11, 2005.

IT IS SO ORDERED 3-15-05

JEFF DAVI  
Real Estate Commissioner

  
\_\_\_\_\_

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. H-31319 LA

OAH No.: 2004100678

COLLEEN HOGAN MEYNET,  
Respondent

**PROPOSED DECISION**

On January 21, 2005, in Los Angeles, California, Deborah Myers-Young, Administrative Law Judge, Office of Administrative Hearings, heard this matter.

Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, was represented by Kelvin K. Lee, Staff Counsel.

Respondent, Colleen Hogan Meynet (Respondent) was present and was represented by David W. Magnusson, Attorney at Law.

Oral and documentary evidence was received. The matter was submitted for decision and the record was closed.

**FACTUAL FINDINGS**

The Administrative Law Judge makes the following factual findings:

1. The Accusation was filed by Maria Suarez, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity.
2. Respondent has been licensed as a real estate salesperson since March 18, 1998. Her salesperson's license will expire on March 17, 2006.
3. On January 8, 2003, in the Superior Court of California, County of Santa Barbara, Figueroa Division, in Case No. 1099688, Respondent was convicted, on her

plea of no contest, of violating Penal Code section 484, subdivision (a), (Petty Theft), a misdemeanor and crime of moral turpitude substantially related to the qualifications, functions and duties of a real estate salesperson under California Code of Regulations, title 10, section 2910, subdivision (a) (1).

4. Respondent was given a suspended sentence of 30 days in County Jail, and ordered to serve one day in County Jail. She was placed on summary probation for one year. She was ordered to pay a restitution fine of \$125.00, and penalty assessments in the sum of \$160.00. Respondent was further ordered to stay out of Robinson's-May stores. Respondent's plea was set aside and her conviction was dismissed pursuant to Penal Code section 1203.4 on September 10, 2004.

5. The facts and circumstances underlying the conviction are that on October 8, 2002, Respondent went into Robinson's-May, placed three undergarments worth \$60.00 in her purse, and left the store without paying for the items.

6. In mitigation of her crime, Respondent credibly testified that she was undergoing a severely contested divorce and custody battle at the time. Her testimony was supplemented and corroborated by a report from her psychiatrist, as well as medical literature about the medication Lexapro. Respondent was under the care of a psychiatrist for depression, and was on anti-depressant medication, Celexa, and then switched to Lexapro in early October, 2002. Her psychiatrist believed that this switch in medication caused Respondent's depression to return, along with feelings of hopelessness, despair, impaired sleep and concentration, and anxiety. Respondent's psychiatrist believes that Respondent was ultimately able to achieve a good therapeutic effect, and has been able to adapt to the hardships caused by the divorce and raising her two children as a single parent. He believes that she is very responsible, conscientious, and moral. Respondent has expressed sincere shame and remorse about the incident to him. He believes that her criminal behavior was driven by her extreme mental distress. He believes that her criminal behavior is "extremely unlikely to reoccur."

8. Literature provided by the manufacturer of Lexapro discusses the clinical pharmacology, side effects, and adverse reactions of the drug. This literature warns that taking Lexapro and Celexa together is contraindicated as adverse reactions can occur. These adverse reactions are not specified. Respondent's psychiatrist believes the change in medication caused Respondent's depressive symptoms to return temporarily during that time. Respondent feels her judgment was impaired at the time of the shoplifting incident, and blames the medication for making her forgetful, sleepless, nervous and dizzy. Impaired judgment is not listed as a side-effect of that medication, while the other symptoms are.

9. Respondent suffered an emotional upheaval created by her separation and divorce, which began in 2001, and ultimately cost her \$100,000.00. She began

counseling with her psychiatrist in 2002, to deal with issues of verbal abuse, physical abuse, and sexual abuse. She continues to see her psychiatrist once every few months, and has weaned off of the anti-depressant medication. Her divorce was recently settled, resolving the property and child custody issues. She is sharing custody of her two boys, and her husband is remarried. She described that "things are better" now. She is remorseful, embarrassed and ashamed by her criminal conduct. She learned "how terrible jail is." She believes that she will never do anything like that again. She has not told her two boys of her conviction, and is fearful of the effect that it would have on them.

10. Respondent has no previous or subsequent criminal convictions.

11. Respondent's immediate supervisor and broker at Pitts and Backman Realtors thinks very highly of Respondent, and believes her to have a good character. Respondent's income production is among the top 20 of 200 agents, and she has very professional skills. The supervisor has known Respondent since 2000. She was aware of Respondent's bitter divorce and criminal conviction, and described Respondent as appearing harassed and stressed at the time. She has observed that the emotional stress caused by the divorce has decreased. She would still recommend clients to Respondent, and has no concerns about Respondent handling money. She believes Respondent is highly professional and very honest with her clients. She also believes that Respondent was not her usual self when she was on the anti-depressant medication. The owner of the company is also supportive of Respondent and was willing to testify on Respondent's behalf, but was unavailable.

## LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

1. Cause exists to suspend or revoke Respondent's real estate salesperson's license pursuant to Business and Professions Code section 490, and 10177, subdivision (b) for conviction of a crime, as set forth in Findings 3, 4, and 5.

Respondent's criminal conviction is fairly recent and involved moral turpitude. In *Golde v. Fox* (1979) 98 Cal. App. 3d 167, the court stated: "Honesty and integrity are deeply and daily involved in various aspects of the practice." *Id.* at 176. The integrity of documents and the truthfulness of the licensees involved in real estate transactions are of paramount importance in the industry.

