

By C B

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In the Matter of the Accusation of) No. H-721 SA
)
)
ALAN ROGERS STONEMAN)
)
Respondent.)
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)

On March 19, 1997, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said Petition.

1 I have considered the petition of Respondent and the
2 evidence submitted in support thereof. Respondent has failed to
3 demonstrate to my satisfaction that he has undergone sufficient
4 rehabilitation to warrant the reinstatement of his real estate
5 broker license at this time. This determination has been made
6 in light of Respondent's history of acts and conduct which are
7 substantially related to the qualifications, functions and
8 duties of a real estate licensee. That history includes:
9

10 I

11 On or about June 12, 1997, the Department completed an
12 audit of Respondent's books and records pertaining to his
13 activities requiring a real estate license for the period from
14 January 1, 1996, to April 30, 1997. That examination revealed
15 that Respondent was not operating in compliance with Sections
16 2731, 2832 and 2835 of Chapter 6, Title 10, California Code of
17 Regulations in that he (1) was using the fictitious business
18 name of "Stoneman and Associates" without having a license
19 bearing that fictitious name (2) was using two bank accounts as
20 the depository of trust funds received by him in connection with
21 his activities as a property manager for others that were not
22 designated as trust accounts and (3) had a combined overage of
23 \$22,962.40 in these same two accounts caused by his commissions
24 that had been on deposit in excess of 25 days.

25 II

26 The violations set forth above are cause for the
27 suspension or revocation of Respondent's license and license

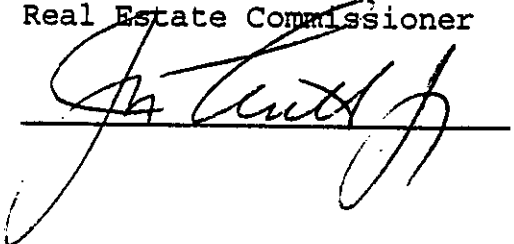


1 rights and are cause to deny his petition pursuant to Section
2 10177(d) of the California Business and Professions Code.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement of license is denied.

5 This Order shall become effective at 12 o'clock
6 noon on March 3 1998.

7
8 DATED; 2/5/98
9

10
11 JIM ANTT, JR.
12 Real Estate Commissioner
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24 ALAN ROGERS STONEMAN
25 69-801 Ramon Road, Suite 600
26 Cathedral City, California 92234
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2 A. All issues which were to be contested and all
3 evidence which was to be presented by Complainant and Respondent
4 at a formal hearing on the Accusation as amended, which hearing
5 was to be held in accordance with the provisions of the
6 Administrative Procedure Act (APA), shall instead and in place
7 thereof be submitted solely on the basis of the provisions of this
8 Stipulation.

9 B. Respondent has received, read and understands the
10 Statement to Respondent, the Discovery Provisions of the APA and
11 the Accusation as amended, filed by the Department of Real Estate
12 in this proceeding.

13 C. On December 9, 1987, Respondent filed a Notice of
14 Defense pursuant to Section 11505 of the Government Code for the
15 purpose of requesting a hearing on the allegations in the
16 Accusation, including the Accusation as amended. Respondent
17 hereby freely and voluntarily withdraws said Notice of Defense.
18 Respondent acknowledges that he understands that by withdrawing
19 said Notice of Defense, Respondent will thereby waive Respondent's
20 right to require the Commissioner to prove the allegations in the
21 Accusation as amended at a contested hearing held in accordance
22 with the provisions of the APA and that Respondent will waive
23 other rights afforded to Respondent in connection with the hearing
24 such as the right to present evidence in defense of the
25 allegations in the Accusation as amended and the right to cross-
26 examine witnesses.

