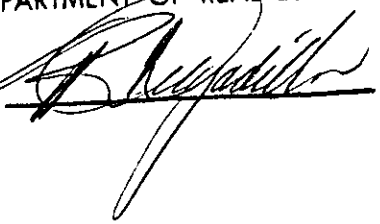


1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, California 90012

4 (213) 897-3937

**FILED**  
JUL 11 1994  
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11	In the Matter of the Accusation of	)	NO. H-1688 SA
12	MAJORIE A. HODGES,	)	<u>STIPULATION IN</u>
13		)	<u>SETTLEMENT AND ORDER</u>
14	Respondent.	)	

15 It is hereby stipulated by and between MAJORIE A. HODGES  
16 (sometimes referred to as respondent), and the Complainant, acting  
17 by and through Elliott Mac Lennan, Counsel for the Department of  
18 Real Estate, as follows for the purpose of settling and disposing  
19 of the Accusation filed on December 14, 1993 in this matter:

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

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

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

17                   4. Respondent, pursuant to the limitations set forth  
18 below, hereby admits that the factual allegations contained in the  
19 Accusation filed in this proceeding are true and correct and the  
20 Real Estate Commissioner shall not be required to provide further  
21 evidence of such allegations.

22                   5. This Stipulation is based on respondent's decision  
23 not to contest the allegations set forth in the Accusation as a  
24 result of the agreement negotiated between the parties. This  
25 Stipulation and the finding, express or implied, based on  
26 respondent's decision not to contest the Accusation, are made  
27 expressly limited to this proceeding and any further proceeding

1 initiated by or brought before the Department of Real Estate based  
2 upon the facts and circumstances alleged in the Accusation, and  
3 made for the sole purpose of reaching an agreed disposition of  
4 this proceeding. The decision of respondent not to contest the  
5 factual statements alleged, and as contained in the stipulated  
6 Order, is made solely for the purpose of effectuating this  
7 Stipulation. It is the intent and understanding of the parties  
8 that this Stipulation and Order shall not be binding or admissible  
9 against respondent in any actions against respondent by third  
10 parties.

11 6. It is understood by the parties that the Real Estate  
12 Commissioner may adopt the Stipulation and Agreement as his  
13 decision in this matter thereby imposing the penalty and sanctions  
14 on respondent's real estate licenses and license rights as set  
15 forth in the "Order" hereinbelow. In the event that the  
16 Commissioner in his discretion does not adopt the Stipulation and  
17 the Agreement, the Agreement shall be void and of no effect, and  
18 respondent shall retain the right to a hearing and proceeding on  
19 the Accusation under the provisions of the APA and shall not be  
20 bound by any admission or waiver made herein.

21 7. The Order or any subsequent Order of the Real Estate  
22 Commissioner made pursuant to this Stipulation shall not  
23 constitute an estoppel, merger or bar to any further  
24 administrative or civil proceedings by the Department of Real  
25 Estate with respect to any matters which were not specifically  
26 alleged to be causes for accusation in this proceeding.

27 /

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and  
3 waivers and solely for the purpose of settlement of the pending  
4 Accusation without a hearing, it is stipulated and agreed that the  
5 following determination of issues shall be made:

6 I

7 The conduct of respondent, as described in Paragraph 4  
8 is cause to suspend or revoke the real estate license and license  
9 rights of respondent MAJORIE A. HODGES under the provisions of  
10 Sections 490 and 10177(b) of the Code.

11 ORDER

12 I

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 The real estate salesperson license and license rights  
15 of respondent under the Real Estate Law (Part 1 of Division 4 of  
16 the Business and Professions Code) are hereby revoked.

17 However, respondent shall be entitled to apply for and  
18 be issued a restricted real estate salesperson license if she  
19 makes application therefor and pays to the Department of Real  
20 Estate the appropriate fee for said license within one-hundred eighty  
21 (180) days of the effective date of the Decision herein.

