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DEPARTMENT OF REAL ESTATE

67 Laura B. Orona

L- 28199

The Proposed Decision dated June 10, 1983

This Decision shall become effective at 12 o'clock

noon on August 3, 1983

IT IS SO ORDERED: June 7, 1983

JAMES A. EDMONDS, JR.
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of:	)	
	)	No. H-1158 SD
	)	
	)	
FRANCES KATHERINE JACKSON,	)	L-28199
	)	
	)	
	)	
Respondent.	)	
_____	)	

PROPOSED DECISION

This matter came on regularly for hearing before Ronald M. Gruen, Administrative Law Judge of the Office of Administrative Hearings, at San Diego, California, on June 6, 1983, at 1:00 p.m. James R. Peel, Counsel, Department of Real Estate, represented the complainant. The respondent appeared in person and represented herself. Documentary evidence and a written stipulation in settlement of the accusation were received and the matter submitted, the Administrative Law Judge finds the following facts:

I

The complainant, Carl Lewis, is a Deputy Real Estate Commissioner of the State of California and filed the accusation in his official capacity.

II

Frances Katherine Jackson (hereinafter referred to as respondent), is presently licensed and has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code of the State of California (hereinafter "Code")).

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

At all times herein mentioned, respondent engaged in the business of, acted in the capacity of, and assumed to act as a real estate broker as defined by Section 10131(a) of the Code, for compensation or in expectation of compensation, including, but not limited to, selling or offering to sell, buying or offering to buy, soliciting prospective sellers or purchasers of, soliciting or obtaining listings of, or negotiating the purchase, sale or exchange of real property.

V

During the years 1979, 1980, and 1981, respondent conducted a real estate broker escrow business, exempted from the provisions of the Escrow Law (by Section 17006(d) of the Financial Code of the State of California).

VI

During such time, respondent accepted or received funds in trust from buyers, sellers, and others, in the course of carrying on her activities as a broker escrow business, and placed or deposited such funds in her escrow trust fund account.

VII

Escrow trust funds received and accepted by respondent from sellers, buyers, and others, in connection with her broker escrow business, and placed or deposited into her escrow trust fund account, on numerous occasions, were withdrawn or disbursed by respondent, or respondent caused or permitted such funds to be withdrawn or disbursed for respondent's own use and benefit or otherwise, for purposes not authorized by the persons from whom or for whom such funds were accepted or received.

VIII

On April 9, 1981, the escrow trust fund account daily balance revealed a shortage exceeding \$1,000 because of respondent's unauthorized withdrawals and disbursements. On numerous other dates herein mentioned, the escrow trust fund account daily balance revealed a shortage because of respondent's unauthorized withdrawals and disbursements.

IX

Respondent's conduct, as found above, reduced the balance of funds in her escrow trust fund account to an amount less than the existing aggregate escrow trust fund liability of respondent to all owners of said funds, and was done in

direct or implied violation of the prior written instructions of the owners of the funds in the account, or without any such instructions.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Pursuant to stipulation of the parties grounds for suspension or revocation of the real estate license and license rights of the respondent exist pursuant to Section 10177(d) of the Business and Professions Code, in conjunction with Section 10145 of such Code and Sections 2832.1 and 2950(g), Chapter 6, Title 10, California Administrative Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Pursuant to stipulation of the parties the real estate broker's license and all license rights of the respondent Frances Katherine Jackson are hereby revoked; provided, however, a restricted broker license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code not sooner than ten (10) days from the effective date of this Decision if respondent makes application therefore and pays to the Department of Real Estate the appropriate fee within ninety (90) days after the effective date of this Decision.

2. 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 the following limitations, conditions and restrictions imposed under the authority of Section 10156.6 of said Code:

A. The Real Estate Commissioner may, prior to hearing, suspend the right of respondent to exercise any privileges granted under this restricted license in the event of the conviction of respondent of a crime which bears a substantial relationship to respondent's fitness or capacity as a real estate licensee.

B. The Real Estate Commissioner may, prior to hearing, suspend the right of respondent to exercise any privileges granted under this restricted license upon receipt of evidence that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, the regulations of the Real Estate Commissioner, or conditions attaching to this restricted license.

C. Respondent shall report in writing to the Department of Real Estate, as the Real Estate Commissioner shall direct by separate written order issued while the

restricted license is in effect, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall require.

D. The restricted license may be suspended by order of the Real Estate Commissioner pending a final determination after a hearing, if the respondent fails to present evidence satisfactory to the Department within six months from the effective date of the Decision of having taken and completed 45 hours of approved continuing education offerings within the four-year period immediately preceding the date on which the respondent presents such evidence to the Department.

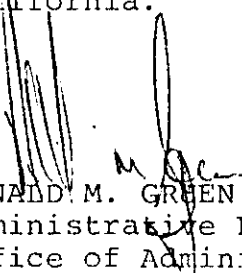
* * * *

In the event the Real Estate Commissioner, in his discretion, does not issue an order providing substantially as set forth in the proposed decision hereinabove, respondent shall retain the right to a further hearing and proceeding on the Accusation, and shall not be bound by any admission or waiver made herein.

I hereby submit the foregoing representing the Proposed Decision in the above-entitled matter, as a result of the stipulation received at the hearing had before me on June 6, 1983, at San Diego, California.

