

FILED

APR -3 1975

DEPARTMENT OF REAL ESTATE
BY *Sighele Williams*

BEFORE THE DEPARTMENT OF REAL ESTATE
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of)
FRANCES K. JACKSON,)
Respondent.)

NO. H-609 SD

L-6521

DECISION

The attached Proposed Decision of the Hearing Officer is hereby adopted by the Real Estate Commissioner as his Decision in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on April 23, 1975.

IT IS SO ORDERED

April 1, 1975.

John E. Hempel
JOHN E. HEMPEL
Chief Deputy Director

mh

BEFORE THE DEPARTMENT OF REAL ESTATE
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of	}	NO. H-609 SD
FRANCES K. JACKSON,	}	L-6521
Respondent.	}	

PROPOSED DECISION

This matter came on regularly for hearing before Philip V. Sarkisian, Hearing Officer of the Office of Administrative Hearings, at San Diego, California, on March 7, 1975, at 1:30 p.m. James R. Peel, Counsel, appeared on behalf of the complainant. The respondent appeared in person and was represented by Ben A. Borewitz, attorney at law. The parties entered into an oral stipulation that the allegations of paragraphs I through IV of the first cause of action and paragraphs I through III of the second cause of action are true and correct. A written stipulation for a proposed order of discipline was introduced and the matter was submitted. The Hearing Officer now finds the following facts pursuant to stipulation:

I

The complainant, John C. Kamps, a Deputy Real Estate Commissioner of the State of California, made the accusation in his official capacity.

II

At all times herein mentioned the respondent, Frances K. Jackson, has been and now is licensed by the Department of Real Estate of the State of California as a real estate broker.

III

During the years 1970, 1971, 1972 and 1973, respondent maintained real estate trust accounts for deposits and maintenance of trust funds received in connection with respondent's real estate escrow and brokerage business.

IV

During this period of time, on occasions too numerous to mention, respondent authorized and permitted Clark R. Miller to make withdrawals on respondent's real estate trust account and authorized and permitted him to have custody and control of real estate trust funds in violation of the provisions of Sections 2834 and 2835, Title 10, California Administrative Code.

V

The above trust accounts, as of August 4, 1973, had broker escrow deficiency in the approximate amount of \$28,000.00.

VI

Said \$28,000.00 was not kept and maintained at all times in respondent's real estate trust account as was, and is, required by Section 10145 of the Business and Professions Code of the State of California.

* * * * *

Pursuant to the foregoing findings of facts, the Hearing Officer makes the following determination of issues:

I

Respondent violated sections 2834 and 2835 of Title 10, California Administrative Code and section 10145 of the Business and Professions Code.

II

Respondent is subject to disciplinary action pursuant to subdivisions (e) and (i) of section 10176 of the Business and Professions Code and subdivisions (d), (f), (g) and (j) of section 10177 thereof.

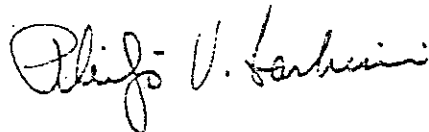
* * * * *

WHEREFORE, PURSUANT TO STIPULATION, the following order is made:

The real estate broker's license of respondent Frances K. Jackson is suspended for thirty (30) days, provided, however, said suspension is stayed for three years on the following terms and conditions:

1. Respondent shall not be convicted (including a plea of nolo contendere) of a crime which bears a substantial relation to respondent's fitness or capacity as a real estate licensee.
2. Respondent shall not violate any provisions of the California Real Estate Law, the Subdivided Lands Law, or Regulations of the Real Estate Commissioner.
3. Respondent shall not handle or conduct any of her own broker escrows during the period of time this Order is in effect.
4. Respondent shall not petition the Department of Real Estate for a reduction of the above penalty or the removal of any of the above terms and conditions until three (3) years shall have elapsed from the effective date of this Order.

I hereby submit the foregoing which is a Proposed Decision in the above-entitled matter pursuant to stipulation of the parties entered into at a hearing before me on March 7, 1975, at San Diego, California. I specifically make no recommendation as to its adoption by the Real Estate Commissioner.



PHILIP V. SARKISIAN, Hearing Officer
Office of Administrative Hearings

DATED: March 21, 1975
PVS:mh

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation
of:

FRANCES K. JACKSON,

Respondent.

