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JAN 04 2009

DEPARTMENT OF REAL ESTATE

By [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
LEE DAVIS CAUDILL,
Respondent.

No. H-2766 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 24, 2003, in Case No. H-2766 SD, a Decision was rendered revoking the real estate salesperson license of Respondent effective May 10, 2003, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on May 10, 2003, and Respondent has operated as a restricted licensee since that time.

On May 16, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement is granted and that a real estate salesperson license be issued to Respondent if
3 Respondent satisfies the following conditions within twelve (12) months from the date of this
4 order:

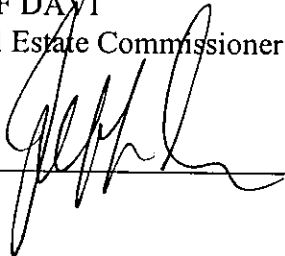
- 5 1. Submittal of a completed application and payment of the fee for a real
6 estate salesperson license.
- 7 2. Submittal of evidence of having, since the most recent issuance of an
8 original or renewal real estate license, taken and successfully completed the continuing education
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
10 license.

11 This Order shall become effective immediately.

12 DATED: 11-25-09

13 JEFF DAYI
14 Real Estate Commissioner

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FILED

MAY 15 2003

DEPARTMENT OF REAL ESTATE

By Laurie C. [Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
LEE DAVIS CAUDILL,) NO. H-2766 SD
Respondent.)

ORDER EXTENDING TIME

On March 24, 2003, by Stipulation and Agreement, an Order was rendered in the above-entitled matter to be effective April 23, 2003, revoking Respondent's real estate broker license with the right to a restricted real estate broker license on terms and conditions.

Included among said terms and conditions was a provision that said restricted license would be suspended for sixty (60) days with thirty (30) days stayed on terms and conditions and the remaining thirty (30) days stayed upon the payment prior to the issuance of said restricted broker license

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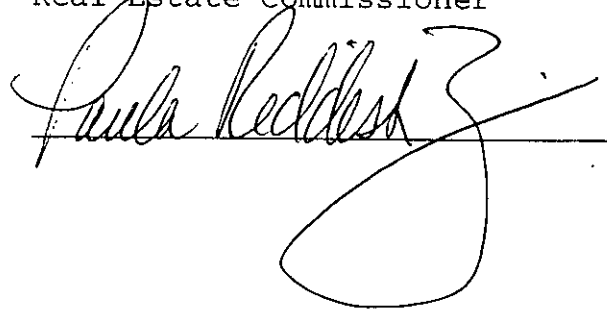
1 by Respondent of a monetary penalty of \$50.00 for each day of
2 suspension stayed for a total monetary penalty of \$1,500.00.

3 Good cause having been shown, the time for payment of
4 the monetary penalty is extended to May 10, 2003.

5 This Order shall be effective immediately.

6 DATED: May 15, 2003

7 PAULA REDDISH ZINNEMANN
8 Real Estate Commissioner

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

FILED
APR - 2 2003

DEPARTMENT OF REAL ESTATE

By Laurie B. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H- H-2766 SD
12 LEE DAVIS CAUDILL,) OAH NO. L-2002090568
13 Respondent.) STIPULATION AND AGREEMENT
14)

15 It is hereby stipulated by and between LEE DAVID
16 CAUDILL (hereinafter "Respondent"), and his attorney of record
17 William R. Winship, Jr. and the Complainant, acting by and
18 through David A. Peters, Counsel for the Department of Real
19 Estate, as follows for purpose of settling and disposing of the
20 Accusation filed August 28, 2002, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA) (Government Code Section 11500 et seq.),
26 shall instead and in place thereof be submitted solely on the
27 basis of the provisions of this Stipulation and Agreement.

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

5 3. On September 11, 2002, Respondent filed his
6 Notice of Defense pursuant to Section 11505 of the Government
7 Code for the purpose of requesting a hearing on the allegations
8 in the Accusation. Respondent hereby freely and voluntarily
9 withdraws his Notice of Defense. Respondent acknowledges that
10 by withdrawing said Notice of Defense he will thereby waive his
11 right to require the Commissioner to prove the allegations in
12 the Accusation at a contested hearing held in accordance with
13 the provisions of the APA and that he will waive other rights
14 afforded to him in connection with the hearing such as the right
15 to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation. In the interests of
19 expedience and economy, Respondent chooses not to contest these
20 allegations, but to remain silent and understands that, as a
21 result thereof, these factual allegations, without being
22 admitted or denied, will serve as prima facie basis for the
23 disciplinary action stipulated to herein. The Real Estate
24 Commissioner shall not be required to provide further evidence
25 to prove said factual allegations.

