

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 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 (9) months from
12 the date of this Order:

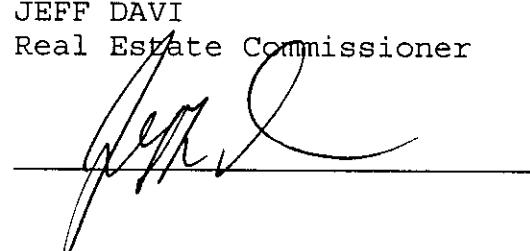
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

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: 8-9-07

22 JEFF DAVI
23 Real Estate Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
SEP 11 2002

DEPARTMENT OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-1484 FRESNO
SHELLIE R. WILLIAMS,)
Respondent.)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: SHELLIE R. WILLIAMS

On September 26, 2001, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent SHELLIE R. WILLIAMS (hereinafter "Respondent"), on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of August 30, 2001 in Case No. H-1484 FRESNO. The Order became effective September 26, 2001. The Order of August 30, 2001 granted Respondent the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code and to enumerated additional terms, conditions

///

1 and restrictions imposed under authority of Section 10156.6 of
2 said Code.

3 Among those terms, conditions and restrictions,
4 Respondent was required to take and pass the Professional
5 Responsibility Examination (hereinafter "the condition") within
6 six months after September 26, 2001, the date the restricted
7 license was issued. The Commissioner has determined that as of
8 July 25, 2002, Respondent has failed to satisfy this condition,
9 and as such, Respondent is in violation of Section 10177(k) of
10 the Business and Professions Code.

11 NOW, THEREFORE, IT IS ORDERED under authority of
12 Section 10156.7 of the Business and Professions Code of the
13 State of California that the restricted real estate salesperson
14 license heretofore issued to Respondent, and the exercise of any
15 privileges thereunder, is hereby suspended until such time as
16 Respondent provides proof satisfactory to the Department of
17 compliance with the "condition" referred to above, or pending
18 final determination made after hearing (see "Hearing Rights" set
19 forth below). Furthermore, Respondent has no right to renew
20 Respondent's restricted license if this condition is not
21 satisfied by the date Respondent's restricted license expires.

22 IT IS FURTHER ORDERED that all license certificates
23 and identification cards issued by the Department which are in
24 the possession of Respondent be immediately surrendered by
25 personal delivery or by mailing in the enclosed, self-addressed
26 envelope to:

27 ///

1 DEPARTMENT OF REAL ESTATE
2 Attention: Flag Section
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

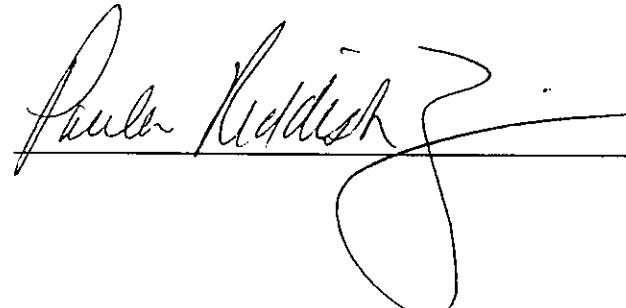
5 HEARING RIGHTS: Pursuant to the provisions of Section
6 10156.7 of the Business and Professions Code, Respondent has the
7 right to a hearing to contest the Commissioner's determination
8 that Respondent is in violation of Section 10177(k). If
9 Respondent desires a hearing, Respondent must submit a written
10 request. The request may be in any form, as long as it is in
11 writing and indicates that Respondent wants a hearing. The
12 Department will not be obligated or required to provide
13 Respondent with a hearing unless a written request for a
14 hearing, signed by or on behalf of Respondent, is delivered or
mailed to the Department at the following address:

15 DEPARTMENT OF REAL ESTATE
16 Attention: Legal Section
17 P. O. Box 187000
18 Sacramento, CA 95818-7000

19 This Order shall be effective immediately.

20 DATED: August 30, 2002

21 PAULA REDDISH ZINNEMANN
22 Real Estate Commissioner

23 
24
25
26
27

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

FILED
SEP - 6 2001

DEPARTMENT OF REAL ESTATE

Burie O. Jin

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) No. H-1484 FRESNO
11)
11) OAH No. N-2001070037
12 SHELLIE R. WILLIAMS,)
12) STIPULATION AND AGREEMENT
13 Respondent.)
14)

