

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

4 Telephone: (213) 897-3937

FILED

NOV 30 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-2007 SD
12)
13 KATHLEEN LESLIE BATTEE;) STIPULATION AND AGREEMENT
14 CENTURY 21 LYLE MORTON)
15 REALTORS, INC., a California) IN SETTLEMENT AND ORDER
16 corporate broker; and)
17 CHERYL J. BRIGGS, formerly)
18 known as Cheryl Briggs-Coleman,)
19 individually and as designated)
20 officer of Century 21 Lyle)
21 Morton Realtors, Inc.,)
22 Respondents.)

23 It is hereby stipulated by and between CENTURY 21 LYLE
24 MORTON REALTORS, INC. (sometimes referred to as Respondent C-21),
25 and CHERYL J. BRIGGS (sometimes referred to as Respondent BRIGGS),
26 acting by and through David S. Bright, Esq. and Randolph W.
27 Ortlieb, Esq Of White And Bright, and the Complainant, acting by
and through Sean Crahan, Counsel for the Department of Real Estate,
as follows for the purpose of settling and disposing of the
Accusation filed on March 2, 1993 in this matter:

1. All issues which were to be contested and all
evidence which was to be presented by Complainant and Respondents

1 at a formal hearing on the Accusation, which hearing was to be held
2 in accordance with the provisions of the Administrative Procedure
3 Act (APA), shall instead and in place thereof be submitted solely
4 on the basis of the provisions of this Stipulation and Agreement In
5 Settlement and Order.

6 2. Respondents have received, read and understand the
7 Statement to Respondent, the Discovery Provisions of the APA and
8 the Accusation, filed by the Department of Real Estate in this
9 proceeding.

10 3. On April 7, 1993, Respondents C-21 and BRIGGS filed
11 Notices of Defense pursuant to Section 11505 of the Government Code
12 for the purpose of requesting a hearing on the allegations in the
13 Accusation. Respondents hereby freely and voluntarily withdraw
14 their requests for hearing in said Notices of Defense. Respondents
15 acknowledge that they understand that by withdrawing their requests
16 for hearing in said Notices of Defense, they will thereby waive
17 their right to require the Commissioner to prove the allegations in
18 the Accusation at a contested hearing held in accordance with the
19 provisions of the APA and that they will waive other rights
20 afforded to them in connection with the hearing such as the right
21 to present evidence in defense of the allegations in the Accusation
22 and the right to cross-examine witnesses.

23 4. This Stipulation and Agreement in Settlement and
24 Order relates to the factual allegations of negligence contained in
25 paragraphs one (1) through eight (8) in the Accusation filed in
26 this proceeding. Respondents choose not to contest these factual
27 allegations and to remain silent and understand that, as a result

1 thereof, these factual allegations, without being admitted or
2 denied, will serve as a prima facie basis for the stayed
3 suspensions stipulated to herein. This Stipulation and Agreement
4 in Settlement and Order and the findings based on Respondents'
5 decision not to contest the Accusation are hereby expressly limited
6 to this proceeding and made for the sole purpose of reaching an
7 agreed disposition of this proceeding. Respondents' decision not
8 to contest the factual allegations of negligence is made solely for
9 the purpose of effectuating this Stipulation and is intended by
10 Respondents to be non-binding upon them in any actions against
11 Respondents by third parties. The Real Estate Commissioner shall
12 not be required to provide further evidence to prove such
13 allegations of negligence.

14 5. It is understood by the parties that the Real Estate
15 Commissioner may adopt the Stipulation and Agreement In Settlement
16 and Order as his decision in this matter thereby imposing the
17 stayed suspensions on Respondents' real estate licenses and license
18 rights as set forth in the below "order". In the event that the
19 Commissioner in his discretion does not adopt the Stipulation and
20 Agreement In Settlement and Order, the Stipulation and Agreement In
21 Settlement and Order shall be void in its entirety and of no
22 effect, the requests for hearing in said Notices of Defense shall
23 be reinstated and Respondents shall retain the right to a hearing
24 and proceeding on the Accusation, no sooner than two weeks after
25 notice that this Stipulation has been rejected, under all the
26 provisions of the APA and shall not be bound by any ~~waiver~~
27 waiver made herein.

