

FILED  
SEP 21 1998  
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-2087 SA  
DAVID LAWRENCE CLEMSON )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 11, 1996, a Decision was rendered herein revoking the real estate salesperson license of Respondent, DAVID LAWRENCE CLEMSON (hereinafter "Respondent"), effective August 1, 1996, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent on August 1, 1996.

On February 26, 1998, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.



1 I have considered Respondent's petition and the  
2 evidence and arguments in support thereof. Respondent has  
3 demonstrated to my satisfaction that grounds do not presently  
4 exist to deny the issuance of an unrestricted real estate  
5 salesperson license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's  
7 petition for reinstatement is granted and that an  
8 unrestricted real estate salesperson license be issued to  
9 Respondent, DAVID LAWRENCE CLEMSON, after Respondent  
10 satisfies the following conditions within six months from  
11 the date of this Order:

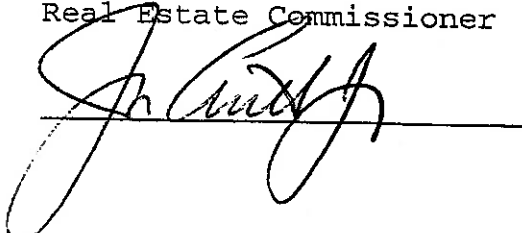
12 1. Submittal of a completed application and  
13 payment of the fee for a real estate salesperson license.

14 2. Submittal of evidence satisfactory to the Real  
15 Estate Commissioner that Respondent has, since August 5,  
16 1995, taken and successfully completed the continuing  
17 education requirements of Article 2.5 of Chapter 3 of the  
18 Real Estate Law for renewal of a real estate license.

19  
20 This Order shall become effective immediately.

21 DATED: 9/8/98.

22 JIM ANTT, JR.  
23 Real Estate Commissioner

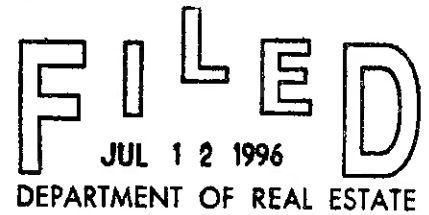
24 

25 cc: David L. Clemson  
26 800 Gutmann  
27 Placentia, CA 92870



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

4 Telephone: (213) 897-3937



By C. [Signature]

8  
9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \* \* \*

12 In the Matter of the Accusation of ) No. H-2087 SA  
13 DAVID LAWRENCE CLEMSON, ) L-9110115  
14 Respondent. ) STIPULATION AND AGREEMENT  
 ) IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between DAVID LAWRENCE  
16 CLEMSON (sometimes referred to herein as "Respondent"), acting by  
17 and through Marc Justin Jennings, Esq., and the Complainant,  
18 acting by and through Darlene Averetta, Counsel for the Department  
19 of Real Estate, as follows for the purpose of settling and  
20 disposing of the Accusation filed on September 28, 1995, in this  
21 matter (hereinafter "Accusation"):

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1           1. All issues which were to be contested and all  
2 evidence which was to be presented by Complainant and Respondent  
3 at a formal hearing on the Accusation, which hearing was to be  
4 held in accordance with the provisions of the Administrative  
5 Procedure Act ("APA"), shall instead and in place thereof be  
6 submitted solely on the basis of the provisions of this  
7 Stipulation and Agreement.

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

12           3. On October 10, 1995, Respondent filed a Notice of  
13 Defense pursuant to Section 11505 of the Government Code for the  
14 purpose of requesting a hearing on the allegations in the  
15 Accusation. Respondent hereby freely and voluntarily withdraws  
16 said Notice of Defense. Respondent acknowledges that he  
17 understands that by withdrawing said Notice of Defense, Respondent  
18 will thereby waive his right to require the Commissioner to prove  
19 the allegations in the Accusation at a contested hearing held in  
20 accordance with the provisions of the APA and that Respondent will  
21 waive other rights afforded to him in connection with the hearing  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.

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1           4. Respondent, pursuant to the limitations set forth  
2 below, hereby admits that the factual allegations of the  
3 Accusation are true and correct and the Real Estate Commissioner  
4 shall not be required to provide further evidence of such  
5 allegations.

6           5. It is understood by the parties that the Real Estate  
7 Commissioner may adopt the Stipulation and Agreement in Settlement  
8 and Order as his decision in this matter thereby imposing the  
9 penalty and sanctions on Respondent's real estate license and  
10 license rights as set forth in the below "Order".

11 In the event the Commissioner, in his discretion, does not adopt  
12 the Stipulation and Agreement in Settlement and Order, the  
13 Stipulation and Agreement in Settlement and Order shall be void  
14 and of no effect, and Respondent shall retain the right to request  
15 a hearing and proceeding on the Accusation under all the  
16 provisions of the APA and shall not be bound by any stipulation,  
17 admission or waiver made herein.