DATED:

 June 10, 1983


RONALD M. GREEN
Administrative Law Judge
Office of Administrative Hearings

RMG:bbt

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
APR 29 1983

DEPARTMENT OF REAL ESTATE
BY W. Dresser

In the Matter of the Accusation of
FRANCES KATHERINE JACKSON,

Case No. H-1158 SD
L-28199

Respondent(s)

CONTINUED
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 _____

1350 Front Street, Rm. B-108, San Diego, California 92101

on the 6th day of June, 1983, at the hour of 1:00 p.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.

DATED: April 29, 1983

cc: Frances Katherine Jackson
Sacto
OAH
PJS

JAMES A. EDMONDS, JR.
DEPARTMENT OF REAL ESTATE

By

James R. Peel
Counsel

Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE

DEC 14 1982

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY *SL Dresser*

In the Matter of the Accusation of
FRANCES KATHERINE JACKSON,

Case No. H-1158 SD
L-28199

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 _____

1350 Front St., Rm. B-107, San Diego, California 90012

on the 16th day of May, 1983, at the hour of 11:00 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.

DATED: December 14, 1982

cc: Frances Katherine Jackson
Lloyd Took, Esq.
Sacto
OAH
PJS

E. LEE BRAZIL
DEPARTMENT OF REAL ESTATE

By

James R. Peel

Counsel

1 JAMES R. PEEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, CA 90012
5
6
7
8 (213) 620-4790
9

OCT 23 1972

DEPT. OF REAL ESTATE
BY JAWK B. CHONG

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-1158 SD
12 FRANCES KATHERINE JACKSON,)
13 Respondent.)
14)

15 The complainant, Carl Lewis, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against FRANCES KATHERINE JACKSON alleges as follows:

18 I

19 The complainant, Carl Lewis, a Deputy Real Estate
20 Commissioner of the State of California, makes this accusation in
21 his official capacity.

22 II

23 FRANCES KATHERINE JACKSON (hereinafter referred to as
24 Respondent), is presently licensed and has license rights under
25 the Real Estate Law (Part 1 of Division 4 of the Business and
26 Professions Code of the State of California (hereinafter "Code")).

27 /

1 III

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

5 IV

6 At all times herein mentioned, Respondent engaged in
7 the business of, acted in the capacity of, and assumed to act as
8 a real estate broker as defined by Section 10131 (a) of the Code,
9 for compensation or in expectation of compensation, including,
10 but not limited to, selling or offering to sell, buying or offering
11 to buy, soliciting prospective sellers or purchasers of, soliciting
12 or obtaining listings of, or negotiating the purchase, sale or
13 exchange of real property.

14 V

15 During the years 1979, 1980, and 1981, Respondent
16 conducted a real estate broker escrow business, exempted from the
17 provisions of the Escrow Law (by Section 17006 (d) of the Financial
18 Code of the State of California).

19 VI

20 During such time, Respondent accepted or received funds
21 in trust from buyers, sellers, and others, in the course of
22 carrying on her activities as a broker escrow business, and placed
23 or deposited such funds in her escrow trust fund account.

24 VII

25 Escrow trust funds received and accepted by Respondent
26 from sellers, buyers, and others, in connection with her broker
27 escrow business, and placed or deposited into her escrow trust

1 fund account, on numerous occasions, were withdrawn or disbursed
2 by Respondent, or Respondent caused or permitted such funds to
3 be withdrawn or disbursed for Respondent's own use and benefit or
4 otherwise, for purposes not authorized by the persons from whom
5 or for whom such funds were accepted or received.

6 VIII

7 On April 9, 1981, the escrow trust fund account daily
8 balance revealed a shortage exceeding \$1,000 because of
9 Respondent's unauthorized withdrawals and disbursements. On
10 numerous other dates herein mentioned, the escrow trust fund
11 account daily balance revealed a shortage because of Respondent's
12 unauthorized withdrawals and disbursements.

13 IX

14 Respondent's conduct, as alleged above, reduced the
15 balance of funds in her escrow trust fund account to an amount
16 less than the existing aggregate escrow trust fund liability of
17 Respondent to all owners of said funds, and was done in direct or
18 implied violation of the prior written instructions of the owners
19 of the funds in the account, or without any such instructions.

20 X

21 Respondent violated Sections 2832.1 and 2950(g), Chapter
22 6, Title 10, California Administrative Code, State of California,
23 and Section 10145 of the Code, by performing or not performing the
24 allegations contained in this Accusation.

25 XI

26 Respondent's conduct, as alleged above, subjects her
27 real estate license and license rights to suspension or revocation

1 pursuant to Sections 10176(i) and 10177(d) of the Code.

2 PRIOR DISCIPLINARY ACTION

3 Effective April 23, 1975, in the matter of the Accusation
4 of FRANCES K. JACKSON, Case No. H-609SD, L-6521, the real estate
5 broker license of Respondent was suspended for thirty days,
6 provided, however, said suspension was stayed for three years on
7 certain terms and conditions, by the Real Estate Commissioner, for
8 violation of provisions of the Business and Professions Code,
9 State of California.

10
11 WHEREFORE, complainant prays that a hearing be conducted
12 on the allegations of this Accusation and that upon proof thereof,
13 a decision be rendered imposing disciplinary action against all
14 licenses and license rights of Respondent FRANCES KATHERINE
15 JACKSON under the Real Estate Law (Part 1 of Division 4 of the
16 Business and Professions Code) and for such other and further relief
17 as may be proper under other applicable provisions of law.

18 Dated at San Diego, California
19 this 26th day of October, 1982.

20
21 CARL LEWIS
22 Deputy Real Estate Commissioner

23
24
25 cc: Frances Katherine Jackson
26 ~~Sacto.~~
27 OAH
PJS