27 D. Pursuant to the limitations set forth below,
Respondent hereby admits that the factual allegations in

1 Paragraphs I through IX, inclusive, of the Accusation as amended
2 are true and correct and the Real Estate Commissioner shall not be
3 required to provide further evidence of such allegations.
4

5 E. It is understood by the parties that the Real
6 Estate Commissioner may adopt the Stipulation And Agreement In
7 Settlement and Order as his decision in this matter thereby
8 imposing the penalty and sanctions on Respondent's real estate
9 licenses and license rights as set forth in the "Order" below. In
10 the event that the Commissioner in his discretion does not adopt
11 the Stipulation In Settlement and Order, the Stipulation And
12 Agreement In Settlement and Order shall be void and of no effect,
13 and Respondent shall retain the right to a hearing and proceeding
14 on the Accusation as amended under all the provisions of the APA
15 and shall not be bound by any admission or waiver made herein.

16 F. The Order or any subsequent Order of the Real
17 Estate Commissioner made pursuant to this Stipulation shall not
18 constitute an estoppel, merger or bar to any further
19 administrative or civil proceedings by the Department of Real
20 Estate with respect to any matters which were not specifically
21 alleged to be causes for accusation in this proceeding.

22 II

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions and
25 waivers and solely for the purpose of settlement of the pending
26 Accusation as amended without a hearing, it is stipulated and
27 agreed that the following determination of Issues shall be made:

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- 1
2 1. Respondent's criminal conviction, as described in Paragraph
3 IV and V of the Accusation as amended, is cause for the
4 suspension or revocation of all real estate licenses and
5 license rights of Respondent under the provisions of Sections
6 490 and 10177(b) of the California Business and Professions
7 Code (hereinafter "the Code").
- 8 2. The disbarment of Respondent by the California Supreme Court,
9 as described in Paragraphs VIII and IX of the Accusation as
10 amended, is cause for the suspension or revocation of all
11 real estate licenses and license rights of Respondent under
12 the provisions of Section 10177(f) of the Code.

13 III

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 A. The license and license rights of Respondent ALAN
17 ROGERS STONEMAN under the provisions of Part 1 of Division 4 of
18 the Business and Professions Code are hereby revoked; provided
19 however, a restricted real estate broker license shall be issued
20 to said Respondent if, within 90 days after the effective date of
21 the Decision entered herein, said Respondent makes application
22 therefor and pays to the Department of Real Estate the appropriate
23 fee for said license.

24 B. The restricted license issued to Respondent shall
25 be subject to all of the provisions of Section 10156.7 of the
26 Business and Professions Code and to the following limitations,
27 conditions and restrictions imposed under authority of Section
10156.6 of the Code:

- 1
2 (1) The restricted license may be suspended, prior to a hearing
3 by Order of the Real Estate commissioner, in the event of
4 Respondent's conviction or plea of nolo contendere to a crime
5 which bears a substantial relation to Respondent's fitness or
6 capacity as a real estate licensee, or upon receipt of
7 evidence satisfactory to the Real Estate Commissioner that
8 Respondent has violated provisions of the Real Estate Law of
9 the State of California, the Subdivided Lands Act, the Real
10 Estate Regulations of the State of California, or any of the
11 conditions attached to the restricted license.
- 12 (2) Respondent shall, within nine (9) months from the date of
13 issuance of the restricted license, present evidence
14 satisfactory to the Real Estate Commissioner that he has,
15 since the most recent issuance of an original or renewal real
16 estate license, taken and successfully completed the
17 continuing education requirements of Article 2.5 of Chapter 3
18 of the Real Estate Law for renewal of a real estate license.
19 If Respondent fails to satisfy this condition, the
20 Commissioner may order the suspension of the restricted
21 license until the Respondent presents such evidence. The
22 Commissioner shall afford Respondent the opportunity for a
23 hearing pursuant to the Administrative Procedure Act to
24 present such evidence.
- 25 (3) Respondent shall not be eligible to apply for the issuance of
26 an unrestricted real estate license nor the removal of any of
27 the restrictions, conditions or limitations set forth herein
until one (1) year has elapsed from the effective date of the
Decision herein.