1 REALTORS, INC. under the Real Estate Law are suspended for thirty
2 (30) days from the effective date of this Order, provided, however,

3 1. Said thirty (30) day suspension of Respondent C-21's
4 license shall be stayed upon condition that Respondent C-21, pays a
5 monetary penalty of \$3,000 pursuant to the provisions of Code
6 Section 10175.2.

7 (a) Said payment shall be in the form of cashiers
8 check or certified check, made payable to the Recovery Account of
9 the Real Estate Fund. Said check must be delivered to the
10 Department prior to the effective date of this Order.

11 (b) If Respondent C-21 fails to pay the monetary
12 penalty in accordance with the terms and conditions of this Order,
13 the Commissioner may, without a hearing, order the immediate
14 execution of all or any part of the stayed suspension in which
15 event Respondent C-21 shall not be entitled to any repayment nor
16 credit, prorated or otherwise, for money paid to the Department
17 under the terms of this Order.

18 (c) If respondent C-21 timely pays the monetary
19 penalty the stay of the thirty (30) days suspension hereby granted
20 shall become permanent.

21 B.

22 All licenses and license rights of CHERYL J. BRIGGS under
23 the Real Estate Law are suspended for thirty (30) days from the
24 effective date of this Order, provided, however,

25 1. However, if Respondent BRIGGS petitions, said thirty
26 (30) day suspension of Respondent BRIGGS's license shall be stayed
27 upon condition that Respondent BRIGGS, pays a monetary penalty of

1 \$1,000 pursuant to the provisions of Business and Professions Code
2 Section 10175.2.

3 (a) Said payment shall be in the form of cashiers
4 check or certified check, made payable to the Recovery Account of
5 the Real Estate Fund. Said check must be delivered to the
6 Department prior to the effective date of this Order.


7 (b) If Respondent BRIGGS fails to pay the monetary
8 penalty in accordance with the terms and conditions of this Order,
9 the Commissioner may, without a hearing, order the immediate
10 execution of all or any part of the stayed suspension in which
11 event Respondent BRIGGS shall not be entitled to any repayment nor
12 credit, prorated or otherwise, for money paid to the Department
13 under the terms of this Order.

14 (c) If respondent BRIGGS timely pays the monetary
15 penalty the stay of the thirty (30) days suspension hereby granted
16 shall become permanent.

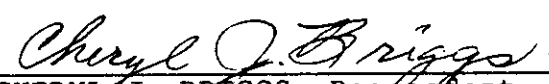
17 C.

18 The charges against respondents herein under Code
19 Sections 10176(a), 10177(h) and 10177(d) for violation of Code
20 Section 10159.2 are hereby dismissed.

21 DATED: 11/15/93


CENTURY 21/LYLE MORTON REALTORS,
INC., Respondent, by Frederick Martin
Jorgensen, its Designated Officer.

25 DATED: 11/15/93

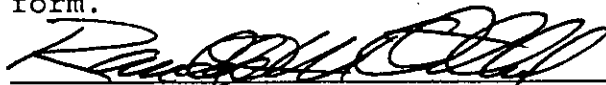

CHERYL J. BRIGGS, Respondent.

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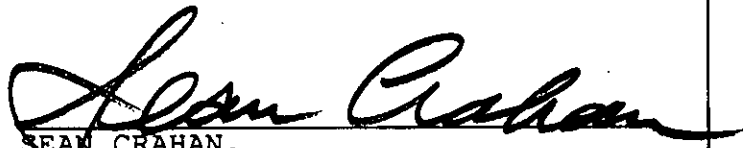
DATED: _____

DAVID S. BRIGHT, ESQ., WHITE AND BRIGHT, Attorneys for Respondents Century 21 Lyle Morton Realtors and Cheryl J. Briggs, approved as to form.

