

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license and that it would not be against the public
7 interest to issue said license to 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 months from the
12 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 Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: July 18, 2001

22
23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner
25
26
27

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
APR - 9 1999

DEPARTMENT OF REAL ESTATE

By Laurie A. Zan

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-3421 SAC

12 PETER VINCENT MARIS,)
13 DEBRA ANN HALLEMANN-EZELL,)

STIPULATION AND AGREEMENT

14 Respondents.)

15 It is hereby stipulated by and between DEBRA ANN
16 HALLEMANN-EZELL (hereinafter "Respondent HALLEMANN-EZELL"), her
17 attorney of record J. Anne Rawlins, Esq. and the Complainant,
18 acting by and through David A. Peters, Counsel for the Department
19 of Real Estate, as follows for purpose of settling and disposing
20 of the Accusation filed January 22, 1999 in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 HALLEMANN-EZELL at a formal hearing on the Accusation, which
24 hearing was to be held in accordance with the provisions of the
25 Administrative Procedure Act (APA), shall instead and in place
26 thereof be submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

H-3421 SAC

- 1 -

STIPULATION OF
DEBRA ANN HALLEMANN-EZELL

1 2. Respondent HALLEMANN-EZELL has received, read and
2 understands the Statement to Respondent, the Discovery Provisions
3 of the APA and the Accusation filed by the Department of Real
4 Estate in this proceeding.

5 3. On February 4, 1999, Respondent HALLEMANN-EZELL
6 filed a Notice of Defense pursuant to Section 11505 of the
7 Government Code for the purpose of requesting a hearing on the
8 allegations in the Accusation. Respondent HALLEMANN-EZELL hereby
9 freely and voluntarily withdraws said Notice of Defense.
10 Respondent HALLEMANN-EZELL acknowledges that she understands that
11 by withdrawing said Notice of Defense she will thereby waive her
12 right to require the Commissioner to prove the allegations in the
13 Accusation at a contested hearing held in accordance with the
14 provisions of the APA and that she waives other rights afforded to
15 her in connection with the hearing such as the right to present
16 evidence in defense of the allegations in the Accusation and the
17 right to cross-examine witnesses.

18 4. This Stipulation is based on the factual
19 allegations contained in the Accusation. In the interest of
20 expedience and economy, Respondent HALLEMANN-EZELL chooses not to
21 contest these allegations, but to remain silent and understands
22 that, as a result thereof, these factual allegations, without
23 being admitted or denied, will serve as a prima facie basis for
24 the disciplinary action stipulated to herein. The Real Estate
25 Commissioner shall not be required to provide further evidence to
26 prove said factual allegations.

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1 of the Business and Professions Code in conjunction with Section
2 10177(d) of the Business and Professions Code and Section 10137 of
3 the Business and Professions Code.

4 ORDER

5 I

6 A. The real estate salesperson license and all
7 license rights of Respondent HALLEMANN-EZELL under the Real Estate
8 Law are revoked.

9 B. A restricted real estate salesperson license shall
10 be issued to Respondent HALLEMANN-EZELL pursuant to Business and
11 Professions Code Section 10156.5, if Respondent HALLEMANN-EZELL
12 makes application therefor and pays to the Department of Real
13 Estate the appropriate fee for the restricted license within
14 ninety (90) days from the effective date of this ORDER.

15 C. The restricted license issued to Respondent
16 HALLEMANN-EZELL shall be subject to all of the provisions of
17 Section 10156.7 of the Business and Professions Code and to the
18 following limitations, conditions and restrictions imposed under
19 authority of Section 10156.6 of said Code:

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

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1 (2) The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real
3 Estate Commissioner on evidence satisfactory to
4 the Commissioner that Respondent has violated
5 provisions of the California Real Estate Law, the
6 Subdivided Lands Law, Regulations of the Real
7 Estate Commissioner or conditions attaching to the
8 restricted license.

9 (3) Respondent shall not be eligible to apply for the
10 issuance of an unrestricted real estate license
11 nor for removal of any of the conditions,
12 limitations or restrictions of a restricted
13 license until one (1) year has elapsed from the
14 effective date of this Decision.