IV

EXECUTION OF STIPULATION

I have read the Stipulation And Agreement In Settlement
And Order and its terms are understood by me and are agreeable and
acceptable to me. I understand that I am waiving rights given to
me by the California Administrative Procedure Act (including but
not limited to Sections 11506, 11508, 11509 and 11513 of the
Government Code), and I willingly, intelligently and voluntarily
waive those rights, including the right of requiring the
Commissioner to prove the allegations in the Accusation as amended

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1 at a hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and
3 mitigation of the charges.

4 DATED: 9-4-91

Alan Rogers Stoneman
ALAN ROGERS STONEMAN

6 DATED: 9-4-91

James L. Beaver
JAMES L. BEAVER, Counsel

8 Approved as to form.

9 DATED: 9/4/91

Brown & Martinez
BROWN & MARTINEZ
Attorneys for Respondent

Victor S. Martinez
By VICTOR S. MARTINEZ, Esq.

12
13 V

14 DECISION

15 The foregoing Stipulation And Agreement In Settlement
16 and Order is hereby adopted by the Real Estate Commissioner as the
17 Decision and Order in the above entitled matter.

18 This Decision shall become effective at 12 o'clock noon
19 on October 24, 1991.

20 IT IS SO ORDERED September 30, 1991.

21 CLARK WALLACE
Real Estate Commissioner

22
23 John R. Liberator
24 By: JOHN R. LIBERATOR
25 Chief Deputy Commissioner
26
27

SACTO
FVAG

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUL -3 1991

DEPARTMENT OF REAL ESTATE
BY *Sybil Williams*

In the Matter of the Accusation of

ALAN ROGERS STONEMAN,

}

Case No. H-721 SA

OAH No. L-54024

Respondent(s)

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 _____

OFFICE OF ADMINISTRATIVE HEARINGS, 314 W. First St., Los Angeles, CA

on the 3rd day of September, 1991, 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.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, 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. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: July 3, 1991

BY *John H. Beale*
Counsel

cc: Alan Rogers Stoneman
OAH
Sacto
KC
SADO

1 James L. Beaver, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California, 90012

5 (213) 620-4790
6
7
8

FILED
JUN -4 1991

DEPARTMENT OF REAL ESTATE
BY *Sylvia Weems*

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of) H-721 SA
13 ALAN ROGERS STONEMAN,) AMENDED ACCUSATION
14 Respondent.)
15

16 The Complainant hereby amends the Accusation filed
17 herein November 30, 1987. Complainant THOMAS McCRADY, a Deputy
18 Real Estate Commissioner of the State of California, for cause of
19 Accusation against ALAN ROGERS STONEMAN (herein "Respondent"), is
20 informed and alleges as follows:

21 FIRST CAUSE OF ACCUSATION

22 I

23 The Complainant, THOMAS McCRADY, a Deputy Real Estate
24 Commissioner of the State of California, makes this Accusation
25 against Respondent in his official capacity.

26 II

27 ALAN ROGERS STONEMAN, aka Alan R. Stoneman and Allen

1
2 Rogers Stoneman (hereinafter referred to as Respondent) is
3 presently licensed and/or has license rights under the Real Estate
4 Law, Part 1 of Division 4 of the Business and Professions Code
5 (hereinafter "the Code").

6 III

7 At all times mentioned herein, Respondent was licensed
8 by the Department of Real Estate of the State of California
9 (hereinafter "the Department") as a real estate broker.

10 IV

11 On or about July 25, 1985, in the United States District
12 Court for the Middle District of Pennsylvania, Respondent was
13 convicted of the crime of violating Title 18, United States Code,
14 Section 371 (Conspiracy to commit mail fraud and interstate
15 transportation in Aid of Racketeering), a felony and a crime
16 involving moral turpitude. On or about December 19, 1986, the said
17 conviction was confirmed in the United States Court of Appeal.