DATED: 11/15/93


RANDOLPH W. ORTLIEB, ESQ., WHITE AND BRIGHT, Attorneys for Respondents Century 21 Lyle Morton Realtors and Cheryl J. Briggs, approved as to form.

DATED: 11-15-93


SEAN CRAHAN,
Counsel, Department of Real Estate.

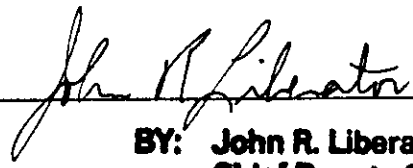
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The foregoing Stipulation and Agreement in Settlement and
Order is hereby adopted as my Decision and Order in the above-
entitled matter and this Order shall become effective at 12 o'
clock noon on December 31, 1993.

IT IS SO ORDERED November 24, 1993.

CLARK WALLACE
Real Estate Commissioner



BY: John R. Liberator
Chief Deputy Commissioner

1 Department of Real Estate
107 South Broadway, Room 8017
2 Los Angeles, California 90012
3 Telephone: (213) 897-3937
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FILED
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DEPARTMENT OF REAL ESTATE
BY *[Signature]*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12 KATHLEEN LESLIE BATTEE,) No. H-2007 SD
CENTURY 21 LYLE MORTON REALTORS, INC.) STIPULATION AND AGREEMENT
13 California Corporate broker, and)
CHERYL J. BRIGGS, formerly known as) IN SETTLEMENT AND ORDER
14 CHERYL BRIGGS-COLEMAN, individually)
and as designated officer of)
15 CENTURY 21 LYLE MORTON REALTORS, INC.,)
Respondents)
16

17
18 It is hereby stipulated by and between KATHLEEN LESLIE
19 BATTEE (sometimes referred to as Respondent), acting by and
20 through Jeffrey Y. Greer, Esq. of Royce, Grimm, Vranjes, McCormick
21 & Graham, and the complainant, acting by and through Sean Crahan,
22 Counsel for the Department of Real Estate, as follows for the
23 purpose of settling and disposing of the Accusation filed on March
24 2, 1993 in this matter:

25 1. All issues which were to be contested and all
26 evidence which was to be presented by complainant and respondents

1
2 at a formal hearing on the Accusation, which hearing was to be
3 held in accordance with the provisions of the Administrative
4 Procedure Act (APA), shall instead and in place thereof be
5 submitted solely on the basis of the provisions of this
6 Stipulation and Agreement of Settlement and Order.

7 2. Respondent has received, read and understands the
8 Statement to respondent, the Discovery Provisions of the APA and
9 the Accusation, filed by the Department of Real Estate in this
10 proceeding.

11 3. On April 13, 1993, Respondent filed a Notice of
12 Defense pursuant to Section 11505 of the Government Code for the
13 purpose of requesting a hearing on the allegations in the
14 Accusation. Respondent hereby freely and voluntarily withdraws
15 said Notice of Defense. Respondent acknowledges that she
16 understands that by withdrawing said Notice of Defense, she will
17 thereby waive her right to require the Commissioner to prove the
18 allegations in the Accusation at a contested hearing held in
19 accordance with the provisions of the APA and that she will waive
20 other rights afforded to her in connection with the hearing such
21 as the right to present evidence in defense of the allegations in
22 the Accusation and the right to cross-examine witnesses.

23 4. This Stipulation and Agreement in Settlement and
24 Order is based on the factual allegations contained in the
25 accusation filed in this proceeding. Respondent admits that the
26 Department can establish a prima facie case to support the

1
2 allegations in the accusation and understands that disciplinary
3 action will be imposed as set forth in the Order hereinbelow.
4 The Real Estate Commissioner may make findings in this matter
5 based upon its prima facie case.

