

FILED

APR 8 7 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
THOMAS CHRISTOPHER LINDEMANN,
Respondent.

No. H-2445 FR

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between THOMAS CHRISTOPHER LINDEMANN, (Respondent), and the Complainant, acting by and through Richard K. Uno, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on January 29, 2010 in this matter:

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

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

1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that he will thereby waive his right to require the Commissioner to prove the
5 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
6 APA and that he will waive other rights afforded to him in connection with the hearing such as the
7 right to present evidence in defense of the allegations in the Accusation and the right to cross-
8 examine witnesses.

9 4. Respondent, pursuant to the limitations set forth below, hereby admits that
10 the factual allegations in Paragraphs 1 through 3 of the Accusation filed in this proceeding are
11 true and correct and the Real Estate Commissioner shall not be required to provide further
12 evidence to prove such allegations.

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

20 6. The Order or any subsequent Order of the Real Estate Commissioner made
21 pursuant to this Stipulation and Agreement in Settlement shall not constitute an estoppel, merger
22 or bar to any further administrative or civil proceedings by the Department of Real Estate with
23 respect to any matters which were not specifically alleged to be causes for accusation in this
24 proceeding as admitted or withdrawn.
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1 3. Respondent shall, within nine (9) months from the effective date of this Decision,
2 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
3 most recent issuance of an original or renewal real estate license, taken and successfully
4 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
5 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
6 Commissioner may order the suspension of the restricted license until Respondent presents such
7 evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to
8 the Administrative Procedure Act to present such evidence.

9 4. Respondent shall not be eligible to apply for the issuance of an unrestricted real
10 estate license nor for removal of any of the conditions, limitations or restrictions of a restricted
11 license until two (2) years have elapsed from the effective date of this Decision.

12
13 4/20/10
14 DATED


15 RICHARD K. UNO, Counsel

16 DEPARTMENT OF REAL ESTATE

17 * * *

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

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4 DATED

5 April 10, 2010

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8 THOMAS CHRISTOPHER LINDEMANN
9 Respondent

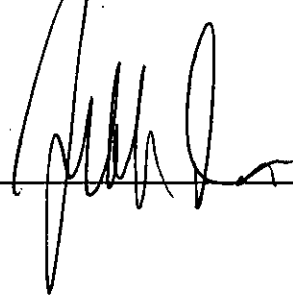
10 * * *

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12 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
13 Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on

14 MAY 18 2010

15 IT IS SO ORDERED 4/26, 2010.

16 JEFF DAVI
17 Real Estate Commissioner

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1 RICHARD K. UNO, Counsel (SBN 98275)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-2380

FILED

JAN 29 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 THOMAS CHRISTOPHER LINDEMANN,) H-2445 FR
13 Respondent.) ACCUSATION
14)

15 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the
16 State of California, for cause of Accusation against THOMAS CHRISTOPHER LINDEMANN,
17 (Respondent), is informed and alleges as follows:

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19 Complainant makes this Accusation against Respondent in his official capacity.

20 2

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

24 3

25 On or about June 19, 2009, in the Superior Court of the State of California,
26 County of Madera, Case Number MCR 032671A, Respondent was convicted of violating
27 Section 487 of the California Penal Code (Grand Theft), a misdemeanor and a crime which

1 bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to
2 the qualifications, functions or duties of a real estate licensee.

3 4

4 The facts alleged in Paragraph 3, above, constitute cause under Section 490 and
5 Section 10177(b) of the Code for suspension or revocation of Respondent's license under the
6 Real Estate Law.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
8 of this Accusation and that upon proof thereof, a Decision be rendered imposing disciplinary
9 action against all licenses and license rights of Respondent under the Code, and for such other
10 and further relief as may be proper under provisions of law.

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13 LUKE MARTIN
14 Deputy Real Estate Commissioner

14 Dated at Fresno, California,
15 this 28th day of January, 2010.