

By C. B.

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Respondent.

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 April 28, 1999, 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 showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance  
2 to me of an unrestricted real estate salesperson license.

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

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

11 I further understand that the following conditions, limitations and restrictions will attach to a restricted  
12 license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the right  
14 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to  
15 exercise any privileges granted under this restricted license in the event of:
  - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 18 b. The receipt of evidence that respondent has violated provisions of the California Real Estate  
19 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions  
20 attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal  
22 of any of the conditions, limitations or restrictions attaching to the restricted license until one year  
23 has elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I  
25 shall submit a statement signed by the prospective employing broker on a form approved by the  
26 Department of Real Estate wherein the employing broker shall certify as follows:
  - 27 a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted

1 license, and

- 2 b. That broker will carefully review all transaction documents prepared by the restricted licensee  
3 and otherwise exercise close supervision over the licensee's performance of acts for which  
4 a license is required.

5 DATED this 1st day of October, 1999.

6  
7 France Joseph Abercrombie  
8 Respondent

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

13 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
14 respondent FRANCE JOSEPH ABERCROMBIE if respondent has otherwise fulfilled  
15 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted  
16 as specified in the foregoing Stipulation and Waiver.

17 This Order is effective immediately.

18 DATED this 13th day of October, 1999.

19  
20 JOHN R. LIBERATOR, Acting  
21 Real Estate Commissioner

22 John R. Liberator  
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24  
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5400  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

FILED  
SEP 13 1999  
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of )

FRANCE JOSEPH ABERCROMBIE, )

Respondent. )

Case No. H-28108 LA  
OAH No. L-1999050193

By 

NOTICE OF CONTINUED HEARING ON APPLICATION

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, 320 West Fourth Street, Suite 630, Los Angeles, California, on **October 14, 1999**, at the hour of **1:30 p.m.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: September 13, 1999.

DEPARTMENT OF REAL ESTATE

cc: France Joseph Abercrombie  
Keith L. Higgins, Esq.  
Edward James Dondelinger  
Sacto.  
OAH

By: 

DARLENE AVERETTA, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

**FILED**  
JUL 20 1999  
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of )  
FRANCE JOSEPH ABERCROMBIE, )  
Respondent. )

Case No. H-28108 LA  
OAH No. L-1999050193

By 

**AMENDED NOTICE OF CONTINUED HEARING ON APPLICATION**

**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, 320 West Fourth Street, Suite 630, Los Angeles, California, on **August 18, 1999**, at the hour of **1:30 p.m.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.


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**Dated: July 20, 1999.**

cc: France Joseph Abercrombie  
Keith L. Higgins, Esq.  
Edward James Dondelinger  
Sacto.  
OAH

DEPARTMENT OF REAL ESTATE  
By:   
**DARLENE AVERETTA, Counsel**

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

**FILED**  
MAY 21 1999  
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of )

FRANCE JOSEPH ABERCROMBIE, )

Respondent. )

Case No. H-28108 LA  
OAH No. L-1999050193

By 

**NOTICE OF HEARING ON APPLICATION**

**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, 320 West Fourth Street, Suite 630, Los Angeles, California, on July 1, 1999, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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**Dated:** May 21, 1999.

cc: France Joseph Abercrombie  
Edward James Dondelinger  
Sacto.  
OAH

DEPARTMENT OF REAL ESTATE

By: 

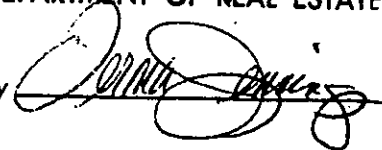
**DARLENE AVERETTA, Counsel**

SACD.  
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DARLENE AVERETTA, Counsel (SBN 159969)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6904

**FILED**  
APR 26 1999  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	No. H-28108 LA
FRANCE JOSEPH ABERCROMBIE, )	<u>STATEMENT OF ISSUES</u>
Respondent. )	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against FRANCE JOSEPH ABERCROMBIE (hereinafter "Respondent") alleges as follows:

I

Respondent made application to the Department of Real Estate of the State of California (hereinafter "Department") for a real estate salesperson license on or about December 24, 1998.

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II

Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in his official capacity.

III

Prior Discipline

On or about April 2, 1986, in Case No. H-22490 LA, a case then pending before the Department, an Order to Desist and Refrain was served on Respondent and National Builders Mortgage Corporation. Said Order ordered Respondent and National Builders Mortgage Corporation to desist and refrain from performing any acts by or through National Builders Mortgage Corporation for which a real estate license was required, until the Real Estate Commissioner received satisfactory proof that National Builders Mortgage Corporation was no longer subject to suspension pursuant to the California Bank and Corporation Tax Law and was fully qualified by the Office of the Secretary of State to do business in the State of California.

IV

Prior Discipline

Effective November 12, 1986, pursuant to the Real Estate Commissioner's Decision in Case No. H-22529 LA, Respondent's real estate broker license was revoked for violations of the Real Estate Law pursuant to Code Sections 10176(a), 10176(i), 10177(f) and 10177(j). Said revocation was upheld on appeal in Los Angeles Superior Court Case No. C 628384.

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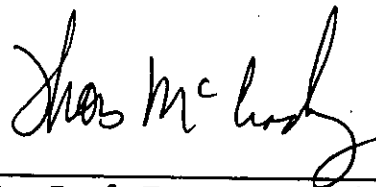


The prior misconduct of Respondent, as set forth in Paragraph IV above, constitutes cause for denial of Respondent's application for a real estate license under Code Sections 480(a)(2), 480(a)(3), 10177(f) and/or 10177(j).

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code.

WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, FRANCE JOSEPH ABERCROMBIE, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California  
this 28th day of April, 1999.



Deputy Real Estate Commissioner

cc: France Joseph Abercrombie  
Edward James Dondelinger  
Sacto.  
EC