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

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

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

1 D. Respondent HALLEMANN-EZELL shall, within nine (9)
2 months from the effective date of this Decision, present evidence
3 satisfactory to the Real Estate Commissioner that Respondent
4 HALLEMANN-EZELL has, since the most recent issuance of an original
5 or renewal real estate license, taken and successfully completed
6 the continuing education requirements of Article 2.5 of Chapter 3
7 of the Real Estate Law for renewal of a real estate license. If
8 Respondent HALLEMANN-EZELL fails to satisfy this condition, the
9 Commissioner may order the suspension of the restricted license
10 until the Respondent presents such evidence. The Commissioner
11 shall afford Respondent HALLEMANN-EZELL the opportunity for a
12 hearing pursuant to the Administrative Procedure Act to present
13 such evidence.

14 E. Respondent HALLEMANN-EZELL shall, within six (6)
15 months from the effective date of this ORDER, take and pass the
16 Professional Responsibility Examination administered by the
17 Department including the payment of the appropriate examination
18 fee. If Respondent HALLEMANN-EZELL fails to satisfy this
19 condition, the Commissioner may order suspension of Respondent
20 HALLEMANN-EZELL's license until Respondent HALLEMANN-EZELL passes
21 the examination.

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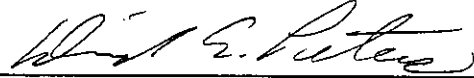
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1 F. Any restricted real estate salesperson license
2 issued to Respondent HALLEMANN-EZELL may be suspended or revoked
3 for a violation by Respondent HALLEMANN-EZELL of any of the
4 conditions attaching to the restricted license.

5
6 3/17/99

DATED



DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

8 * * *

9 I have read the Stipulation and Agreement, have
10 discussed it with my counsel, and its terms are understood by me
11 and are agreeable and acceptable to me. I understand that I am
12 waiving rights given to me by the California Administrative
13 Procedure Act (including but not limited to Sections 11506,
14 11508, 11509, and 11513 of the Government Code), and I willingly,
15 intelligently, and voluntarily waive those rights, including the
16 right of requiring the Commissioner to prove the allegations in
17 the Accusation at a hearing at which I would have the right to
18 cross-examine witnesses against me and to present evidence in
19 defense and mitigation of the charges.

20
21 3-9-99

DATED

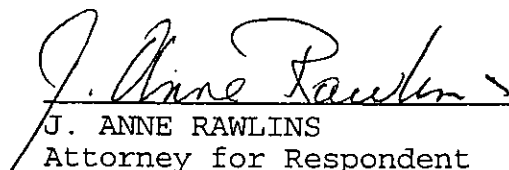


DEBRA ANN HALLEMANN-EZELL
Respondent

23 I have reviewed the Stipulation and Agreement as to form
24 and content and have advised my client accordingly.

25
26 3-12-99

DATED



J. ANNE RAWLINS
Attorney for Respondent


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The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as his Decision
and Order and shall become effective at 12 o'clock noon on
April 30, 1999.

IT IS SO ORDERED April 5, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



FILED
MAR 19 1999

DEPARTMENT OF REAL ESTATE

By Laurie A. Zim

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
) No. H-3421 SAC
)
) PETER VINCENT MARIS,)
) DEBRA ANN HALLEMANN-EZELL,)
) Respondents.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On January 22, 1999, an Accusation was filed in this matter against the above-named Respondents.

On February 19, 1999, Respondent PETER VINCENT MARIS only petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent PETER VINCENT MARIS' petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated February 19, 1999 (attached as Exhibit "A" hereto).

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This Order shall become effective at 12 o'clock

noon on April 9, 1999.

DATED: March 8, 1999

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-3421 SAC
)
)
) PETER VINCENT MARIS,)
) DEBRA ANN HALLEMAN-EZELL,)
) Respondents.)
)

DECLARATION

My name is PETER VINCENT MARIS.

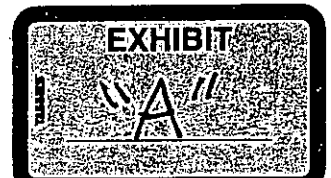
I am one of the Respondents in the above-entitled case.

I am representing myself in this matter.

Pursuant to Business and Professions Code Section
10100.2, I wish to voluntarily surrender my real estate license
issued by the Department.