6 5. It is understood by the parties that the Real
7 Estate Commissioner may adopt the Stipulation and Agreement in
8 Settlement and Order as his decision in this matter. In the
9 event that the Commissioner in his discretion does not adopt the
10 Stipulation and Agreement in Settlement and Order, the
11 Stipulation and Agreement in Settlement and Order shall be void
12 in its entirety and of no effect, and Respondent shall retain the
13 right to a hearing and retain the right to a proceeding on the
14 Accusation under all the provisions of the APA and shall not be
15 bound by any admission or waiver made herein.

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

22 DETERMINATION OF ISSUES

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

1
2 Based upon its prima facie case, cause exists to suspend
3 or revoke the real estate licenses of Respondent KATHLEEN LESLIE
4 BATTEE under Business and Professions Code (hereafter Code)
5 Section 10176(a) for the making of a substantial misrepresentation.

6 ORDER

7 WHEREFORE, THE FOLLOWING ORDER IS HEREBY MADE:

8 1. The restricted real estate broker license previously
9 issued to respondent is revoked. Said real estate broker license
10 had been suspended on March 17, 1993.

11 2. Not earlier than one year from March 16, 1993,
12 respondent may apply for and the Department shall issue a
13 restricted real estate sales license, subject to providing
14 evidence, with said application, that she has completed 45 hours
15 of continuing education, including ethics and agency, courses
16 taken within (6) month prior to the effective date of this Order
17 and thereafter.

18 3. This restricted sales license is subject to the
19 following conditions and limitations:

20 (a) The license shall not confer any property
21 right in the privileges to be exercised including the right of
22 renewal, and the real Estate Commissioner may by appropriate order
23 suspend the right to exercise any privileges granted under this
24 restricted license in the event of:

25 i. The conviction of respondent (including a
26 plea of nolo contendere) to a crime which bears a substantial

1 relationship to respondent's fitness or capacity as a real estate
2 licensee; or

3
4 ii. The receipt of evidence that respondent
5 has violated provisions of the California Real Estate law, the
6 Subdivided lands law, Regulations of the Real Estate Commissioner
7 or conditions attaching to this restricted license.

8 (b) With the application for a restricted sales
9 license, or with the application for transfer to a new employing
10 broker, respondent shall submit a statement signed by the
11 prospective employing broker wherein the employing broker shall
12 certify as follows:

13 i. That broker has read the Accusation, H-
14 2007 SD, and this Stipulation which were the basis for the
15 issuance of the restricted license, and

16 ii. That broker will carefully review all
17 transaction documents prepared by the restricted licensee and
18 otherwise exercise the closest possible supervision over the
19 licensee's performance of acts for which a license is required.

20 (c) Respondent will report the the Department, at
21 its San Diego Office, by the end of each December and June, while
22 respondent holds the restricted sales license, the name, address
23 and phone numbers of owners of properties for which respondent has
24 taken a listing during the preceding 6 months, and the name,
25 address and phone numbers of the buyers and sellers for whom
26 respondent's broker has acted as agent in transactions for which a

1
2 license is required, which closed escrow and for which respondent
3 received compensation within the preceding 6 months.

4 (d) Respondent Battee shall not be allowed to be a
5 signatory on a trust account used in transactions for which a real
6 estate license is required.

7 (e) Respondent may not be assigned any trust fund
8 record keeping duties.

9 (f) Respondent may not be given the responsibility
10 to review, initial and date documents prepared by salespeople or
11 broker associates of her employing broker.

12 (g) Respondent may not be assigned any
13 supervisory or managerial duties at her employing broker's
14 office.

15 (h) Respondent may not petition earlier than two
16 years from the effective date of this order for the removal of
17 restrictions, conditions or limitations from her restricted sales
18 license.

19 (i) At the end of two years, if respondent has
20 complied with the above conditions to holding a restricted sales
21 license, Respondent may apply for and the Department shall issue
22 an unrestricted salesperson license to Respondent.

23 (j) Respondent may not petition for reinstatement
24 of her broker license earlier than three years from the date of
25 this order.

