

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4
5 Telephone: (916) 227-0789
6

FILED

APR 16 2008

DEPARTMENT OF REAL ESTATE

[Signature]

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA
9

10 *In the Matter of the Application of*

11 FRANCIS BENJAMIN LEE
12

13 Respondent
14

) No. H- 10228 SF
)
)
)

) **STIPULATION AND**
) **WAIVER**
)
)

15 It is hereby stipulated by and between FRANCIS BENJAMIN LEE (hereinafter "Respondent") and
16 Respondent's attorney, EDGARDO GONZALEZ, and the Complainant, acting by and through ANGELA L.
17 CASH, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of
18 the Statement of Issues filed on October 25, 2007 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate broker license. Respondent understands that the Real Estate Commissioner may
22 hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate broker license based upon this Stipulation and Waiver.
25 Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate broker license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate broker license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate broker license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate broker license if this Stipulation and Waiver is
11 accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
13 Waiver is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach
15 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:
 - 19 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
20 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

4/4/08

Date



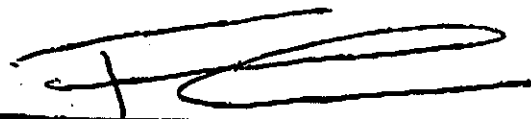
Angela L. Cook, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by fixing a copy of the signature page, as actually signed by respondent, to the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the fixed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

2-11-08

Date



Francis Benjamin Lee, Respondent

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

2-11-08

Date


Eduardo Gonzalez, Attorney for Respondent

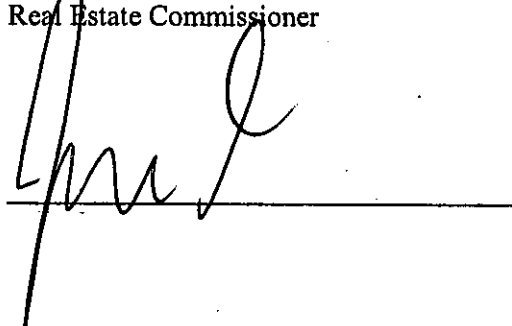
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate broker license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 4-14-08

Jeff Davi
Real Estate Commissioner



1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

FILED

OCT 25 2007

DEPARTMENT OF REAL ESTATE

By H. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 FRANCIS BENJAMIN LEE,)
13 Respondent.)

No. H-10228 SF

STATEMENT OF ISSUES

14
15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against FRANCIS BENJAMIN LEE (hereinafter "Respondent"),
18 alleges as follows:

19 I

20 On or about May 29, 2007, Respondent made application
21 to the Department of Real Estate of the State of California
22 (hereinafter "the Department") for a real estate broker license.

23 II

24 Complainant, Charles W. Koenig, a Deputy Real Estate
25 Commissioner of the State of California, makes this Statement of
26 Issues in his official capacity.

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III

On or about May 21, 1997, in the Municipal Court of the State of California, County of Alameda, Respondent was convicted of violation of California Penal Code Section 484(a) (Petty Theft), a misdemeanor and a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

On or about October 24, 2000, in the Superior Court of the State of California, County of Marin, Respondent was convicted of violation of California Vehicle Code Section 23152(b) (Driving With Blood Alcohol of .08% or Above), a misdemeanor and a crime involving moral turpitude which bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

V

On or about January 6, 2001, in the Superior Court of the State of California, County of Marin, Respondent was convicted of violation of California Vehicle Code Section 23152(b) (Driving While Under the Influence of Alcohol or Drugs), a misdemeanor and a crime involving moral turpitude which bears a substantial relationship under Section 2910 of the Regulations to the qualifications, functions or duties of a real estate licensee.

1 VI

2 On or about April 11, 2003, in the Superior Court of
3 the State of California, County of Marin, Respondent was
4 convicted of violation of California Penal Code Section 490.5
5 (Petty Theft From a Merchant), a misdemeanor and a crime
6 involving moral turpitude which bears a substantial relationship
7 under Section 2910 of the Regulations to the qualifications,
8 functions or duties of a real estate licensee.

9 VII

10 Respondent's criminal convictions, as described in
11 Paragraphs III through VI above, constitute cause for denial of
12 Respondent's application for a real estate license under Section
13 10177(b) of the Code, in conjunction with Section 480(a) of the
14 Code.

15 PRIOR ADMINISTRATIVE ACTION

16 On August 10, 2005, effective September 13, 2005, in
17 Case No. H-3134 SD, the Real Estate Commissioner denied a real
18 estate salesperson license to Respondent under Sections 480(a)
19 and 10177(b) of the California Business and Professions Code.

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1 WHEREFORE, Complainant prays that the above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of a real estate broker
5 license to Respondent, and for such other and further relief as
6 may be proper in the premises.

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8 
9 CHARLES W. KOENIG
Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 23rd day of October, 2007.
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