18 V

19 The crime of which Respondent was convicted bears a
20 substantial relationship to the qualifications, functions or
21 duties of a real estate licensee.

22 VI

23 Respondent's criminal conviction, as alleged above, is
24 cause under Sections 490 and 10177(b) of the Business and
25 Professions Code for suspension or revocation of all licenses and
26 license rights of Respondent under the Real Estate Law.

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2 SECOND CAUSE OF ACTION

3 VII

4 Complainant incorporates herein the allegations of
5 Paragraphs I through VI, inclusive, hereinabove.

6 VIII

7 Respondent was licensed to practice Law by the State Bar
8 of California. Effective on or about December 29, 1990, after
9 affording Respondent fair notice of the charges, an opportunity
10 for a hearing, and other due process protections comparable to the
11 Administrative Procedure Act (Sections 11500 et seq., within
12 Chapter 5 of Part I of Division 3 of Title 2 of the Government
13 Code), the California Supreme Court disbarred Respondent from the
14 practice of law upon the grounds and pursuant to an express
15 finding that Respondent violated 18 United States Code Section
16 371, as alleged in Paragraph IV above, by conspiring to violate 18
17 United States Code Section 1341, mail fraud, and by conspiring to
18 violate 18 United States Code Section 1952, interstate
19 transportation in aid of racketeering, a crime involving moral
20 turpitude, and the California Supreme Court thereupon ordered
21 Respondent's name removed from the roll of attorneys authorized to
22 practice law in this State.

23 IX

24 The conduct for which Respondent was disbarred involved
25 dishonesty and moral turpitude and is conduct for which
26 Respondent's real estate license could have been subject to
27 suspension or revocation pursuant to the provisions of Sections
490 and 10177(b) of the Code.

X

The disbarment of Respondent by the California Supreme Court is grounds for the suspension or revocation of all licenses and license rights of Respondent under the provisions of Section 10177(f) of the Code.

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


JAMES L. BEAVER
Real Estate Counsel

Dated at Los Angeles, California
this 4th day of June, 1991.

2 MARILYN L. MOSHER, Counsel
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California 90012

6 (213) 620-4790

FILED

NOV 30 1987

DEPARTMENT OF REAL ESTATE
BY K. H. H. H. H.

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)

No. H-721 SA

12 ALAN ROGERS STONEMAN,
13 aka Alan R. Stoneman,

) A C C U S A T I O N

14 Respondent.)

15 The complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against ALAN ROGERS STONEMAN, aka Alan R. Stoneman, alleges as
18 follows:

19 I

20 The complainant, Thomas McCrady, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation in
22 his official capacity.

23 II

24 ALAN ROGERS STONEMAN, aka Alan R. Stoneman (herein-
25 after referred to as respondent) is presently licensed and/or
26 has licence rights under the Real Estate Law (Part 1 of Division
27 4 of the Business and Professions Code).

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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate broker.

IV

On or about July 25, 1985, in the United States District Court for the Middle District of Pennsylvania, respondent was convicted of the crime of violating Title 18, United States Code Section 371 (Conspiracy to commit mail fraud and interstate transportation in Aid of Racketeering), a felony and a crime involving moral turpitude. On or about December 19, 1986, the said conviction was confirmed in the United States Court of Appeal.

V

The crime of which respondent was convicted bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

VI

Respondent's criminal conviction, as alleged above, is cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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1 WHEREFORE, complainant prays that a hearing be con-
2 ducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary action
4 against all licenses and license rights of respondent ALAN ROGER
5 STONEMAN, aka Alan R. Stoneman, under the Real Estate Law (Part 1
6 of Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Santa Ana, California
10 this 30th day of November, 1987.

11
12 THOMAS MC CRADY
13 Deputy Real Estate Commissioner
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25 cc: Alan Rogers Stoneman
26 Sacto.
27 KC