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FILED

AUG-9 1972

DEPARTMENT OF REAL ESTATE

By Phyllis Reyes

BEFORE THE DEPARTMENT OF REAL ESTATE
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation
of

FRANKLIN D. HOLEFIELD, dba
Hilton Realty Company, and
FRANKLIN D. HOLEFIELD, dba
Hilton Properties.

Respondent

NO. H-18297 LA

L-01148

DECISION

The attached Proposed Decision of the Hearing
Officer is hereby adopted by the Real Estate Commissioner
as his decision in the above-entitled matter.

This decision shall become effective on

AUG 29 1972.

IT IS SO ORDERED August 8th 1972.

Robert W. Karpe
ROBERT W. KARPE
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation)
of)

FRANKLIN D. HOLEFIELD, dba
Hilton Realty Company, and
FRANKLIN D. HOLEFIELD, dba
Hilton Properties

Respondent)

NO. H-18297 LA

L-01148

PROPOSED DECISION

This matter came on regularly for hearing before E. F. DeVilbiss, Hearing Officer of the Office of Administrative Hearings, at Los Angeles, California, on May 19, 1972, at the hour of 9:00 a.m. Marjorie P. Mersel, Counsel, appeared on behalf of the Department of Real Estate. Respondent appeared in person represented by George Whitaker, Attorney at Law. Evidence both oral and documentary having been introduced and the matter submitted, the Hearing Officer finds the following facts:

I

Frank J. Ryan is the Deputy Real Estate Commissioner of the State of California and made the accusation in his official capacity.

II

Respondent, Franklin D. Holefield, has been and now is licensed by the Department of Real Estate of the State of California as a restricted real estate broker doing business as Hilton Realty Company and also doing business as Hilton Properties.

III

Effective May 14, 1968, in the Matter of the Accusation of Franklin D. Holefield and Franklin D. Holefield, dba Hilton Properties and Franklin D. Holefield dba Hilton Realty Company and Franklin D. Holefield, dba Security Escrow Company, No. H-17607 LA OLA 16835, after a formal hearing, the Real Estate Commissioner revoked the real estate broker license of respondent for violation of Sections 10145, 10176(e), 10176(i) and 10177(f) of the Business and Professions Code and Title 10, Section 2830, California Administrative Code; providing, however, that a restricted real estate broker's license be issued to respondent, which restricted licenses were subsequently issued to him and are now in full force and effect.

IV

In January, 1971, respondent closed his real estate office at 2503 West Florence Avenue, Los Angeles and took employment with a private lending company and respondent has not transacted real estate business as a broker since that date. Respondent did not inactivate his license pursuant to Section 10161.7 of the Business and Professions Code, but, at the hearing was under the impression he had done so. Respondent did not have any new business address and thus did not write in a new address on his license under Section 10161.8 of the Business and Professions Code.

* * * * *

Pursuant to the foregoing findings of fact, the Hearing Officer makes the following determination of issues:

Respondent violated the letter of Section 10162 of the Business and Professions Code. Grounds for the suspension or revocation of respondent's license were established under

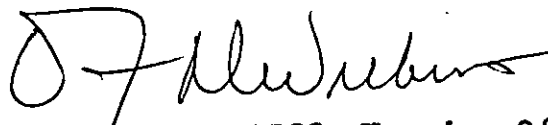
Sections 10177(d)(k) and 10162 of the Business and Professions Code of California.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The restricted real estate broker's license heretofore issued to respondent, Franklin D. Holefield is suspended until such time as respondent inactivates his license under Section 10161.7 of the Business and Professions Code.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on May 19, 1972, at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.



E. F. DE VILBISS, Hearing Officer

DATED: July 20, 1972

EFD:fr

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

Geo. Dunn
Sacto
In the Matter of the Accusation
of:

FRANKLIN B. HOLEFIELD, ETC.

Respondent

NO. H-18297 LA

OLA L-1148

NOTICE OF CHANGE OF TIME AND PLACE OF HEARING

To the Parties in the Above-Entitled Proceeding:

You and each of you are hereby notified that the hearing in the above-entitled matter has been continued and will be heard before a Hearing Officer of the Office of Administrative Procedure at 314 West First Street, Los Angeles, California, on May 19, 1972, at the hour of 9:00 a. m.

DATED: April 4, 1972

S/ JOHN A. WILLD

JOHN A. WILLD

Hearing Officer

CERTIFICATION OF SERVICE BY MAIL:

Catherine V. Dowling hereby declares:

I am a citizen of the United States, over 18 years of age and have no interest in the matter herein; that I served a copy of the foregoing Notice of Change of Time and Place of Hearing on each of the following by depositing a copy thereof in the United States Mail at Los Angeles, California, on the 4th day of April, 1972, enclosed in a sealed envelope (or envelopes) with postage thereon fully prepaid addressed (respectively) as follows:

Franklin D. Holefield
2516 West 74th Street
Los Angeles, California 90018

George Whitaker
Attorney at Law
2651 S. Western Avenue, #300
Los Angeles, California 90018

✓ Department of Real Estate
Attention: Marjorie P. Mersel, Attorney

I hereby certify under penalty of perjury that the foregoing is true and correct.