Respondent has made significant steps in her rehabilitation. She has met many of the Department's criteria of rehabilitation set forth in California Code of Regulations, title 10, section 2912. Two years have passed since her conviction (Subd. (a).) She has paid restitution and fines, had the conviction expunged, and successfully completed her probation. (Subd. (b), (c), (e), and (g).) She has worked to develop a stable family life after the divorce, and has fulfilled her parental and familial responsibilities. (Subd. (j).)

Most significantly, in mitigation, Respondent's tumultuous and painful divorce and custody battle has resolved. Respondent no longer experiences the same emotional strain and difficulties encountered during that time, and is no longer on that anti-depressant medication. Her broker and supervisor trust her with their clients, and stand behind her. She is embarrassed and ashamed by her conduct. Her psychiatrist believes her criminal conduct is extremely unlikely to occur.

Therefore, the public interest will be protected with the following order.

## ORDER

**WHEREBY THE FOLLOWING ORDER is hereby made:**

All licenses and licensing rights of Respondent Colleen Hogan Meynet under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of 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 that Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or

restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

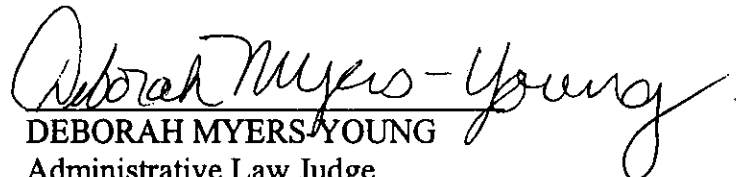
4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

Dated: February 18, 2005

  
DEBORAH MYERS YOUNG  
Administrative Law Judge  
Office of Administrative Hearings



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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

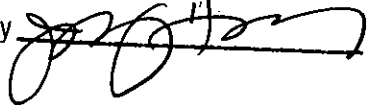
In the Matter of the Accusation of )  
COLLEEN HOGAN MEYNET, )  
Respondent. )

Case No. H-31319 LA

OAH No. L-2004100678

FILED  
NOV 22 2004  
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

By 

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on FRIDAY, JANUARY 21, 2005, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

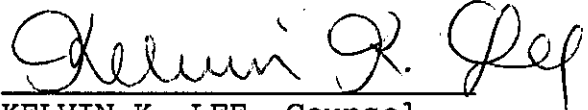
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: November 22, 2004

By   
KELVIN K. LEE, Counsel

cc: Colleen H. Meynet  
David Magnusson  
Pitts & Bachmann Realtors  
Sacto.  
OAH

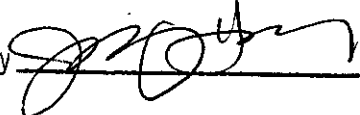
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1 KELVIN K. LEE, Counsel (SBN 152867)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6905

**FILED**  
SEP 22 2004

DEPARTMENT OF REAL ESTATE

By 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 \* \* \*

10	In the Matter of the Accusation of )	No. H-31319 LA
11	COLLEEN HOGAN MEYNET, )	<u>A C C U S A T I O N</u>
12	Respondent. )	
13	_____ )	

14 The Complainant, Maria Suarez, a Deputy Real Estate  
15 Commissioner of the State of California, for cause of Accusation  
16 against COLLEEN HOGAN MEYNET ("Respondent") alleges as follows:

17 I

18 The Complainant, Maria Suarez, a Deputy Real Estate  
19 Commissioner of the State of California, makes this Accusation  
20 in her official capacity.

21 II

22 Respondent is presently licensed and/or has license  
23 rights under the Real Estate Law, Part 1 of Division 4 of the  
24 California Business and Professions Code ("Code"), as a real  
25 estate salesperson.

26 ///

III

1 On or about January 8, 2003, in the Superior Court of  
2 California, County of Santa Barbara, in Case No. 1099688 ,  
3 Respondent COLLEEN HOGAN MEYNET, was convicted of one (1) count  
4 of violating Section 484, subdivision (a) of the California  
5 Penal Code, Petty Theft. This crime involves moral turpitude,  
6 and bears a substantial relationship under Section 2910, Title  
7 10, Chapter 6, California Code of Regulations to the  
8 qualifications, functions or duties of a real estate licensee.  
9

IV

10 The crime of which Respondent was convicted, as  
11 described in Paragraph III above, constitutes cause under  
12 Sections 490 and 10177(b) of the Code for the suspension or  
13 revocation of the license and license rights of Respondent under  
14 the Real Estate Law.  
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3 WHEREFORE, Complainant prays that a hearing be  
4 conducted on the allegations of this Accusation and that upon  
5 proof thereof, a decision be rendered imposing disciplinary  
6 action against all the licenses and license rights of  
7 Respondent, COLLEEN HOGAN MEYNET, under the Real Estate Law  
8 (Part 1 of Division 4 of the Business and Professions Code) and  
9 for such other and further relief as may be proper under other  
10 applicable provisions of law.

11 Dated at Los Angeles, California

12 this 17<sup>th</sup> day of September, 2004.

13   
14 Maria Suarez  
Deputy Real Estate Commissioner

15 cc: COLLEEN HOGAN MEYNET  
16 Pitts and Bachmann Realtors  
17 Maria Suarez  
Sacto.  
JL