I understand that by so voluntarily surrendering my
license, I agree to the following:

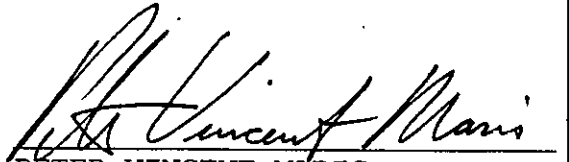
The filing of my petition shall be deemed to be an
understanding and agreement by me that upon acceptance by the
Commissioner, as evidenced by an appropriate order, all affidavits
and all relevant evidence obtained in the investigation prior to
the acceptance and all allegations contained in the Accusation



1 filed in the Department of Real Estate Case No. H-3421 SAC may be
2 considered by the Department to be true and correct for the
3 purpose of deciding whether or not to grant reinstatement of my
4 license.

5 I declare under penalty of perjury under the laws of the
6 State of California that the above is true and correct.

7 DATED: 2/19/99

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10 PETER VINCENT MARIS

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1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED
JAN 22 1999

DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-3421 SAC
12 PETER VINCENT MARIS,) ACCUSATION
13 DEBRA ANN HALLEMANN-EZELL,)
14 Respondents.)

15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against PETER VINCENT MARIS (hereinafter "Respondent MARIS") and
18 DEBRA ANN HALLEMANN-EZELL (hereinafter "Respondent HALLEMANN-
19 EZELL"), is informed and alleges as follows:

20 I

21 The Complainant, Charles W. Koenig, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 against Respondents MARIS and HALLEMANN-EZELL in his official
24 capacity.

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II

Respondents are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code), as follows:

PETER VINCENT MARIS - as a real estate broker.

DEBRA HALLEMANN-EZELL - as a real estate salesperson.

III

Whenever reference is made in an allegation in this Accusation to an act or omission of "Respondents", such allegations shall be deemed to mean the act or omission of each of the Respondents named in the caption hereof, acting individually, jointly and severally.

IV

Within the three-year period immediately preceding the filing of this Accusation, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed, and consummated on behalf of others for compensation or in expectation of compensation, and wherein such loans were serviced and payments thereon were collected on behalf of others.

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1 VII

2 Within the three-year period immediately preceding the
3 filing of this Accusation through on or about December 14, 1996,
4 in connection with the real estate mortgage loan brokerage
5 activities described in Paragraph V above, Respondent MARIS
6 employed and compensated, directly or indirectly, Respondent
7 HALLEMANN-EZELL to perform acts requiring a real estate license at
8 a time when Respondent HALLEMANN-EZELL was not licensed under
9 Respondent MARIS' real estate broker license.

10 VIII

11 The acts and/or omissions of Respondents MARIS and
12 HALLEMANN-EZELL described above are grounds for the suspension or
13 revocation of the licenses and/or license rights of Respondents
14 under the following sections of the Code and of Title 10,
15 California Code of Regulations (hereinafter "Regulations"):

16 (1) As to Paragraph V, under Section 10177(d) of the
17 Code in conjunction with Section 10130 of the Code and Section
18 10137 of the Code as to Respondent HALLEMANN-EZELL;

19 (2) As to Paragraph V, under Section 10177(d) of the
20 Code in conjunction with Section 10177(h) of the Code and Section
21 2725 of the Regulations as to Respondent MARIS. In the
22 alternative, the acts and/or omissions of Respondent MARIS
23 described in Paragraph V are grounds for the suspension or
24 revocation of Respondent MARIS' license and/or license rights
25 under Section 10177(g) of the Code;

1 (3) As to Paragraph VI, under Section 10161.8 of
2 the Code in conjunction with Section 10165 of the Code as to
3 Respondent MARIS; and

4 (4) As to Paragraph VII, under Section 10137 of
5 the Code as to Respondent MARIS.

6 WHEREFORE, Complainant prays that a hearing be conducted
7 on the allegations of this Accusation and that upon proof thereof
8 a decision be rendered imposing disciplinary action against all
9 licenses and license rights of Respondents, under the Real Estate
10 Law (Part 1 of Division 4 of the Business and Professions Code)
11 and for such other and further relief as may be proper under other
12 provisions of law.

13
14 
15 CHARLES W. KOENIG
16 Deputy Real Estate Commissioner

17 Dated at Sacramento, California,
18 this 19th day of January, 1999.
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