26 Dated: 11-16-93

27 By Kathleen Leslie Battee
KATHLEEN LESLIE BATTEE,
Respondent

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Dated: 11/16/93

By *Jeffrey Y. Greer*
JEFFREY Y. GREER, ESQ.,
ROYCE, GRIMM, VRANJES, MC
CORMICK & GRAHAM, Attorneys
for Respondent Kathleen
Leslie Battee, approved as
to form.

Dated: ⁻¹⁷⁻
11-16-93

By *Sean Crahan*
SEAN CRAHAN, Counsel
Department of Real Estate

* * * * *

The foregoing Stipulation and Agreement in Settlement
and Order is hereby adopted as my Decision and Order in the above
entitle matter and this Order shall become effective at 12 o'clock
noon on December 30, 1993.

IT IS SO ORDERED December 6, 1993

CLARK E. WALLACE
REAL ESTATE COMMISSIONER

John R. Liberator

BY: **John R. Liberator**
Chief Deputy Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED

APR 20 1993

In the Matter of the Accusation of)
)
 KATHLEEN LESLIE BATTEE,)
 et al.,)
)
 Respondents.)

Case No. H-2007 SD
OAH No. L-59747

DEPARTMENT OF REAL ESTATE
BY 

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, 1350 Front Street, Room 6018, San Diego, California, on November 16, 17, 18 and 19, 1993, at the hour of 9:00 a.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.

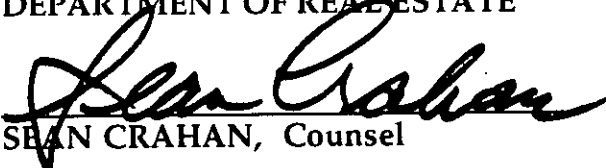
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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: April 20, 1993.

cc: Kathleen Leslie Battee
Century 21 Lyle Morton Realtors Inc.
Cheryl J. Briggs
Stephanie Sontag, Esq.
David S. Bright, Esq.
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DEPARTMENT OF REAL ESTATE


SEAN CRAHAN, Counsel

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MAR 22 1993
DEPARTMENT OF REAL ESTATE
BY *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-2007 SD
)	
KATHLEEN LESLIE BATTEE;)	
CENTURY 21 LYLE MORTON)	
REALTORS, INC., a California)	
corporate broker; and)	
CHERYL J. BRIGGS, formerly)	
known as Cheryl Briggs-Coleman,)	
individually and as designated)	
officer of Century 21 Lyle)	
Morton Realtors, Inc.,)	
)	
Respondents.)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: KATHLEEN LESLIE BATTEE, Respondent.

On June 29, 1990, the Department of Real Estate (hereafter the Department) issued to respondent KATHLEEN LESLIE BATTEE a restricted real estate broker license on terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of November 30, 1989, in Case No. H-1624 SD which became effective on January 3, 1990. This Order granted the right to the issuance of a restricted real estate broker license subject to the provisions of

1 Section 10156.7 of the California Business and Professions Code
2 (hereafter the Code) and to enumerated additional terms, conditions
3 and restrictions imposed under authority of Code Section 10156.6..

4 On March 2, 1993, in Case No. H-2007 SD, an Accusation by
5 a Deputy Real Estate Commissioner of the State of California was
6 filed charging respondent with making a substantial
7 misrepresentation, fraud or dishonest dealing and with negligence in
8 a transaction for which a real estate license is required in
9 violation of Code Sections 10176(a), 10176(i), 10177(g) and
10 10177(k).

11
12 NOW, THEREFORE, IT IS ORDERED, under authority of Code
13 Section 10156.7, that the real estate broker license heretofore
14 issued to respondent and the exercise of any privileges thereunder
15 is hereby suspended pending final determination made after a hearing
16 on the aforesaid Accusation, a copy of which is attached hereto.