NO. H-609 SD

OLA L-6521

NOTICE OF CHANGE OF TIME AND PLACE OF HEARING

To the Parties in the Above-Entitled Proceeding:

You and each of you are hereby notified that the hearing in the above-entitled matter has been continued and will be heard before a Hearing Officer of the Office of Administrative Hearings at State Building
1350 Front Street, Room B-107, San Diego, California,
on March 7, 1975, at the hour of 1:30 p.m.

DATED: February 20, 1975

John A. Willd
JOHN A. WILLD

Hearing Officer

CERTIFICATION OF SERVICE BY MAIL:

Diane Edmond

hereby declares:

I am a citizen of the United States, over 18 years of age and have no interest in the matter herein; that I served a copy of the foregoing Notice of Change of Time and Place of Hearing on each of the following by depositing a copy thereof in the United States Mail at Los Angeles, California, on the 20th day of FEBRUARY, 1975, enclosed in a sealed envelope (or envelopes) with postage thereon fully prepaid addressed (respectively) as follows:

Frances K. Jackson
4671 Market Street
San Diego, California 92102

Ben A. Borevitz, Esq.
Borevitz & Malkus
707 Broadway, Suite 800
San Diego, California 92101

James R. Peel
Department of Real Estate

I hereby certify under penalty of perjury that the foregoing is true and correct.

DATED: February 20, 1975

CAN 42-LA (10-72)

Diane Edmond
DIANE EDMOND

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
of:)

FRANCES K. JACKSON,

Respondent.)

NO. H-609 SD

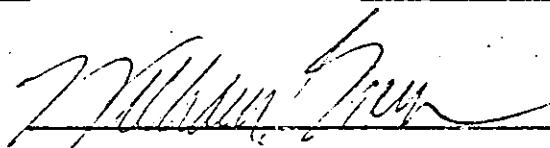
OLA L-6521

NOTICE OF CHANGE OF TIME AND PLACE OF HEARING

To the Parties in the Above-Entitled Proceeding:

You and each of you are hereby notified that the hearing in the above-entitled matter has been continued and will be heard before a Hearing Officer of the Office of Administrative Hearings at 1350 Front Street, Room B-105, San Diego, California, on March 11, 1975, at the hour of 9:00 a.m.

DATED: November 14, 1974


WILLIAM GREEN

Hearing Officer

CERTIFICATION OF SERVICE BY MAIL:

Diane Edmond hereby declares:

I am a citizen of the United States, over 18 years of age and have no interest in the matter herein; that I served a copy of the foregoing Notice of Change of Time and Place of Hearing on each of the following by depositing a copy thereof in the United States Mail at Los Angeles, California, on the 14th day of NOVEMBER, 1974, enclosed in a sealed envelope (or envelopes) with postage thereon fully prepaid addressed (respectively) as follows:

Frances K. Jackson
4671 Market Street
San Diego, California 92102

Ben A. Borevitz, Esq.
Borevitz & Malkus
707 Broadway, Suite 800
San Diego, California 92101

James R. Peel
Department of Real Estate

I hereby certify under penalty of perjury that the foregoing is true and correct.

DATED: November 14, 1974


Diane Edmond

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)
of:)

FRANCES K. JACKSON,

Respondent.)

NO. H-609 SD

OLA L-6521

CHANGE OF TIME

NOTICE OF CHANGE OF TIME AND PLACE OF HEARING

To the Parties in the Above-Entitled Proceeding:

You and each of you are hereby notified that the hearing in the above-entitled matter has been continued and will be heard before a Hearing Officer of the Office of Administrative Hearings at 1350 Front Street, Room B-105, San Diego, California, on December 18, 1974, at the hour of 10:00 a.m.

DATED: October 25, 1974

John A. Willd
JOHN A. WILLD

Hearing Officer

CERTIFICATION OF SERVICE BY MAIL:

Diane Edmond

hereby declares:

I am a citizen of the United States, over 18 years of age and have no interest in the matter herein; that I served a copy of the foregoing Notice of Change of Time and Place of Hearing on each of the following by depositing a copy thereof in the United States Mail at Los Angeles, California, on the 25th day of OCTOBER, 1974, enclosed in a sealed envelope (or envelopes) with postage thereon fully prepaid addressed (respectively) as follows:

Frances K. Jackson
4671 Market Street
San Diego, California 92102

Ben A. Borevitz, Esq.
Borevitz & Malkus
707 Broadway, Suite 800
San Diego, California 92101

James R. Peel
Department of Real Estate

I hereby certify under penalty of perjury that the foregoing is true and correct.

