

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED
DEC 23 2003
DEPARTMENT OF REAL ESTATE

By *R. H. ...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 WILLIAM HENRY DE LA CAMPA,)
13 Respondent.)

No. H-30294 LA
STIPULATION
AND
AGREEMENT

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15 It is hereby stipulated by and between Respondent
16 WILLIAM HENRY DE LA CAMPA (sometimes referred to herein as
17 "Respondent"), represented by Robert E. Levy, Attorney At Law of
18 the Law Offices of Dale S. Gribow, A Professional Corporation,
19 and the Complainant, acting by and through Elliott Mac Lennan,
20 Counsel for the Department of Real Estate, as follows for the
21 purpose of settling and disposing of the Accusation filed on
22 August 27, 2002, in this matter.

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

4 2. Respondent has received, read and understands
5 the Statement to Respondent, the Discovery Provisions of the
6 APA and the Accusation, filed by the Department of Real Estate
7 ("Department") in this proceeding.

8 3. Respondent filed a Notice of Defense pursuant to
9 Section 11506 of the Government Code for the purpose of
10 requesting a hearing on the allegations in the Accusation.
11 Respondent hereby freely and voluntarily withdraws said Notice of
12 Defense. Respondent acknowledges that he understands that by
13 withdrawing said Notice of Defense, he will thereby waive his
14 right to require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that he will waive other rights
17 afforded to him in connection with the hearing, such as the right
18 to present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses.

21 4. This Stipulation and Agreement ("Stipulation") is
22 based on the factual allegations contained in the Accusation
23 filed in this proceeding. In the interest of expedience and
24 economy, Respondent chooses not to contest these factual
25 allegations, but to remain silent and understands that, as a
26 result thereof, these factual statements, without being admitted
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1 or denied, will serve as a prima facie basis for the disciplinary
2 action stipulated to herein. This Stipulation and Respondent's
3 decision not to contest the Accusation are hereby expressly
4 limited to this proceeding and made for the sole purpose of
5 reaching an agreed disposition of this proceeding. Respondent's
6 decision not to contest the factual allegations is made solely
7 for the purpose of effectuating this Stipulation and is intended
8 by Respondent to be non-binding upon her in any actions against
9 Respondent by third parties. The Real Estate Commissioner shall
10 not be required to provide further evidence to prove such
11 allegations.

12 5. This Stipulation and any Order made pursuant to
13 this Stipulation shall have no collateral estoppel or res
14 judicata effect in any proceedings in which the Respondent and
15 the Department (or the Department's representative) are not
16 parties. This Stipulation is made by Respondent and received
17 by the Commissioner and the Department, with the express
18 understanding and agreement that it is for the purpose of
19 settling these proceedings only, and that this Stipulation is
20 not intended as, and shall not be deemed, used, or accepted as
21 an acknowledgment or admission of fact in any other judicial,
22 administrative, or other proceeding to which the Department is
23 not a party.

24 6. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation as her decision
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1 in this matter, thereby imposing the penalty and sanctions on
2 Respondent's real estate license and license rights as set forth
3 in the below "Order". In the event that the Commissioner in her
4 discretion does not adopt the Stipulation, the Stipulation shall
5 be void and of no effect, and Respondent shall retain the right
6 to a hearing on the Accusation under all the provisions of the
7 APA and shall not be bound by any stipulation or waiver made
8 herein.

9 7. The Order or any subsequent Order of the Real
10 Estate Commissioner made pursuant to this Stipulation shall
11 not constitute an estoppel, merger or bar to any further
12 administrative or civil proceedings by the Department of Real
13 Estate with respect to any matters which were not specifically
14 alleged to be causes for accusation in this proceeding.

15 DETERMINATION OF ISSUES
16

17 By reason of the foregoing stipulations and waivers and
18 solely for the purpose of settlement of the pending Accusation
19 without a hearing, it is stipulated and agreed that the following
20 determination of issues shall be made:

21 The conduct, acts and/or omissions of Respondent
22 WILLIAM HENRY DE LA CAMPA, as set forth in the Accusation,
23 constitutes cause to suspend or revoke the real estate license
24 and license rights of Respondent under the provisions of Code
25 Sections 490 and 10177(b).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent

WILLIAM HENRY DE LA CAMPA, under the Real Estate Law are revoked;
provided, however, a restricted real estate salesperson license shall be issued to Respondent WILLIAM HENRY DE LA CAMPA, 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 ninety (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 Code and 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.

