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APR 20 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
DANIEL LAURENCE LYONS,) NO. H- 10616 SF
Respondent.) STIPULATION AND WAIVER

I, DANIEL LAURENCE LYONS, Respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefore.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on February 27, 2009, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory

1 showing that I meet all the requirements for the issuance of a real estate salesperson license. I
2 further understand that by entering into this Stipulation and Waiver, I will be stipulating that the
3 Real Estate Commissioner has found that I have failed to make such a showing, thereby
4 justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

5 I hereby admit that the allegations of the Statement of Issues filed against me are
6 true and correct and request that the Real Estate Commissioner in his discretion issue a restricted
7 real estate salesperson license to me under the authority of Section 10156.5 of the Business and
8 Professions Code.

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

15 I further understand that the following conditions, limitations and restrictions will
16 attach to a restricted real estate salesperson license issued by the Department of Real Estate
17 pursuant hereto:

18 1. The license shall not confer any property right in the privileges to be exercised
19 including the right of renewal, and the Real Estate Commissioner may by appropriate order
20 suspend the right to exercise any privileges granted under this restricted license in the event of:

21 (a) The conviction of Respondent (including a plea of nolo contendere) to a crime
22 which bears a substantial relationship to Respondent's fitness or capacity as a
23 real estate licensee; or

24 (b) The receipt of evidence that Respondent has violated provisions of the
25 California Real Estate Law, the Subdivided Lands Law, Regulations of the
26 Real Estate Commissioner or conditions attaching to this restricted license.

27 ///

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

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

- 9 (a) That broker has read the Statement of Issues which is the basis for the issuance
10 of the restricted license; and
11 (b) That broker will carefully review all transaction documents prepared by the
12 restricted licensee and otherwise exercise close supervision over the licensee's
13 performance of acts for which a license is required.

14
15 3-26-09
16 DATED

17
18 Daniel A. Lyons
19 DANIEL LAURENCE LYONS
20 Respondent

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

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1 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
2 license be issued to respondent DANIEL LAURENCE LYONS if Respondent has otherwise
3 fulfilled all of the statutory requirements for licensure. The restricted license shall be limited,
4 conditioned and restricted as specified in the foregoing Stipulation and Waiver.

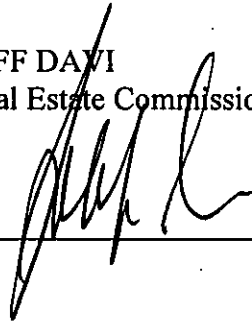
5 This Order is effective immediately.

6 DATED:

4-17-09

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8 JEFF DAVI
 Real Estate Commissioner

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DEPARTMENT OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 DANIEL LAURENCE LYONS,) H-10616 SF
13 Respondent.) STATEMENT OF ISSUES
14)

15 The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of
16 the State of California, for Statement of Issues against DANIEL LAURENCE LYONS, (herein
17 "Respondent") is informed and alleges as follows:

18 1

19 Complainant makes this Statement of Issues against Respondent in his official
20 capacity.

21 2

22 Respondent made application to the Department of Real Estate of the State of
23 California for a real estate salesperson license on or about July 7, 2008.

24 3

25 In response to Question 25 of said application, to wit: "Have you ever been
26 convicted of any violation of law? Convictions expunged under Penal Code Section 1203.4
27 must be disclosed. However, you may omit minor traffic citations which do not constitute a

1 misdemeanor or felony offense", Respondent concealed and failed to disclose the convictions
2 described in Paragraph 7, below.

3 4

4 On or about February 1, 1993, in the Municipal Court of the State of California,
5 County of Santa Clara, Case No. NM 231891, Respondent was convicted of violating Section
6 23103.5(a) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug),
7 a misdemeanor involving moral turpitude that bears a substantial relationship under Title 10,
8 Section 2910 of the California Code of Regulations (herein Regulations), to the qualifications,
9 functions or duties of a real estate licensee.

10 5

11 On or about September 9, 1997, in the Municipal Court of the State of California,
12 County of San Mateo, Case No. NM 268619A, Respondent was convicted of violating Section
13 23152 (a) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a
14 misdemeanor and a crime involving moral turpitude that bears a substantial relationship under
15 Section 2910 of the Regulations to the qualifications, functions or duties of a real estate
16 licensee.

17 6

18 On or about May 19, 1998, in the Municipal Court of the State of California,
19 County of San Mateo, Case No. NM 280726A, Respondent was convicted of violating Section
20 23152(b) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a
21 misdemeanor and a crime involving moral turpitude that bears a substantial relationship under
22 Section 2910 of the Regulations to the qualifications, functions or duties of a real estate
23 licensee.

24 7

25 On or about April 21, 1999, in the Superior Court of the State of California,
26 County of San Mateo, Case No. NM 292143A, Respondent was convicted of violating Section
27 14601(a) (1) of the California Vehicle Code (Driving With a Suspended License), a

1 misdemeanor and a crime involving moral turpitude that bears a substantial relationship under
2 Section 2910 of the Regulations to the qualifications, functions or duties of a real estate
3 licensee.

4 8

5 On or about November 8, 1999, in the Superior Court of the State of California,
6 County of San Mateo, Case No. NM 292143A, Respondent was convicted of violating Section
7 14601.2(a) of the California Vehicle Code (Driving With a Suspended License with a Prior), a
8 misdemeanor and a crime involving moral turpitude that bear a substantial relationship under
9 Section 2910 of the Regulations to the qualifications, functions or duties of a real estate
10 licensee.

11 9

12 On or about October 8, 2004, in the Superior Court of the State of California,
13 County of San Mateo, Case No. SM 326707, Respondent was convicted of violating Section
14 23152(a) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a
15 misdemeanor and a crime involving moral turpitude that bears a substantial relationship under
16 Section 2910 of the Regulations to the qualifications, functions or duties of a real estate
17 licensee.

18 10

19 Respondent's criminal convictions, described in Paragraphs 4 through 9, above,
20 constitute cause for denial of Respondent's application for a real estate salesperson license
21 pursuant to the provisions of Sections 480(a) and 10177(b) of the Code.

22 11

23 Respondent's failure to reveal in said application the conviction set forth in
24 Paragraph 7, above, constitutes the procurement of or attempt to procure a real estate license by
25 fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said
26 application, which failure is cause for denial of Respondent's application for a real estate
27 salesperson license pursuant to the provisions of Sections 480(c) and 10177(a) of the Code.

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

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7 
8 JOE M. CARRILLO
Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 27 day of February, 2009.