DATED: April 4, 1972

Catherine V. Dowling
Catherine V. Dowling

Handwritten: 12-1-72
As of

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

MAR-9 1972

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

In the Matter of the Accusation of)
FRANKLIN D. HOLEFIELD, ETC.,)
Respondent)

No. **11-18297 1A**

NOTICE OF HEARING ON ACCUSATION

(Pursuant to Section 11509 of the Government Code)

TO THE RESPONDENT ABOVE NAMED:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at **314 West First Street, Los Angeles 90012** on the **7th** day of **April**, 19**72**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

As in all adversary proceedings, you may be present at the hearing, and may be represented by counsel but you are neither required to be present at the hearing, nor are you required to be represented by counsel. However, if you are not present at the hearing in person, nor represented at the hearing by counsel, the agency may take disciplinary action against you upon any express admissions, or upon other evidence, and in the event that a notice of defense has not been filed by you, upon affidavits, without further 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.

Dated: **March 9, 1972**

ROBERT W. KARPE
REAL ESTATE COMMISSIONER

cc: **Franklin D. Holefield**
George Whitaker, Esq.
Sacramento
OAK
JRL

By **MARJORIE F. NEFFEL**
Attorney

During
MARJORIE F. MENDEL
Council
Department of Real Estate
107 S. Broadway, Room 8009
Los Angeles, Ca. 90012

FILED
JUN 24 1972

620-4790

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

NO. H-18297 LA

FRANKLIN D. HOLEFIELD, Dba
Hilton Realty Company, and
FRANKLIN D. HOLEFIELD, Dba
Hilton Properties,

ACCUSATION

Respondent.

The complainant, Frank J. Ryan, a Deputy Real Estate Commissioner of the State of California for cause of accusation against respondent, FRANKLIN D. HOLEFIELD, Dba Hilton Realty Company, and FRANKLIN D. HOLEFIELD, Dba Hilton Properties, is informed and alleges as follows:

I

At all times herein mentioned the respondent, FRANKLIN D. HOLEFIELD, has been and now is licensed by the Department of Real Estate of the State of California as a restricted real estate broker doing business as Hilton Realty Company and also doing business as Hilton Properties.

II

Effective May 14, 1968, in the Matter of the Accusation of FRANKLIN D. MOLEFIELD and FRANKLIN D. MOLEFIELD, The Hilton Properties and FRANKLIN D. MOLEFIELD, The Hilton Realty Company and FRANKLIN D. MOLEFIELD, The Security Mason Company, No. H-17607 LA, CLA 16835, after a formal hearing, the Real Estate Commissioner revoked the real estate broker license of respondent for violation of Sections 10145, 10176(e), 10176(1) and 10177(f) of the Business and Professions Code and Title 10, Section 2630, California Administrative Code; providing, however, that a restricted real estate broker's license be issued to respondent, which restricted licenses were subsequently issued to him and are now in full force and effect.

III

The restricted licenses issued to respondent were conditioned to the effect that respondent shall at all times obey and comply with all laws of the United States and of the State of California, and all of the state, county, municipal and local laws and ordinances to which he may be subject, and shall obey and comply with all of the Rules and Regulations of the Real Estate Commissioner, and all the laws of the State of California governing his exercise of the privileges to be granted under said restricted licenses, or otherwise.

IV

That at some date after September 3, 1971, the

1 exact date not known to the complainant but well known to
2 the respondent, and continuously from and after said date,
3 respondent has failed to maintain the definite place of
4 business in the State of California designated on his real
5 estate license as his office for the transaction of business;
6 that respondent has failed to notify the Commissioner of
7 Real Estate in writing of any change of business location
8 as a real estate broker.

9
10 V

11 Respondent's failure was a violation of the
12 conditions placed upon his restricted licenses in that by
13 abandoning his office as alleged in Paragraph IV, he
14 violated Section 10162 of the Business and Professions
15 Code, and now subjects his license to suspension or
16 revocation under Sections 10177(d) and 10177(k) of the
17 Business and Professions Code of the State of California.

18 WHEREFORE, the complainant prays that the above-
19 mentioned accusation be set for hearing, and upon proof of
20 the charges contained therein that the Real Estate Commis-
21 sioner suspend or revoke the license held by the respondent
22 and any and all rights which he may presently have in such
23 licenses, and for such other and further relief as may be
24 proper in the premises under the provisions of Sections
25 11500 through 11520 of the Government Code, and Section
26
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1 10100, Division 4, of the Business and Professions Code
2 of the State of California

3 Dated at Los Angeles, California

4 this 24th day of January 1972.

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7 ~~FRANK J. NYAN~~
8 ~~Deputy Real Estate Commissioner~~
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25 cc: Franklin B. Holefield, The Hilton Realty Company
26 Franklin B. Holefield, The Hilton Properties
27 Dunn, Soto
SAP
JEL