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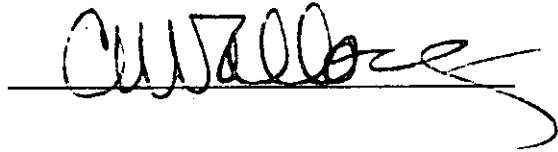
IT IS FURTHER ORDERED that all license certificates and identification cards issued by the Department which are in the possession of respondent be immediately surrendered by personal delivery or by mailing in the enclosed self-addressed envelope to:

DEPARTMENT OF REAL ESTATE
Attn.: Flag Section
Post Office Box 187000
Sacramento, CA 95818-7000

This Order shall become effective immediately.

DATED: _____ 3/17, 1993.

CLARK WALLACE
Real Estate Commissioner



Med. Flg.

1 SEAN CRAHAN, Counsel
Department of Real Estate
2 107 South Broadway, Room 8107
Los Angeles, California 90012
3 (213) 897-3937

MAR -2 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11	In the Matter of the Accusation of)	No. H-2007 SD
)	
12	KATHLEEN LESLIE BATTEE;)	A C C U S A T I O N
	CENTURY 21 LYLE MORTON)	
13	REALTORS, INC., a California)	
	corporate broker; and)	
14	CHERYL J. BRIGGS, formerly)	
	known as Cheryl Briggs-Coleman,)	
15	individually and as designated)	
	officer of Century 21 Lyle)	
16	Morton Realtors, Inc.,)	
)	
17	Respondents.)	
)	

18
19 The Complainant, J. Chris Graves, a Deputy Real Estate
20 Commissioner of the State of California, for cause of accusation
21 against KATHLEEN LESLIE BATTEE, CENTURY 21 LYLE MORTON REALTORS,
22 INC., a California corporate broker; and CHERYL J. BRIGGS, formerly
23 known as Cheryl Briggs-Coleman, individually and as designated
24 officer of Century 21 Lyle Morton Realtors, Inc., alleges as
25 follows:

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1.

The Complainant, J. Chris Graves, a Deputy Real Estate Commissioner, brings this Accusation in his official capacity.

2.

KATHLEEN LESLIE BATTEE (hereafter respondent BATTEE) 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 (hereafter cited as the Code). At all times herein mentioned, respondent BATTEE was licensed by the Department of Real Estate of the State of California (hereafter the Department) as a restricted real estate broker.

(a) Effective on or about June 29, 1990, the Department issued to respondent BATTEE a restricted real estate broker license. Among the conditions to holding the restricted license was that requiring respondent not to violate the California Real Estate Law.

(b) At all times herein mentioned, respondent BATTEE was employed by respondent CENTURY 21 LYLE MORTON REALTORS, INC., as a salesperson to perform acts for which a real estate license is required.

3.

CENTURY 21 LYLE MORTON REALTORS, INC. (hereafter respondent corporation), is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code. At all times herein mentioned, respondent corporation was licensed by the Department as a corporate real estate broker.

/
/

1 4.

2 CHERYL J. BRIGGS (hereafter respondent BRIGGS) is
3 presently licensed and/or has license rights under the Real Estate
4 Law, Part 1 of Division 4 of the Code. At all times herein
5 mentioned, respondent BRIGGS was licensed by the Department as a
6 real estate broker, individually and as designated officer of
7 respondent corporation. Pursuant to Code Section 10159.2,
8 respondent BRIGGS was responsible for the supervision of the
9 activities of officers, agents and employees of respondent
10 corporation for which a real estate license was required.

11 5.

12 Helen Simons (hereafter Simons) owned a parcel of vacant
13 land in Needles, California, known by Simons and respondents as The
14 Riviera Hotel and described as APM 660-091-06 (hereafter the
15 Property). The Property was encumbered by a second trust deed in
16 delinquency in July, 1990. Holder of the promissory note secured
17 by the second trust deed was Jerry Bruner who completed foreclosure
18 as of February 19, 1991.

19 6.

