

FILED

FEB 18 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
GREGORY STEVEN LYONS,
Respondent.

No. H-10295 SF
STIPULATION AND
AGREEMENT

It is hereby stipulated by and between GREGORY STEVEN LYONS, (hereinafter "Respondent") and his attorney, Orrin Leigh Grover, III, and the Complainant, acting by and through Richard K. Uno, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on January 29, 2008 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.

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

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

1 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
2 acknowledges that he will thereby waive his right to require the Commissioner to prove the
3 allegations in the Accusation at a contested hearing held in accordance with the provisions of
4 the APA and that he will waive other rights afforded to him in connection with the hearing such
5 as the right to present evidence in defense of the allegations in the Accusation and the right to
6 cross-examine witnesses.

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

11 5. It is understood by the parties that the Real Estate Commissioner may
12 adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty
13 and sanctions on Respondent's real estate license and license rights as set forth in the below
14 Order. In the event that the Commissioner in his discretion does not adopt the Stipulation and
15 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
16 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
17 any admission or waiver made herein.

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

23 DETERMINATION OF ISSUES

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

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

ORDER

All licenses and licensing rights of Respondent GREGORY STEVEN LYONS under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code as to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of 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 Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that 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.

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

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1 4. With the application for license, or with the application for transfer to a
2 new employing broker, Respondent shall submit a statement signed by the prospective
3 employing broker on a form approved by the Department of Real Estate wherein the employing
4 broker shall certify as follows:

- 5 a. That broker has read the Accusation which is the basis for the issuance
6 of the restricted license; and
7 b. That broker will carefully review all transaction documents prepared by
8 the restricted licensee and otherwise exercise close supervision over the
9 licensee's performance of acts for which a license is required.

10
11 1/15/09
12 DATED

10 Richard K. Uno
11 RICHARD K. UNO, Counsel
12 DEPARTMENT OF REAL ESTATE

13 * * *

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

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23 _____
24 DATED

23 Gregory Steven Lyons
24 GREGORY STEVEN LYONS
25 Respondent
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1 I have reviewed the Stipulation and Agreement as to form and content and have
2 advised my client accordingly.

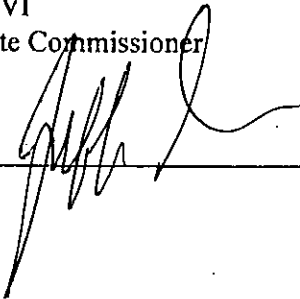
3
4 1/15/09
5 DATED

6 
7 ORRIN LEIGH GROVER, III
8 Attorney for Respondent

9 * * *

10 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
11 Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on
12 MAR 11 2009

13 IT IS SO ORDERED FEB 11 2009

14 JEFF DAVI
15 Real Estate Commissioner
16 
17

1 MICHAEL B. RICH, Counsel
State Bar No. 84257
2 Department of Real Estate
P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

JAN 29 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-10295 SF
13) ACCUSATION
14 GREGORY STEVEN LYONS,)
15) Respondent.)

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17 The Complainant, E. J. HABERER II, a Deputy Real
18 Estate Commissioner of the State of California, for cause of
19 Accusation against GREGORY STEVEN LYONS (hereinafter
20 "Respondent"), is informed and alleges as follows:

21 I

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

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II

The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

III

On or about December 12, 2005, in the United States District Court for the Northern District of California, in case number CR-04-40132-02 CW, Respondent was convicted of violating Title 18, United States Code, Section 2 (Commits or aids and abets an offense against the United States) and of violating Title 18, United States Code, Section 152(1) (Knowingly and fraudulently conceal from a trustee, marshal, U. S. Trustee, court officer, creditors any property of bankruptcy estate), felonies and crimes involving moral turpitude which bear 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 in Paragraph III, 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.

MATTERS IN AGGRAVATION

V

Before the Review Department of the State Bar Court, State of California, in case number 04-C-13526, Respondent's membership in the State Bar of California, State Bar No. 114037,

1 was suspended effective November 7, 2005, pursuant to Business
2 and Professions Code Section 6102 pending further disposition of
3 case number 04-C-13526 as a result of Respondent's conviction as
4 set forth in Paragraph III. Effective March 1, 2006, before the
5 Supreme Court of California, in case number S141330, Respondent's
6 voluntary resignation of his State Bar Membership with charges
7 pending was accepted without prejudice to further proceedings in
8 any disciplinary proceeding against Respondent in the event he
9 should seek reinstatement of his State Bar Membership.

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

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E. J. HABERER II
Deputy Real Estate Commissioner

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22 Dated at Oakland, California,

23 this 25TH day of JANUARY, 2008

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