1 2	DEPARTMENT OF REAL ESTATE P. O. Box 187000 Sacramento, CA 95818-7000 OCT 14 2003
3	Telephone: (916) 227-0789 DEPARTMENT OF REAL ESTATE
4	Dausiel. Vin
5	
6	
7	BEFORE THE DEPARTMENT OF REAL ESTATE
8	STATE OF CALIFORNIA
· 9	* * *
10	In the Matter of the Accusation of) DRE No. H-3881 SAC
11	LESLIE GAIL BELLAMY,) <u>STIPULATION AND AGREEMENT</u>
12	Respondent.
13	It is hereby stipulated by and between Respondent
14	LESLIE GAIL BELLAMY (herein "Respondent") and the Complainant,
15	acting by and through James L. Beaver, Counsel for the Department
16	of Real Estate (herein "the Department"), as follows for the
17	purpose of settling and disposing of the Accusation filed on
18	September 23, 2003 in this matter (herein "the Accusation"):
19 20	1. All issues which were to be contested and all
20	evidence which was to be presented by Complainant and Respondents
21	at a formal hearing on the Accusation, which hearing was to be
23	held in accordance with the provisions of the Administrative
24	Procedure Act (APA), shall instead and in place thereof be
25	submitted solely on the basis of the provisions of this
26	Stipulation and Agreement.
27	
	DRE NO. H-3881 SAC LESLIE GAIL BELLAMY
	·- 1 -
Ē	

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

4

1

2

3

5

6

7

8

9

10

11

3. Respondent hereby freely and voluntarily waives Respondent's right to require the Real Estate Commissioner (herein "the Commissioner") to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and other rights afforded to Respondent in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

5. It is understood by the parties that the Real 17 Estate Commissioner may adopt the Stipulation and Agreement as 18 her decision in this matter, thereby imposing the penalty and 19 sanctions on Respondent's real estate license and license 20 rights as set forth in the "Order" set forth below. In the 21 event that the Commissioner in her discretion does not adopt 22 the Stipulation and Agreement in Settlement, it shall be void 23 and of no effect, and Respondent shall retain the right to a 24 hearing and proceeding on the Accusation under all the 25 provisions of the APA and shall not be bound by any admission 26

2 -

27

DRE No. H-3881 SAC

LESLIE GAIL BELLAMY

or waiver made herein.

1

6. The Order or any subsequent Order of the Real 2 Estate Commissioner made pursuant to this Stipulation and 3 Agreement in Settlement shall not constitute an estoppel, 4 merger or bar to any further administrative or civil 5 proceedings by the Department of Real Estate with respect to 6 any matters which were not specifically alleged to be causes 7 for accusation in this proceeding. 8 DETERMINATION OF ISSUES 9 By reason of the foregoing stipulations, admissions and 10 waivers and solely for the purpose of settlement of the pending 11 Accusation without hearing, it is stipulated and agreed that the 12 following Determination of Issues shall be made: 13 Т 14 The acts and omissions of Respondent LESLIE GAIL 15 BELLAMY described in the Accusation are grounds for the 16 suspension or revocation of the licenses and license rights of 17 Respondent under the provisions of Sections 490 and 10177(b) of 18 the California Business and Professions Code (herein "the Code") 19 OR<u>DER</u> 20 Ι 21 All licenses and licensing rights of Respondent 22 LESLIE GAIL BELLAMY under the Real Estate Law are revoked; 23 provided, however, a restricted real estate broker license 24 shall be issued to said Respondent pursuant to Section 10156.5 25 of the Business and Professions Code if, within 90 days from 26 27 DRE NO. H-3881 SAC LESLIE GAIL BELLAMY 3

the effective date of the Decision entered pursuant to this Order, the Respondent, prior to and as a condition of the issuance of said restricted license makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

The restricted license issued to such Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

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

24 3. Respondent shall not be eligible to apply for the 25 issuance of an unrestricted real estate license or for the 26 removal of any of the conditions, limitations or restrictions

4

DRE No. H-3881 SAC

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

27

LESLIE GAIL BELLAMY

of a restricted license until two (2) years have elapsed from the effective date of this Decision.