15 It is hereby stipulated by and between Respondent
16 SHELLIE R. WILLIAMS (hereinafter "Respondent" or "WILLIAMS"),
17 individually and by and through D. Mitchell Taylor, Esq.,
18 Respondent's attorney of record herein, and the Complainant,
19 acting by and through James L. Beaver, Counsel for the
20 Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on May 21, 2001
22 (hereinafter "the Accusation"):

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
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

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

7 3. On June 25, 2001, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that Respondent
12 understands that by withdrawing said Notice of Defense
13 Respondent will thereby waive Respondent's right to require the
14 Commissioner to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that Respondent will waive other rights afforded to
17 Respondent in connection with the hearing such as the right to
18 present evidence in defense of the allegations in the Accusation
19 and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations in the
22 Accusation are true and correct and stipulates and agrees that
23 the Real Estate Commissioner shall not be required to provide
24 further evidence of such allegations.

25 ///

26 ///

27 ///

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

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

DETERMINATION OF ISSUES

19 By reason of the foregoing stipulations, admissions
20 and waivers and solely for the purpose of settlement of the
21 pending Accusation without hearing, it is stipulated and agreed
22 that the following Determination of Issues shall be made:

I

24 The acts and omissions of Respondent as described in
25 the Accusation are grounds for the suspension or revocation of
26 the licenses and license rights of Respondent under the
27

1 provisions of Sections 498 and 10177(a) of the California
2 Business and Professions Code (hereinafter "the Code").

3 ORDER

4 I

5 All licenses and licensing rights of Respondent
6 SHELLIE R. WILLIAMS under the Real Estate Law are revoked;
7 provided, however, a restricted real estate salesperson license
8 shall be issued to said Respondent pursuant to Section 10156.5
9 of the Business and Professions Code if Respondent makes
10 application therefor and pays to the Department of Real Estate
11 the appropriate fee for the restricted license within 90 days
12 from the effective date of this Decision. The restricted license
13 issued to Respondent shall be subject to all of the provisions
14 of Section 10156.7 of the Business and Professions Code and to
15 the following limitations, conditions and restrictions imposed
16 under authority of Section 10156.6 of that Code:

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

22 2. The restricted license issued to Respondent may
23 be suspended prior to hearing by Order of the Real Estate
24 Commissioner on evidence satisfactory to the Commissioner that
25 Respondent has violated provisions of the California Real Estate
26 Law, the Subdivided Lands Law, Regulations of the Real Estate
27 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 have elapsed from the
5 effective date of this Decision.

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

18 5. Respondent shall, within six (6) months from the
19 issuance of the restricted license, take and pass the
20 Professional Responsibility Examination administered by the
21 Department, including the payment of the appropriate examination
22 fee. If Respondent fails to satisfy this condition, the
23 Commissioner may order the suspension of the restricted license
24 until Respondent passes the examination.

25 ///

26 ///

27 ///

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

6 (a) That the employing broker has read the Decision
7 of the Commissioner which granted the right to a
8 restricted license; and
9 (b) That the employing broker will exercise close
10 supervision over the performance by the
11 restricted licensee relating to activities for
12 which a real estate license is required.

13 August 27, 2001

14 DATED

15 JAMES L. BEAVER, Counsel
16 DEPARTMENT OF REAL ESTATE

17 * * *

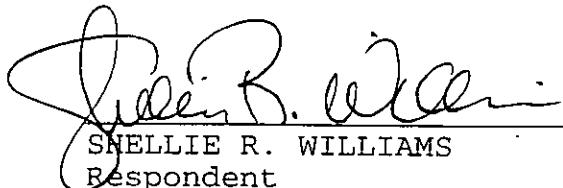
18 I have read the Stipulation and Agreement, have
19 discussed its terms with my attorney, and its terms are
20 understood by me and are agreeable and acceptable to me. I
21 understand that I am waiving rights given to me by the
22 California Administrative Procedure Act (including but not
23 limited to Sections 11506, 11508, 11509, and 11513 of the
24 Government Code), and I willingly, intelligently, and
25 voluntarily waive those rights, including the right of requiring
26 the Commissioner to prove the allegations in the Accusation at a
27 hearing at which I would have the right to cross-examine

111.

1 witnesses against me and to present evidence in defense and
2 mitigation of the charges.

3 8-17-01

4 DATED

5 
6 SNELLIE R. WILLIAMS
7 Respondent

8
9 I have reviewed the Stipulation and Agreement as to
10 form and content and have advised my clients accordingly.

