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1 Department of Real Estate
185 Berry Street, Room 3400
2 San Francisco, CA 94107-1770
3 Telephone: (415) 904-5917

DEPARTMENT OF REAL ESTATE

By *Lynda Montiel*
Lynda Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) No. H-7062 SF
12 LAWRENCE M. HICKMAN,) STIPULATION AND AGREEMENT
13 Respondent.) IN SETTLEMENT AND ORDER
14 _____)

15 It is hereby stipulated by and between LAWRENCE M.
16 HICKMAN (Respondent) and the Complainant, acting by and through
17 Deidre L. Johnson, Counsel for the Department of Real Estate, as
18 follows for the purpose of settling and disposing of the
19 Accusation filed on April 14, 1994, in this matter:

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

27

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

4 3. On April 20, 1994, Respondent filed his Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his right to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that he will waive
13 other rights afforded to him in connection with the hearing such
14 as the right to present evidence in defense of the allegations in
15 the 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 set forth in the
18 Accusation are true and correct and the Real Estate Commissioner
19 shall not be required to provide further evidence of such
20 allegations. A true copy of the Accusation is attached hereto as
21 Annex A and incorporated herein by reference.

22 5. No additional documentary, testimonial, or other
23 evidence, except that which is necessary to establish
24 Complainant's jurisdiction, shall be required to be presented by
25 Complainant at any hearing in this proceeding in order to prove
26 the Accusation as above stipulated.

27 ///

1 6. It is understood by the parties that the Real Estate
2 Commissioner may adopt the Stipulation and Agreement in Settlement
3 as his decision in this matter thereby imposing the penalty and
4 sanctions on Respondent's real estate license and license rights
5 as set forth in the below "Order". In the event that the
6 Commissioner in his discretion does not adopt the Stipulation and
7 --Agreement in Settlement, it shall be void and of no effect, and
8 Respondent shall retain the right to a hearing and proceeding on
9 the Accusation under all the provisions of the APA and shall not
10 be bound by any admission or waiver made herein.

11 7. The Order or any subsequent Order of the Real Estate
12 Commissioner made pursuant to this Stipulation and Agreement in
13 Settlement shall not constitute an estoppel, merger or bar to any
14 further administrative or civil proceedings by the Department of
15 Real Estate with respect to any matters which were not
16 specifically alleged to be causes for accusation in this
17 proceeding.

18 DETERMINATION OF ISSUES

19 By reason of the foregoing stipulations, admissions and
20 waivers and for the purpose of settlement of the pending
21 Accusation as to Respondent without a hearing, it is stipulated
22 and agreed that the following determination of issues shall be
23 made:

24 I

25 The acts and/or omissions of Respondent as set forth in
26 the Accusation are grounds for the suspension or revocation of the
27 real estate license and license rights of Respondent under the

1 provisions of Sections 490 and 10177(b) of the California Business
2 and Professions Code.

3 ORDER

4 A. All real estate licenses and license rights of
5 Respondent LAWRENCE M. HICKMAN are hereby revoked.

6 B. A restricted real estate broker license shall be
7 issued to Respondent pursuant to Section 10156.6 of the Code if he
8 makes application therefor and pays to the Department the
9 appropriate fee for said license within ninety (90) days of the
10 effective date of the decision.

11 C. The restricted license issued to Respondent shall be
12 subject to all of the provisions of Section 10156.7 of the
13 Business and Professions Code and to the following limitations
14 imposed under authority of Section 10156.6 of said Code:

15 (1) The restricted license may be suspended prior to
16 hearing by order of the Real Estate Commissioner
17 in the event of Respondent's conviction or plea of
18 nolo contendere to a crime which bears a
19 substantial relationship to Respondent's fitness
20 or capacity as a real estate licensee.

21 (2) The restricted license may be suspended prior to
22 hearing by Order of the Real Estate Commissioner
23 on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the
25 California Real Estate Law, the Subdivided Lands
26 Law, Regulations of the Real Estate Commissioner
27 or conditions attaching to the restricted license.

(3) Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license,
nor the removal of any of the conditions of the
restricted license, until one (1) year has elapsed
from the date of issuance of the restricted
license.

