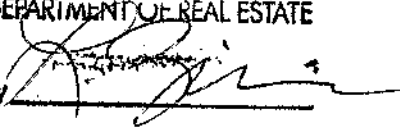


1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
JUL 26 2012

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

11 * * *

12 * * *

13 In the Matter of the Accusation of

14 BEST FINANCIAL CONSULTANTS,
15 ANDRE WILLIAMS,
16 BENJAMIN RENE WILLIAMS and
17 WILLIAM RAWSON WYCKOFF,

18 Respondents.

Hearing No. H-4233 SD

OAH No. 2012010370

STIPULATION AND
AGREEMENT AS TO
BENJAMIN RENE WILLIAMS
ONLY.

19 It is hereby stipulated by and between Respondent BENJAMIN RENE
20 WILLIAMS ("Respondent"), and the Complainant, acting by and through Angela L. Cash, Esq.,
21 Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling
22 and disposing of the Accusation filed on August 25, 2011, in this matter:

23 1. All issues which were to be contested and all evidence which was to be
24 presented by Complainant and Respondent at a formal hearing on the Accusation, which
25 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
26
27

1 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions
2 of this Stipulation and Agreement.

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

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

15 4. Respondent, pursuant to the limitations set forth below, hereby admits that
16 the factual allegations in the Accusation filed in this proceeding are true and correct and the
17 Commissioner shall not be required to provide further evidence to prove such allegations.

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

25 6. The Order or any subsequent Order of the Commissioner made pursuant
26 to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
27

1 administrative or civil proceedings by the Department with respect to any matters which were
2 not specifically alleged to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions and waivers and solely for
5 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
6 that the following determination of issues shall be made:

7 I.

8 The acts and omissions of Respondent BENJAMIN RENE WILLIAMS as
9 described in the Accusation are grounds for the suspension or revocation of the license and
10 license rights of Respondent under the provisions of Sections 10177.5 of the California
11 Business and Professions Code ("Code").

12 ORDER

13 I.

14 The real estate salesperson license and license rights of Respondent BENJAMIN
15 RENE WILLIAMS are hereby revoked; provided, however, a restricted real estate salesperson
16 license shall be issued to Respondent pursuant to Section 10156.6 of the Code if Respondent
17 makes application therefore and pays to the Department of Real Estate the appropriate fee for the
18 restricted license within ninety (90) days from the effective date of this Decision. The restricted
19 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
20 Code and to the following limitations, conditions, and restrictions imposed under authority of
21 Section 10156.6 of the Code:

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

26 ///

27 ///

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

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

10 4. Respondent shall submit with any application for license under an
11 employing broker, or any application for transfer to a new employing broker, a statement
12 signed by the prospective employing real estate broker on a form approved by the
13 Department which shall certify as follows:

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

16 (b) That the employing broker will carefully review all transaction
17 documents prepared by the restricted licensee and otherwise exercise close supervision over the
18 licensee's performance of acts for which a real estate license is required.

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

1 6. Respondent shall, within six (6) months from the effective date of
2 this Decision, take and pass the Professional Responsibility Examination administered by
3 the Department, including the payment of the appropriate examination fee. If Respondent
4 fails to satisfy this condition, the Commissioner may order the suspension of all licenses and
5 licensing rights of Respondent until Respondent passes the examination.

6
7 6/5/12
8 DATED


ANGELA L. CASH, Counsel
Department of Real Estate

9
10 * * *

11 I have read the Stipulation and Agreement and its terms are understood by me
12 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
13 the California Administrative Procedure Act (including but not limited to Sections 11506,
14 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
15 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
16 allegations in the Accusation at a hearing at which I would have the right to cross-examine
17 witnesses against me and to present evidence in defense and mitigation of the charges. I can
18 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
19 by faxing a copy of the signature page, as actually signed by me, to the Department at fax
20 number (916) 227-9458. I agree, acknowledge and understand that by electronically sending to
21 the Department a fax copy of my actual signature as it appears on the Stipulation and
22 Agreement, that receipt of the faxed copy by the Department shall be as binding on me as if the
23 Department had received the original signed Stipulation and Agreement.

24
25 MAY 31ST, 2012
26 DATED


BENJAMIN RENE WILLIAMS,
Respondent

The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent BENJAMIN RENE WILLIAMS, and shall become
effective at 12 o'clock noon on AUG 15, 2012.

IT IS SO ORDERED

7/13/2012

DEPARTMENT OF REAL ESTATE



By WAYNE S. BELL
Chief Counsel