DATED: October 25, 1974

Diane Edmond

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

SEP 13 1974

DEPARTMENT OF REAL ESTATE
BY E. K. Borevitz

In the Matter of the Accusation of)
FRANCES K. JACKSON,)
Respondent.)

No. H-609 SD
L-6521

NOTICE OF HEARING ON ACCUSATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at 1350 Front Street, Room B-105, San Diego, CA, on the 18th day of December, 19 74, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

As in all adversary proceedings, you may be present at the hearing, and may be represented by counsel but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that a notice of defense has not been filed by you, upon affidavits, without further 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.

Dated: September 13, 1974.

ROBERT W. KARPE
REAL ESTATE COMMISSIONER

cc: Frances K. Jackson
Ben A. Borevitz, Esq.
Dunn, Sacto
OAH
JKC

By JAMES R. PEEL
Attorney

FILED

APR 23 1974

DEPARTMENT OF REAL ESTATE
BY M. Jacob

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 620-4790

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of
FRANCES K. JACKSON,
Respondent.

NO. H-609 SD

A C C U S A T I O N

The complainant, John C. Kamps, a Deputy Real Estate
Commissioner of the State of California, for cause of accusation
against FRANCES K. JACKSON alleges as follows:

I

The complainant, John C. Kamps, a Deputy Real Estate
Commissioner of the State of California makes this accusation
in his official capacity.

II

At all times herein mentioned the respondent,
FRANCES K. JACKSON, has been and now is licensed by the Department
of Real Estate of the State of California as a real estate
broker.

1 III

2 During the years 1970, 1971, 1972 and 1973, respondent
3 maintained real estate trust accounts for deposits and
4 maintenance of trust funds received in connection with
5 respondent's real estate escrow and brokerage business.

6 IV

7 During this period of time, on occasions too
8 numerous to mention, respondent authorized and permitted
9 Clark R. Miller to make withdrawals on respondent's real estate
10 trust account and authorized and permitted him to have custody
11 and control of real estate trust funds in violation of the
12 provisions of Sections 2834 and 2835, Title 10, California
13 Administrative Code.

14 V

15 Respondent's violation of Sections 2834 and 2835, as
16 alleged above, subjects her real estate license rights to
17 disciplinary action under Section 10177(d) of the California
18 Business and Professions Code.

19 VI

20 Respondent's conduct further subjects her real estate
21 license rights to disciplinary action under Sections 10177(f)
22 and 10177(g) of the Business and Professions Code of the State
23 of California.

24
25 FOR A SECOND, SEPARATE AND DISTINCT CAUSE OF ACCUSATION.

26 I

27 Complainant incorporates by reference paragraphs I thru
28 III of his first cause of accusation.

1 II

2 The above trust accounts, as of August 4, 1973, had
3 broker escrow deficiency in the approximate amount of \$28,000.

4 III

5 Said \$28,000 was not kept and maintained at all times
6 in respondent's real estate trust account as was, and is,
7 required by Section 10145 of the Business and Professions Code
8 of the State of California.

9 IV

10 Respondent's violation of Section 10145, as alleged
11 above, subjects her real estate license rights to disciplinary
12 action under Section 10177(d) of the Business and Professions
13 Code of the State of California.

14 V

15 Respondent's conduct further subjects her real estate
16 license rights to disciplinary action under Sections 10176(e),
17 10176(i), 10177(f), 10177(g) and 10177(j) of the California
18 Business and Professions Code.

19
20 WHEREFORE, the complainant prays that the above-
21 mentioned Accusation be set for hearing, and upon proof of the
22 charges contained therein that the Real Estate Commissioner
23 suspend or revoke the license held by the respondent, and
24 any and all rights which she may presently have in such license,
25 and for such other and further relief as may be proper in the
26 premises under the provisions of Sections 11500 through 11528

27 /

1 of the Government Code, and Section 10100, Division 4, of the
2 Business and Professions Code of the State of California.
3 Dated at San Diego, California,
4 this 23rd day of April, 1974.
5

6 JOHN C. KAMPS
7 Deputy Real Estate Commissioner
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25 cc: Frances K. Jackson
26 Sacramento
27 JKC
28 OAH