22 The restricted real estate salesperson license issued to  
23 respondent shall be subject to all of the provisions of Section  
24 10156.7 of the Business and Professions Code and the following  
25 limitations, conditions and restrictions imposed under authority  
26 of Section 10156.6 of the Code:

1           A. The restricted license may be suspended prior to  
2 hearing by Order of the Real Estate Commissioner in the event of  
3 respondent's conviction (including conviction of a plea of nolo  
4 contendere) to a crime which bears a significant relationship to  
5 respondent's fitness or capacity as a real estate licensee.

6           B. The restricted license may be suspended prior to  
7 hearing by Order of the Real Estate Commissioner on evidence  
8 satisfactory to the Commissioner that respondent has, after the  
9 effective date of the Order herein, violated provisions of the  
10 California Real Estate Law, the Subdivided Lands Law, Regulations  
11 of the Real Estate Commissioner or conditions attaching to said  
12 restricted license.

13           C. Respondent shall obey all laws of the United States,  
14 the State of California and its political subdivisions, and shall  
15 further obey and comply with all rules and regulations of the Real  
16 Estate Commissioner.

17           D. Respondent shall not be eligible for the issuance of  
18 an unrestricted real estate license nor the removal of any of the  
19 conditions, limitations or restrictions of the restricted license  
20 until at least one year has elapsed from the effective date of the  
21 Decision.

22           E. With the application for a restricted license, or  
23 with the application for transfer to a new employing broker,  
24 respondent shall submit a statement signed by the prospective  
25 employing broker on a form approved by the Department of Real  
26 estate wherein the employing broker shall certify as follows;  
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a. That broker has read the Accusation which is the basis for the issuance of the restricted license; and

b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

F. Prior to the issuance of any restricted license, respondent shall submit evidence of having taken and successfully completed the courses specified in subdivisions (a) and (b) of Section 10170.5 of the Real Estate Law for renewal of a real estate license.

DATED: 5-10-94

*elliott mac lennan*  
ELLIOTT MAC LENNAN  
Counsel for Complainant

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

DATED: 5-12-94 Majorie A. Hodges  
MAJORIE A. HODGES  
Respondent

\* \* \* \*

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by the Commissioner as Decision and Order and shall become effective at 12 o' clock noon on August 1, \_\_\_\_\_, 1994.

IT IS SO ORDERED June 20, 1994.

CLARK WALLACE  
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator  
Chief Deputy Commissioner

*Sacto Flag*

293-0318-012 ✓  
BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA  
\*\*\*\*\*

JAN 10 1994

DEPARTMENT OF REAL ESTATE  
*Hezagad*

In the Matter of the Accusation of )  
Marjorie A. Hodges, )  
Respondent(s). )  
\_\_\_\_\_ )  
Case No. H-1688 SA  
OAH No. L-62351

NOTICE OF CONTINUANCE 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 West First Street, Los Angeles, California, on March 21, 1994, at 1:30 p.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

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. The interpreter must be approved by the Administrative Law Judge 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 Administrative Law Judge directs otherwise.

Dated: January 10, 1994

DEPARTMENT OF REAL ESTATE

By: *Elliott MacLennan*  
ELLIOTT MAC LENNAN, Counsel

MARJORIE A. HODGES  
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ELLIOTT MAC LENNAN, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, California 90012

(213) 897-3194

FILED

DEC 14 1993

DEPARTMENT OF REAL ESTATE  
BY *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-1688 SA
MAJORIE A. HODGES, )	ACCUSATION
)	
)	
)	
Respondent. )	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MAJORIE A. HODGES aka Marjorie Ann Hodges is informed and alleges in his official capacity as follows:

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Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

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II

Respondent was originally licensed by the Department of Real Estate of the State of California as a real estate salesperson on June 26, 1990.

III

On February 3, 1992, in the Municipal Court of California, Riverside Judicial District, County of Riverside, State of California, respondent was convicted upon a guilty plea to one count of violating Section 490.5 of the California Penal Code (Petty Theft), a misdemeanor crime, which by its facts and circumstances involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10, of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The facts as alleged constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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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 the license and license rights of respondent MAJORIE A. HODGES aka Marjorie Ann Hodges under the Real Estate Law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Santa Ana, California  
this 14th day of December 1993.

THOMAS McCRADY  
Deputy Real Estate Commissioner

cc: Marjorie A. Hodges  
Sacto.  
BSV