

FILED  
APR 21 2005

DEPARTMENT OF REAL ESTATE

By Anne Shaver

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-3123 SD
DAWN MARIE LEWIS, )	<u>STIPULATION AND</u>
Respondent. )	<u>AGREEMENT IN</u>
	<u>SETTLEMENT AND ORDER</u>

It is hereby stipulated by and between DAWN MARIE LEWIS (hereinafter "Respondent") and her attorney, William R. Winship Jr., and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the First Amended Accusation filed on January 28, 2005 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.

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  
7 requesting a hearing on the allegations in the Accusation.  
8 Respondent hereby freely and voluntarily withdraws said Notice of  
9 Defense. Respondent acknowledges that he will thereby waive his  
10 right to require the Commissioner to prove the allegations in the  
11 Accusation at a contested hearing held in accordance with the  
12 provisions of the APA and that he will waive other rights  
13 afforded to him in connection with the hearing such as the right  
14 to present evidence in defense of the allegations in the  
15 Accusation and the right to cross-examine witnesses.

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

21           5.   It is understood by the parties that the Real  
22 Estate Commissioner may adopt the Stipulation and Agreement as  
23 her decision in this matter thereby imposing the penalty and  
24 sanctions on Respondent's real estate license and license rights  
25 as set forth in the below "Order". In the event that the  
26 Commissioner in his discretion does not adopt the Stipulation and  
27 Agreement in Settlement, it shall be void and of no effect, and

1 Respondent shall retain the right to a hearing and proceeding on  
2 the Accusation under all the provisions of the APA and shall not  
3 be bound by any admission or waiver made herein.

4           6. The Order or any subsequent Order of the Real  
5 Estate Commissioner made pursuant to this Stipulation and  
6 Agreement in Settlement shall not constitute an estoppel, merger  
7 or bar to any further administrative or civil proceedings by the  
8 Department of Real Estate with respect to any matters which were  
9 not specifically alleged to be causes for accusation in this  
10 proceeding as admitted or withdrawn.

11                           DETERMINATION OF ISSUES

12           By reason of the foregoing stipulations, admissions,  
13 and waivers and solely for the purpose of settlement of the  
14 pending Accusation without hearing, it is stipulated and agreed  
15 that the following Determination of Issues shall be made:

16                           I

17           The acts and/or omissions of Respondent as described in  
18 the Accusation, violate Sections 490 and 10177(b) of the Business  
19 and Professions Code.

20                           ORDER

21                           I

22           All licenses and licensing rights of Respondent DAWN  
23 MARIE LEWIS under the Real Estate Law are revoked; provided,  
24 however, a restricted real estate salesperson license shall be  
25 issued to Respondent pursuant to Section 10156.5 of the Business  
26 and Professions Code if Respondent makes application therefor and  
27 pays to the Department of Real Estate the appropriate fee for the

1 restricted license within 90 days from the effective date of this  
2 Decision. The restricted license issued to Respondent shall be  
3 subject to all of the provisions of Section 10156.7 of the  
4 Business and Professions Code and to the following limitations,  
5 conditions and restrictions imposed under authority of Section  
6 10156.6 of that Code:

7       1. The restricted license issued to Respondent may be  
8 suspended prior to hearing by Order of the Real Estate  
9 Commissioner in the event of Respondent's conviction or plea of  
10 nolo contendere to a crime which is substantially related to  
11 Respondent's fitness or capacity as a real estate licensee.

12       2. The restricted license issued to Respondent may be  
13 suspended prior to hearing by Order of the Real Estate  
14 Commissioner on evidence satisfactory to the Commissioner that  
15 Respondent has violated provisions of the California Real Estate  
16 Law, the Subdivided Lands Law, Regulations of the Real Estate  
17 Commissioner or conditions attaching to the restricted license.

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

23       4. Respondent shall submit with any application for  
24 license under an employing broker, or any application for  
25 transfer to a new employing broker, a statement signed by the  
26 prospective employing real estate broker on a form approved by  
27 the Department of Real Estate which shall certify:

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

4 (b) That the employing broker will exercise close  
5 supervision over the performance by the restricted  
6 licensee relating to activities for which a real  
7 estate license is required.

8  
9  
10 1 April -05  
11 DATED

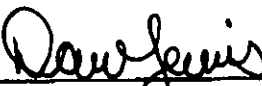
Tracy S.  
TRACY SUSHRUE, Counsel  
DEPARTMENT OF REAL ESTATE

12 \* \* \*

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

3-29-05

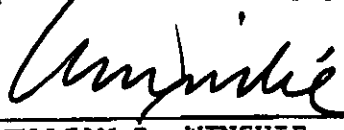
DATED

  
DAWN MARIE LEWIS  
Respondent

I have reviewed the Stipulation and Agreement as to  
form and content and have advised my client accordingly.

3-29-05

DATED

  
WILLIAM R. WINSHIP, JR.  
Attorney for Respondent

\* \* \*

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

MAY 11, 2005.

IT IS SO ORDERED 4-19-05, 2005.

JEFF DAVI  
Real Estate Commissioner



FLAG

FILED  
JAN 28 2005

DEPARTMENT OF REAL ESTATE

By Anne Shaver

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6  
7 Telephone: (916) 227-0781  
8

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA  
11 \* \* \*

11 In the Matter of the Accusation of )	No. H-3123 SD
12 DAWN MARIE LEWIS, )	<u>FIRST AMENDED</u>
13 Respondent. )	<u>ACCUSATION</u>

14  
15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against DAWN MARIE LEWIS (hereinafter "Respondent"), is informed  
18 and alleges as follows:

19 I

20 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Accusation in  
22 his official capacity.

23 II

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

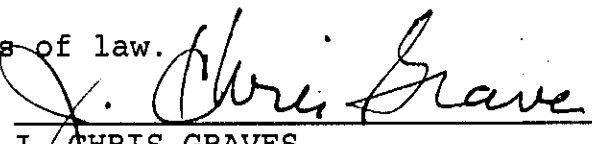
III

On or about January 27, 2004, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 273a(b) of the California Penal Code (Child Abuse), and Section 23152(a) (Driving Under the Influence and Section 20002(a) (Hit and Run) of the California Vehicle Code, crimes involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

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

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 the provisions of law.

  
J. CHRIS GRAVES  
Deputy Real Estate Commissioner

Dated at San Diego, California,  
this 26<sup>th</sup> day of January, 2005



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JAN 28 2005

**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By Anne Shawver

*In the Matter of the Accusation of*

DAWN MARIE LEWIS

}

Case No. H-3123 SD

OAH No.

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, MARCH 15, 2005**, at the hour of **1:30 P.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.

DEPARTMENT OF REAL ESTATE

*Dated:* JANUARY 28, 2005

By Truly Sughrue  
**TRULY SUGHRUE, Counsel**

TS/as

FILED  
JAN 07 2005

DEPARTMENT OF REAL ESTATE

By Jew/S

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6  
7 Telephone: (916) 227-0781  
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

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No. H-3123 SD

12 DAWN MARIE LEWIS, )

ACCUSATION

13 Respondent. )  
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MATTER IN AGGREVATION

IV

On or about July 20, 1989, in the Superior Court, County of San Diego, Respondent was convicted of a violation of Section 22107 and Section 21658(a) of the California Vehicle Code, crimes involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

V

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

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J. Chris Graves  
J. CHRIS GRAVES  
Deputy Real Estate Commissioner

Dated at San Diego, California,  
this 5<sup>th</sup> day of January, 2005