26 ///

27 ///

1 under the provisions of Section 10177(k) of the Business and
2 Professions Code.

3 ORDER

4 I

5 The real estate salesperson license and all license
6 rights of Respondent LEE DAVIS CAUDILL under the Real Estate Law
7 are revoked; however, a restricted real estate salesperson
8 license shall be issued to Respondent pursuant to Section
9 10156.5 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 ninety
12 (90) days from the effective date of this Decision. The
13 restricted license issued to Respondent shall be subject to all
14 of the provisions of Section 10156.7 of the Business and
15 Professions Code and to the following limitations, conditions
16 and restrictions imposed under authority of Section 10156.6 of
17 that Code:

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

23 B. The restricted license issued to Respondent may
24 be suspended prior to hearing by Order of the Commissioner on
25 evidence satisfactory to the Commissioner that Respondent has
26 violated provisions of the California Real Estate Law, the

27 ///

1 Subdivided Lands Law, Regulations of the Real Estate
2 Commissioner or conditions attaching to the restricted license.

3 C. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations or restrictions of
6 the restricted of a restricted license until three (3) years
7 have elapsed from the effective date of this Decision.

8 D. Respondent shall submit with any application for
9 license under an employing broker, or any application for
10 transfer to a new employing broker, a statement signed by the
11 prospective employing broker on a form approved by the
12 Department of Real Estate which shall certify:

13 (1) That the employing broker has read the Decision
14 of the Commissioner which granted the right to a
15 restricted license; and

16 (2) That the employing broker will exercise close
17 supervision over the performance by the
18 restricted licensee relating to activities for
19 which a real estate license is required.

20 4. Respondent shall, within nine (9) months from the
21 effective date of the Decision, present evidence satisfactory to
22 the Real Estate Commissioner that Respondent has, since the most
23 recent issuance of an original or renewal real estate license,
24 taken and successfully completed the continuing education
25 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
26 for renewal of a real estate license. If Respondent fails to
27 satisfy this condition, the Commissioner may order the

1 suspension of the restricted license until the Respondent
2 presents such evidence. The Commissioner shall afford
3 Respondent the opportunity for a hearing pursuant to the
4 Administrative Procedure Act to present such evidence.

5 F. Respondent shall, within six (6) months from the
6 effective date of this Decision, take and pass the Professional
7 Responsibility Examination administered by the Department
8 including the payment of the appropriate examination fee. If
9 Respondent fails to satisfy this condition, the Commissioner may
10 order suspension of Respondent's license until Respondent passes
11 the examination.

12 G. Any restricted real estate license issued to
13 Respondent pursuant to this Decision shall be suspended for
14 sixty (60) days from the date of issuance of said restricted
15 license, however, thirty (30) days of said suspension shall be
16 stayed for one (1) year upon the following terms and conditions:

17 (1) Respondent shall obey all laws, rules and
18 regulations governing the rights, duties and
19 responsibilities of a real estate licensee in the
20 State of California; and

21 (2) That no final subsequent determination be made,
22 after hearing or upon stipulation, that cause for
23 disciplinary action occurred within one (1) year
24 of the effective date of this Decision. Should
25 such a determination be made, the Commissioner
26 may, in her discretion, vacate and set aside the
27 stay order and reimpose all or a portion of the

1 stayed suspension. Should no such determination
2 be made, the stay imposed herein shall become
3 permanent.

4 H. The remaining thirty (30) days of said 60-day
5 suspension shall be stayed upon the condition that Respondent
6 petitions pursuant to Section 10175.2 of the Business and
7 Professions Code and pays a monetary penalty pursuant to Section
8 10175.2 of the Business and Professions Code at a rate of \$50.00
9 for each day of the suspension for a total monetary of
10 \$1,500.00:

11 (1) Said payment shall be in the form of a cashier's
12 check or certified check made payable to the
13 Recovery Account of the Real Estate Fund. Said
14 check must be delivered to the Department prior
15 to the effective date of the Order in this
16 matter.

17 (2) No further cause for disciplinary action against
18 the real estate license of Respondent occurs
19 within one (1) year from the effective date of
20 the decision in this matter.

21 I. Any restricted real estate salesperson license
22 issued to Respondent may be suspended or revoked for a violation
23 by Respondent of any of the conditions attaching to the
24 restricted license.