1

2

Respondent shall, within nine months from the 4. 3 effective date of the Decision, present evidence satisfactory 4 to the Commissioner that Respondent has, since the most recent 5 issuance of an original or renewal real estate license, taken 6 and successfully completed the continuing education 7 requirements of Article 2.5 of Chapter 3 of the Real Estate Law 8 for renewal of a real estate license. If Respondent fails to 9 satisfy this condition, the Commissioner may order the 10 suspension of the restricted license until the Respondent 11 presents such evidence. The Commissioner shall afford 12 Respondent the opportunity for a hearing pursuant to the 13 Administrative Procedure Act to present such evidence. 14 <u># 2,2003</u> DATED 15 TAME L. BEAVER, Counsel 16 Department of Real Estate 17 18 I have read the Stipulation and Agreement and its terms 19 are understood by me and are agreeable and acceptable to me. I 20 understand that I am waiving rights given to me by the California 21 Administrative Procedure Act (including but not limited to 22 Sections 11506, 11508, 11509, and 11513 of the Government Code), 23 and I willingly, intelligently, and voluntarily waive those 24 rights, including the right of requiring the Commissioner to 25 prove the allegations in the Accusation at a hearing at which I 26 would have the right to cross-examine witnesses against me and to 27 DRE No. H-3881 SAC LESLIE GAIL BELLAMY 5

present evidence in defense and mitigation of the charges. 1 2 03 3 LESLIE DATED GATL Respondent 4 5 The foregoing Stipulation and Agreement is hereby 6 adopted by me as my Decision in this matter and shall become 7 NOVEMBER 3 effective at 12 o'clock noon on _ 2003. . . 8 October IT IS SO ORDERED 2003. . 9 10 PAULA REDDISH ZINNEMANN Real Estate Commissioner 11 - R Prio 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 DRE No. H-3881 SAC LESLIE GAIL BELLAMY - 6 -

1 2 3	JAMES L. BEAVER, Counsel (SBN 60543) Department of Real Estate P. O. Box 187000 Sacramento, CA 95818-7000
4 -	Telephone: (916) 227-0789 -or- (916) 227-0788 (Direct) By purce Content
6 7 8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation of)
12	LESLIE GAIL BELLAMY,
13	Respondent.
14	;
15	The Complainant, Charles W. Koenig, a Deputy Real
16	Estate Commissioner of the State of California, for cause of
17	Accusation against LESLIE GAIL BELLAMY (hereinafter
18	"Respondent"), is informed and alleges as follows:
19	I
20	At all times herein mentioned, Respondent was and now
21	is licensed and/or has license rights under the Real Estate Law,
22	Part 1 of Division 4 of the Business and Professions Code
23	(hereinafter "Code") as a real estate broker.
24	II
25	The Complainant, Charles W. Koenig, a Deputy Real
26	Estate Commissioner of the State of California, makes this
27	Accusation against Respondent in his official capacity.
· · · · · · · · · · · · · · · · · · ·	- 1 -

r F

1

1

.

2	On or about January 23, 2003, in the Superior Court of
3	the State of California, County of Los Angeles, Respondent was
4	convicted of the crime of Driving Under The Influence Of Alcohol
5	in violation of Vehicle Code Section 23152(a), a misdemeanor and
6	a crime involving moral turpitude which bears a substantial
7	relationship under Section 2910 of Chapter 6, Title 10,
8	California Code of Regulations (herein "the Regulations"), to
9	the qualifications, functions or duties of a real estate
10	licensee.
11	IV
12	PRIOR CONVICTION
13	On or about January 13, 1998, in the Superior Court of
14	the State of California, County of Los Angeles, Respondent was
15	convicted of the crime of Driving Under The Influence Of Alcohol
16	in violation of Vehicle Code Section 23152(a), a misdemeanor and
17	a crime involving moral turpitude which bears a substantial
18	relationship under Section 2910 of the Regulations to the
19	qualifications, functions or duties of a real estate licensee.
20	V
21	PRIOR ADMINISTRATIVE PROCEEDING
22	Effective November 20, 1995, in case No. H-26202 LA
23	before the Department of Real Estate of the State of California,
24	all Respondent's licenses and license rights were suspended by
25	order of the Real Estate Commissioner pursuant to the provisions
26	of Section 10177(d) of the Code in conjunction with Sections
27	2725, 2741, 2831, 2831.2 and 2832 of the Regulations.
I.	

- 2 -

2 Respondent's conviction described in Paragraph III, 3 above, individually and in conjunction with the facts described in Paragraphs IV and V, above, constitutes cause under Sections 4 5 490 and 10177(b) of the Code for suspension or revocation of all 6 licenses and license rights of Respondent under the Real Estate 7 Law.

8 WHEREFORE, Complainant prays that a hearing be 9 conducted on the allegations of this Accusation and that upon 10 proof thereof, a decision be rendered imposing disciplinary 11 action against all licenses and license rights of Respondent 12 under the Real Estate Law (Part 1 of Division 4 of the Business 13 and Professions Code), and for such other and further relief as 14 may be proper under other provisions of law.

Deputy Real Estate Commissioner

Dated at Sacramento, California, this day of September, 2003. 21

1

15

16

17

18

19

20

22

23

24

25

26

27

VI

3 -