11 7-30-01

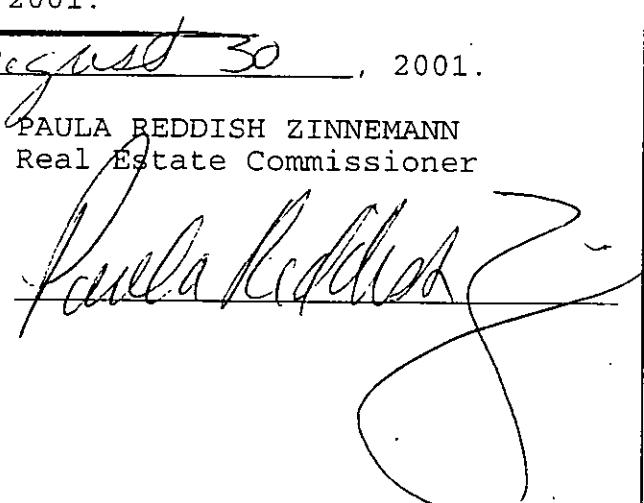
12 DATED

13 
14 D. MITCHELL TAYLOR, ESQ.
15 Attorney for Respondent

16 * * *

17 The foregoing Stipulation and Agreement for Settlement
18 is hereby adopted by the Real Estate Commissioner as his
19 Decision and Order and shall become effective at 12 o'clock noon
20 on SEPTEMBER 26, 2001.

21 IT IS SO ORDERED August 30, 2001.

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner
24 

FILED D

**BEFORE THE DEPARTMENT OF REAL ESTATE JUL 11 2001
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

B. Pierce O'Brien

In the Matter of the Accusation of

SHELLIE R. WILLIAMS,

}

Case No. H-1484 FRESNO

OAH No. N-2001070037

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 THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITE 340/360, SACRAMENTO, CA 95814 on FRIDAY, AUGUST 31, 2001, at the hour of 9:00 A.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

By

JAMES L. BEAVER

Counsel

Dated: JULY 11, 2001

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 DEPARTMENT OF REAL ESTATE
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 (916) 227-0788 (Direct)

F I L E D
MAY 21 2001

DEPARTMENT OF REAL ESTATE

By Shirley A. Fair

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No.: H-1484 FRESNO
12)
13 SHELLIE R. WILLIAMS,) ACCUSATION
14)
15 Respondent.)
16)

17 The Complainant, John Sweeney, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against SHELLIE R. WILLIAMS, also known as Shellie R. Melton
20 (hereinafter "Respondent"), is informed and alleges as follows:

21 I

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

24 II

25 The Complainant, John Sweeney, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity.

T T T

On or about May 7, 1984, in the Municipal Court of the State of California, County of Madera, Madera Judicial District, Respondent was convicted of the crime of Petty Theft in violation of Penal Code Section 488, a misdemeanor and a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

On or about September 13, 1999, Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, made application to the Department of real Estate of the State of California for a real estate salesperson license with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the California Business and Professions Code.

V

In response to Questions 25 and 27 of said application, requiring Respondent to reveal the court of conviction, arresting agency, date of conviction, type of conviction, code name and section number violated, disposition and case number, for each conviction of any violation of law (other than convictions for drunk driving, reckless driving, or minor traffic citations which do not constitute a misdemeanor or felony offense), Respondent concealed and failed to reveal the conviction described in Paragraph III, above.

1
2 VI
3

4 On or about September 26, 1999, in reliance upon
5 Respondent's representations in said application, the Department
6 issued a real estate salesperson license to Respondent subject to
7 the provisions of Section 10153.4 of the Code.
8

9 VII
10

11 Respondent's failure to reveal the conviction set forth
12 in Paragraph III, above, in said application constitutes the
13 procurement of a real estate license by fraud, misrepresentation,
14 or deceit, or by making a material misstatement of fact in said
15 application, and is cause under Sections 498 and/or 10177(a) of
16 the Code for suspension or revocation of all licenses and license
17 rights of Respondent under the Real Estate Law.
18

19 WHEREFORE, Complainant prays that a hearing be
20 conducted on the allegations of this Accusation and that upon
21 proof thereof, a decision be rendered imposing disciplinary
22 action against all licenses and license rights of Respondent
23 under the Real Estate Law (Part 1 of Division 4 of the Business
24 and Professions Code), and for such other and further relief as
25 may be proper under other provisions of law.
26

27
28 JOHN SWEENEY
29 Deputy Real Estate Commissioner

30 Dated at Fresno, California,
31 this 2nd day of May, 2001.
32