1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions of
4 a restricted license until two (2) years has elapsed from the
5 effective date of this Decision.

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

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

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

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

6 DATED: 11-6-03

ELIOTT MAC LENNAN
7 ELLIOTT MAC LENNAN, Counsel for
8 the Department of Real Estate

9 * * *

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

21
22 Respondent can signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by faxing
24 a copy of its signature page, as actually signed by Respondent,
25 to the Department at the following telephone/fax number: (213)
26 576-6917. Respondent agrees, acknowledges and understands that
27

1 by electronically sending to the Department a fax copy of his
2 actual signature as it appears on the Stipulation and Agreement,
3 that receipt of the faxed copy by the Department shall be as
4 binding on Respondent as if the Department had received the
5 original signed Stipulation and Agreement.

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7 DATED: NOVEMBER 21, 2003 WHD 10
8 WILLIAM HENRY DE LA CAMPA,
9 Respondent

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11 DATED: 11-24-03
12 ROBERT E. LEVY of the Law Offices
13 of Dale S. Gribow, A Professional
14 Corporation,
15 Attorney for Respondent
16 Approved as to form

17 * * *

18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision as to Respondent WILLIAM HENRY DE LA
20 CAMPA, and shall become effective at 12 o'clock noon
21 on January 12, 2004

22 IT IS SO ORDERED December 17, 2003.

23 JOHN R. LIBERATOR
24 Chief Deputy Commissioner

25 John R. Liberator
26
27

*Sacto
Sacto*

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
OCT - 7 2003
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

By *K. M. Deberholz*

WILLIAM HENRY DE LA CAMPA,

}
}

Case No. H-30294 LA

OAH No. L-2003090244

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at 320 W. Fourth Street, Ste. 630, Los Angeles, CA on December 9, 2003, at the hour of 1:30 p.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: **OCT - 7 2003**

By *Elliot MacLennan*
ELLIOTT MAC LENNAN, Counsel

cc: William Henry De La Campa
Dale Gribow, Esq.
Sacto/OAH/AE
Richard Edwin Grommon

copy

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2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105
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6 -or- (213) 576-6982 (office)

FILED
AUG 27 2003
DEPARTMENT OF REAL ESTATE
By *K. W. Schubert*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-30294 LA
12 WILLIAM HENRY DE LA CAMPA,)	<u>ACCUSATION</u>
13 Respondent.)	

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15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against WILLIAM HENRY DE LA CAMPA, is informed and alleges in her
18 official capacity as follows:

19 1.

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

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2.

1 Respondent was originally licensed by the Department of
2 Real Estate of the State California as a real estate salesperson
3 on October 22, 1990.
4

3.

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6 On September 5, 2002, in the Superior Court of
7 California, County of Riverside, respondent was convicted on a
8 guilty plea to one count of Penal Code Section 273.5(a) (corporal
9 injury on spouse), a misdemeanor.
10

4.

11 This crime alleged in Paragraph 3 by its facts and
12 circumstances involves moral turpitude under *People v. Rodriguez*
13 (1992) 5 Cal. App. 4th 1398, 1402, and is substantially related
14 under Section 2910(a)(8), Chapter 6, Title 10 of the California
15 Code of Regulations, to the qualifications, functions or duties
16 of a real estate licensee.
17

5.

18
19 The facts as alleged in Paragraph 3, above, constitute
20 cause for the suspension or revocation of the license and license
21 rights of respondent under Sections 490 and 10177(b) of the Code.
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary action
4 against the license and license rights of respondent WILLIAM
5 HENRY DE LA CAMPA under the Real Estate Law (Part 1 of Division 4
6 of the Business and Professions Code) and for such other and
7 further relief as may be proper under other applicable provision
8 of law.

9 Dated at Los Angeles, California

10 This *20th* day of *August* 2003.

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12 
13 Deputy Real Estate Commissioner
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25 cc: William Henry De La Campa
26 Richard Edwin Grommon
27 Maria Suarez
Sacto
AE