20 On or about July 3, 1990, respondent BATTEE, in the course
21 of her employment with respondent corporation, prepared a written
22 Real Estate Purchase Contract and Receipt for Deposit (hereafter the
23 Contract) dated July 3, 1990, by buyer, John Brake (hereafter Brake)
24 offering to purchase the Property from Simons. On that Contract,
25 respondents BATTEE and corporation represented that there was a
26 \$275,000 deposit in the form of a personal check, payable to Mt.
27 Helix Escrow. On or about July 10, 1990, Simons counter-offered

1 through respondents BATTEE and corporation, in writing, proposing,
2 inter alia, that the \$275,000 deposit be released to her upon
3 opening of escrow in the form of a loan to be secured by the
4 Property to be paid back should the sale not go through. On or
5 about July 15, 1990, respondent BRIGGS was aware of both the written
6 offer and counter-offer.

7 7.

8 In fact, no such check for \$275,000 was received by
9 respondents BATTEE or corporation.

10 8.

11 Respondent BRIGGS knew of the transaction as set forth in
12 paragraph 6. Respondent BRIGGS could have and should have known
13 that there was no deposit check for \$275,000. Respondent BRIGGS was
14 negligent in a transaction for which a real estate license was
15 required. Respondent BRIGGS failed to exercise reasonable
16 supervision over the activities of respondent BATTEE for which a
17 real estate license was required so as to prevent the
18 misrepresentation.

19 9.

20 The conduct or omissions of respondent BATTEE, as set
21 forth above, subject her real estate license and license rights to
22 suspension or revocation under the provisions of the following Code
23 Sections:

24 (a) Code Section 10176(a) for making a substantial
25 misrepresentation.

26 (b) Code Section 10176(i) or Code Section 10177(j) for
27 dishonest dealing.

1 (c) Code Section 10177(g) for negligence in a transaction
2 for which a real estate license is required.

3 (d) Code Section 10177(k) for violating terms of an order
4 granting a restricted license.

5 10.

6 The conduct or omissions of respondent corporation, as set
7 forth above, subject its real estate license and license rights to
8 suspension or revocation under the provisions of the following Code
9 Sections:

10 (a) Code Section 10176(a) for making a substantial
11 misrepresentation.

12 (b) Code Section 10177(g) for negligence in a transaction
13 for which a real estate license is required.

14 11.

15 The conduct or omissions of respondent BRIGGS, as set
16 forth above, subject her real estate licenses and license rights to
17 suspension or revocation under the provisions of the following Code
18 Sections:

19 (a) Code Section 10177(h) and/or 10177(d) for violation
20 of Code Section 10159.2, for failing to reasonably supervise
21 respondent BATTEE.

22 (b) Code Section 10177(g) for negligence in a transaction
23 for which a real estate license is required.

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25 /
26 /
27 /

1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and, that upon proof thereof,
3 a decision be rendered imposing disciplinary action against the
4 licenses and license rights of respondents KATHLEEN LESLIE BATTEE;
5 CENTURY 21 LYLE MORTON REALTORS, INC., a California corporate
6 broker; and CHERYL J. BRIGGS, formerly known as Cheryl Briggs-
7 Coleman, under the Real Estate Law (Part 1 of Division 4 of the
8 Business and Professions Code) and for such other and further relief
9 as may be proper under other applicable provisions of law.

10 PRIOR DISCIPLINARY ACTION

11 In Case No. H-1624 SD, respondent BATTEE's real estate
12 broker license was revoked effective January 3, 1990, on grounds she
13 had made two substantial misrepresentations in connection with the
14 sale of real property in violation of Code Section 10176(a).
15 Dated at San Diego, California
16 this 2nd day of March, 1993.

17
18 J. CHRIS GRAVES
19 J. Chris Graves
20 Deputy Real Estate Commissioner
21
22
23
24

25 cc: Kathleen Leslie Battee
26 Century 21 Lyle Morton Realtors, Inc.
27 Cheryl J. Briggs
 Sacto.
 RM