(4) Respondent shall, within nine (9) months from the
effective date of this decision, present evidence
satisfactory to the Real Estate Commissioner that
he has, since the most recent issuance of an

1 original or renewal real estate license, taken and
2 successfully completed the continuing education
3 requirements of Article 2.5 of Chapter 3 of the
4 Real Estate Law for renewal of a real estate
5 license. If Respondent fails to satisfy this
6 condition, the Commissioner may order the
7 suspension of the restricted license until the
8 Respondent presents such evidence. The
9 Commissioner shall afford Respondent the
10 opportunity for hearing pursuant to the
11 Administrative Procedure Act to present such
12 evidence.

13 (5) In the event Respondent renews his license, which
14 shall expire on October 17, 1994, prior to the
15 effective date of this decision, then Condition
16 No. C(4) above shall not apply.

17 DATED:

18 October 7, 1994

19 Deidre L. Johnson
20 DEIDRE L. JOHNSON
21 Counsel for the Complainant

22 * * *

23 I have read the Stipulation in Settlement and Agreement,
24 understand I have the right to discuss it with private counsel,
25 and its terms are understood by me and are agreeable and
26 acceptable to me. I understand that I am waiving rights given to
27 me by the California Administrative Procedure Act, and I
willingly, intelligently and voluntarily waive those rights,
including the right of requiring the Commissioner to prove the
allegations in the Amended Accusation at a hearing at which I
would have the right to cross-examine witnesses against me and to
present evidence in defense and mitigation of the charges.

28 DATED:

29 OCTOBER 6, 1994

30 Lawrence M. Hickman
31 LAWRENCE M. HICKMAN
32 Respondent

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* * *

DECISION AND ORDER

The foregoing Stipulation and Agreement in Settlement is
hereby adopted as my Decision and Order and shall become effective
at 12 o'clock noon on November 21st, 1994.

IT IS SO ORDERED October 26, 1994.

JOHN R. LIBERATOR
Interim Commissioner

John R. Liberator

slag

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FILED
JUN 21 1994
DEPARTMENT OF REAL ESTATE

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

By Lynda Montiel
Lynda Montiel

In the Matter of the Accusation of

LAWRENCE M. HICKMAN,

Case No. H-7062 SF

OAH No. N 9405124

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 _____

OFFICE OF ADMINISTRATIVE HEARINGS, STATE BUILDING,

455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102

on Friday, October 14, 1994, (2 hours) at the hour of 9:00 am,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: June 21, 1994

By Deidre L. Johnson/lem
DEIDRE L. JOHNSON, Counsel

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APR 14 1994

DEPARTMENT OF REAL ESTATE

By Lynda Montiel
Lynda Montiel

DEIDRE L. JOHNSON, Counsel
Department of Real Estate
185 Berry Street, Room 3400
San Francisco, California 94107-1770

Telephone: (415) 904-5917

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
LAWRENCE M. HICKMAN,)
Respondent.)

No. H-7062 SF

ACCUSATION

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against LAWRENCE M. HICKMAN, is informed and alleges as follows:

I

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

II

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this

/ / /

1 Accusation against Respondent in his official capacity and not
2 otherwise.

3 III

4 On or about June 25, 1993, in the Municipal Court of
5 California, County of Santa Clara, Respondent was convicted of
6 violation of Section 32 of the California Penal Code (ACCESSORY
7 AFTER THE FACT), a crime involving moral turpitude, and a crime
8 which is substantially related under Section 2910, Title 10,
9 California Code of Regulations to the qualifications, functions or
10 duties of a real estate licensee.

11 IV

12 The facts alleged above constitute cause under Sections
13 490 and 10177(b) of the Code for suspension or revocation of all
14 licenses and license rights of Respondent under the Real Estate
15 Law.

16 WHEREFORE, Complainant prays that a hearing be conducted
17 on the allegations of this Accusation and that upon proof thereof
18 a decision be rendered imposing disciplinary action against all
19 licenses and license rights of Respondent, under the Real Estate
20 Law (Part 1 of Division 4 of the Business and Professions Code)
21 and for such other and further relief as may be proper under other
22 provisions of law.

23 
24 LES R. BETTENCOURT
25 Deputy Real Estate Commissioner

26 Dated at San Francisco, California,
27 this 4th day of April, 1994.