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

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1           2. The restricted license issued to Respondent shall be  
2 subject to all of the provisions of Section 10156.7 of the  
3 Business and Professions Code and to the following limitations,  
4 conditions and restrictions imposed under authority of Section  
5 10156.6 of the Business and Professions Code:

6           (a) Respondent shall not be eligible to petition  
7 the Commissioner for the removal of any of the conditions,  
8 limitations or restrictions attaching to the restricted license  
9 or be eligible to apply for the issuance of an unrestricted real  
10 estate license until one (1) year has elapsed from the date of  
11 issuance of the restricted license to Respondent.

12           (b) The restricted license to be issued upon  
13 application of Respondent shall not confer any property right in  
14 the privileges to be exercised thereunder.

15           (1) Said restricted license and any privileges  
16 granted thereunder may be suspended prior to hearing, and revoked  
17 after hearing, by Order of the Real Estate Commissioner in the  
18 event of Respondent's conviction (including a plea of nolo  
19 contendere) to a crime which is substantially related to  
20 Respondent's qualifications, functions, duties, fitness or  
21 capacity as a real estate licensee, or receipt of evidence  
22 satisfactory to the Commissioner that Respondent has violated the  
23 conditions attaching to this restricted license.

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1                   (2) Said restricted license and any privileges  
2 granted thereunder may be suspended and/or revoked after hearing,  
3 by Order of the Real Estate Commissioner in the event of the  
4 receipt of evidence satisfactory to the Commissioner that  
5 Respondent has violated provisions of the California Real Estate  
6 Law, the Subdivided Lands Law, or Regulations of the Real Estate  
7 Commissioner.


8                   (c) Respondent shall, prior to the renewal of any  
9 restricted license issued to Respondent, present evidence  
10 satisfactory to the Real Estate Commissioner that he has, since  
11 August 5, 1995, taken and successfully completed the continuing  
12 education requirements of Article 2.5 of Chapter 3 of the Real  
13 Estate Law for renewal of a real estate license.

14                   (d) Respondent shall submit with any application  
15 for license under an employing broker, or any application for  
16 transfer to a new employing broker, a statement signed by the  
17 prospective employing broker on a form approved by the Department  
18 of Real Estate which shall certify:

19                   (1) That he or she has read the Order of the  
20 Commissioner which granted the right to a restricted license; and

21                   (2) That he or she will exercise close supervision  
22 over the performance by the restricted licensee of activities for  
23 which a real estate license is required.

24 DATED: June 24, 1996

  
DARLENE AVERETTA, Counsel for  
the Complainant, the Department  
of Real Estate


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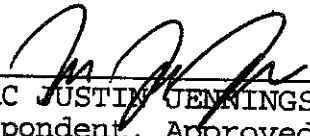
\* \* \* \* \*

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 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: 4/19/96

  
DAVID LAWRENCE CLEMSON, Respondent

DATED: 4/20/96

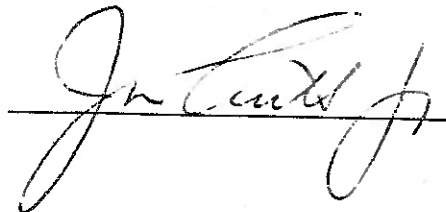
  
MARC JUSTIN JENNINGS, Attorney for Respondent, Approved as to Form

\* \* \* \* \*

The foregoing Stipulation and Agreement in Settlement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on August 1, 1996.

IT IS SO ORDERED 7-11-96.

JIM ANTT, JR.  
Real Estate Commissioner



SAC

DARLENE AVERETTA, Counsel  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, California 90012

(213) 897-3937

FILED  
SEP 28 1995  
DEPARTMENT OF REAL ESTATE

By C. Long

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-2087 SA
DAVID LAWRENCE CLEMSON, )	
Respondent. )	<u>A C C U S A T I O N</u>

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DAVID LAWRENCE CLEMSON (hereinafter "Respondent"), alleges as follows:

I

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

II

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 (hereinafter "Code"), as a real estate salesperson.



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III

At all times material herein, Respondent was licensed by the Department of Real Estate of the State of California ("Department") as a real estate salesperson. Respondent's license expired August 4, 1995. Respondent's renewal rights will expire August 3, 1997.

IV

On or about February 5, 1991, in the Municipal Court, North Orange County Judicial District, County of Orange, State of California, Respondent DAVID LAWRENCE CLEMSON, aka David Lawrence Glemson, was convicted by jury verdict, of one count of violating Section 508/484-488 of the California Penal Code (Petty Theft/Clerk, Servant or Agent-Misappropriation of Money). Said crime involves moral turpitude and bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee. Said conviction was affirmed on appeal on or about July 14, 1993.

V

The crime of which Respondent was convicted, as described in Paragraph IV, above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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1           WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and, that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of Respondent,  
5 DAVID LAWRENCE CLEMSON, under the Real Estate Law (Part 1 of  
6 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 28th day of September, 1995.

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13                           THOMAS MCCRADY  
14                           \_\_\_\_\_  
15                           Deputy Real Estate Commissioner  
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25 cc: David Lawrence Clemson  
26       David Tudor Chamberlain  
27       Sacto.  
      AK