25
26 3/24/03
27 DATED

David A. Peters
DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

1 * * *

2 I have read the Stipulation and Agreement, have
3 discussed it with my counsel, and its terms are understood by
4 me and are agreeable and acceptable to me. I understand that I
5 am waiving rights given to me by the California Administrative
6 Procedure Act (including but not limited to Sections 11506,
7 11508, 11509, and 11513 of the Government Code), and I
8 willingly, intelligently, and voluntarily waive those rights,
9 including the right of requiring the Commissioner to prove the
10 allegations in the Accusation at a hearing at which I would
11 have the right to cross-examine witnesses against me and to
12 present evidence in defense and mitigation of the charges.

13
14 3-10-03

DATED

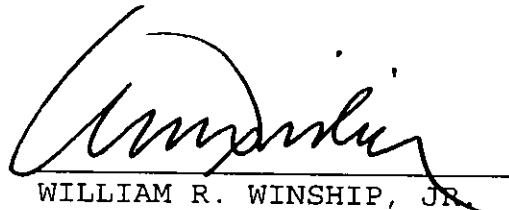


LEE DAVIS CAUDILL
Respondent

15
16 I have reviewed the Stipulation and Agreement in
17 Settlement as to form and content and have advised my client
18 accordingly.

19
20 3-10-03

DATED



WILLIAM R. WINSHIP, JR.
Attorney for Respondent


21 * * *

22
23 The foregoing Stipulation and Agreement for
24 Settlement is hereby adopted by the Real Estate Commissioner as
25 her Decision and Order and shall become effective at 12 o'clock
26 noon on APRIL 23, 2003.

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IT IS SO ORDERED March 24, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BY: John R. Liberator
Chief Deputy Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

OCT 17 2002

DEPARTMENT OF REAL ESTATE

By Laurie B. [Signature]

In the Matter of the Accusation of

LEE DAVIS CAUDILL,

}

Case No. H-2766 SD

OAH No. L-2002090568

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, 1350 FRONT STREET, SUITE 6022, SAN DIEGO, CA 92101 on TUESDAY, JANUARY 28, 2003, 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.

Dated: OCTOBER 17, 2002

DEPARTMENT OF REAL ESTATE

By David A. Peters
DAVID A. PETERS, Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED
AUG 28 2002

DEPARTMENT OF REAL ESTATE

Laurie L. Zia

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No.: H-2766 SD
12 LEE DAVIS CAUDILL,) ACCUSATION
13 Respondent.)
14)

15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against LEE DAVIS CAUDILL aka Lindley Davis Caudill (hereinafter
18 "Respondent") is informed and alleges as follows:

19 I

20 The Complainant, J. Chris Graves, a Deputy Real Estate
21 Commissioner of the State of California, makes the accusation in
22 his official capacity.

23 II

24 Respondent is licensed and/or has license rights under
25 the Real Estate Law (Part 1 of Division 4 of the Business and
26 Professions Code) (hereinafter "the Code") as a restricted real
27 estate salesperson.

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III

At various times herein mentioned, Respondent was engaged in acts for which a real estate license is required while in the employ of real estate broker corporation Coldwell Banker Brokerage Company.

IV

On or about March 22, 2000, Juan and Maria Guajardo (hereinafter "the Buyers") submitted through Respondent an offer to purchase a certain real property commonly known as 211 Escuela Street, San Diego, California (hereinafter "the Subject Property") owned by Lynette Rhodes (hereinafter "the Seller").

V

On or about April 7, 2000, the Seller accepted the Buyers' offer on the purchase of the Subject Property described in Paragraph IV above.

VI

On or about April 5, 2000, an escrow was opened at Continental Escrow Company, San Diego, California (hereinafter "the Escrow Company"), on the sale of the Subject Property.

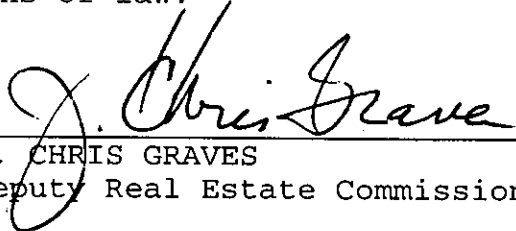
VII

On or about May 3, 2000, in order to cause the escrow described in Paragraph VI above to close, Respondent prepared or caused to be prepared a false and fraudulent invoice for \$1,300.00 from BAM Construction for work done on the Subject Property.

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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 all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.



J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 23rd day of August, 2002.