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FILED
JUN - 2 2003
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H-29910 LA
SHANNON KRISTINE LEHMAN,)	L-2003030173
Respondent.)	STIPULATION AND
)	WAIVER

It is hereby stipulated by and between SHANNON KRISTINE LEHMAN (hereinafter "Respondent") and Respondent's attorney, FRANK M. BUDA, and the Complainant, acting by and through MARTHA J. ROSETT, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on January 27, 2003, in this matter:

A. Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty

1 and truthfulness and to prove other allegations therein, or that
2 she may in her discretion waive the hearing and grant Respondent
3 a restricted real estate salesperson license based upon this
4 Stipulation and Waiver. Respondent also understands that by
5 filing the Statement of Issues in this matter the Real Estate
6 Commissioner is shifting the burden to Respondent to make a
7 satisfactory showing that Respondent meet all the requirements
8 for issuance of a real estate salesperson license. Respondent
9 further understands that by entering into this stipulation and
10 waiver Respondent will be stipulating that the Real Estate
11 Commissioner has found that Respondent has failed to make such
12 a showing, thereby justifying the denial of the issuance to
13 Respondent of an unrestricted real estate salesperson license.

14 B. Respondent hereby admits that the allegations of
15 the Statement of Issues filed against Respondent are true and
16 correct and requests that the Real Estate Commissioner in her
17 discretion issue a restricted real estate salesperson license to
18 Respondent under the authority of Section 10156.5 of the Business
19 and Professions Code.

20 C. Respondent is aware that by signing this
21 Stipulation and Waiver, Respondent is waiving Respondent's right
22 to a hearing and the opportunity to present evidence at the
23 hearing to establish Respondent's rehabilitation in order to
24 obtain an unrestricted real estate salesperson license if this
25 Stipulation and Waiver is accepted by the Real Estate
26 Commissioner. However, Respondent is not waiving Respondent's
27 right to a hearing and to further proceedings to obtain a

1 restricted or unrestricted license if this Stipulation and Waiver
2 is not accepted by the Commissioner.

3 D. Respondent further understands that the following
4 conditions, limitations, and restrictions will attach to a
5 restricted license issued by the Department of Real Estate
6 pursuant hereto:

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

12 a. The conviction of Respondent (including a plea of
13 nolo contendere) to a crime which bears a substantial
14 relationship to Respondent's fitness or capacity as a real estate
15 licensee; or

16 b. The receipt of evidence that Respondent has
17 violated provisions of the California Real Estate Law, the
18 Subdivided Lands Law, Regulations of the Real Estate
19 Commissioner, or conditions attaching to this restricted license.

20 2. Respondent shall not be eligible to apply for the
21 issuance of an unrestricted real estate license nor the removal
22 of any of the conditions, limitations or restrictions attaching
23 to the restricted license until two years have elapsed from the
24 date of issuance of the restricted license to Respondent.

25 3. With the application for license, or with the
26 application for transfer to a new employing broker, Respondent
27 shall submit a statement signed by the prospective employing

1 broker on a form approved by the Department of Real Estate
2 wherein the employing broker shall certify as follows:

3 a. That broker has read the Statement of Issues which
4 is the basis for the issuance of the restricted license; and

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

9
10 5/12/03

11 DATED

Martha J. Rosett
12 MARTHA J. ROSETT, Counsel
13 Department of Real Estate
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2 I have read the Stipulation and Waiver, have
3 discussed it with my counsel, and its terms are understood by
4 me and are agreeable and acceptable to me. I understand that
5 I am waiving rights given to me by the California
6 Administrative Procedure Act (including but not limited to
7 Sections 11506, 11508, 11509, and 11513 of the Government
8 Code), and I willingly, intelligently, and voluntarily waive
9 those rights, including the right of a hearing on the Statement
10 of Issues at which I would have the right to cross-examine
11 witnesses against me and to present evidence in defense and
12 mitigation of the charges.

13 Respondent can signify acceptance and approval of the
14 terms and conditions of this Stipulation and Wavier by faxing a
15 copy of the signature page, as actually signed by Respondent,
16 to the Department at fax number (213) 576-6917. Respondent
17 agrees, acknowledges and understands that by electronically
18 sending to the Department a fax copy of her actual signature as
19 it appears on the Stipulation and Waiver, that receipt of the
20 faxed copy by the Department shall be as binding on Respondent
21 as if the Department had received the original signed
22 Stipulation and Waiver.

23 5/5/03
24 DATED


SHANNON KRISTINE LEHMAN
Respondent

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

3 4-24-03

4 DATED

Frank M. Buda

FRANK M. BUDA
Attorney for Respondent

5
6 I have read the Statement of Issues filed herein and
7 the foregoing Stipulation and Waiver signed by Respondent. I am
8 satisfied that the hearing for the purpose of requiring further
9 proof as to the honesty and truthfulness of Respondent need not
10 be called and that it will not be inimical to the public interest
11 to issue a restricted real estate salesperson license to
12 Respondent.

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

19 This Order is effective immediately.

20 IT IS SO ORDERED May 28, 2003

21 PAULA REDDISH ZINNEMANN
22 Real Estate Commissioner

23 Paula Reddish
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-29910 LA
)
 SHANNON KRISTINE LEHMAN,) OAH No. L-2003030173
)
 _____)
 Respondent(s)

FILED
 MAR 14 2003
 DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

[Handwritten signature]

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on WEDNESDAY, MAY 14, 2003, at the hour of 9:00 A.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 his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: March 14, 2003

By *Martha J. Rosett*
 MARTHA J. ROSETT, Counsel

cc: Shannon Kristine Lehman
 Frank M. Buda, Esq.
 Elite Team Realty/Bryan David Reed
 Sacto.
 OAH

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St. #350
4 Los Angeles, CA 90013

4 (213) 576-6982
5 (213) 576-6914

FILED
JAN 27 2003
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H-29910 LA
12 SHANNON KRISTINE LEHMAN,) STATEMENT OF ISSUES
13 Respondent.)
14

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against SHANNON KRISTINE LEHMAN (hereinafter "Respondent"),
18 alleges in her official capacity as follows:

19 1.

20 On or about August 8, 2002, Respondent made application
21 to the Department of Real Estate of the State of California
22 (hereinafter "Department") for a real estate salesperson license.

23 2.

24 On or about September 7, 1999, in the Superior Court of
25 California, County of Riverside, in Case Number RIM384798,
26 Respondent was convicted of violating Penal Code Section 487(A)
27

1 (grand theft), a felony and crime of moral turpitude which is
2 substantially related to the qualifications, functions and duties
3 of a real estate licensee. Respondent was sentenced to one year
4 summary probation. On or about October 17, 2002, Respondent's
5 request to have the plea set aside and conviction dismissed
6 pursuant to Penal Code Section 1203.4 was granted.

7 3.

8 On or about September 12, 2001, in the Superior Court
9 of California, County of San Bernardino, in Case Number
10 TSB106297, Respondent was convicted of one count of violating
11 Vehicle Code Section 23512(B) (driving with blood alcohol level
12 of .08% or more), a misdemeanor. Respondent was sentenced to
13 three years informal probation, the terms of which included
14 payment of a fine of \$1259 and providing proof of completion of a
15 first offender alcohol program.

16 4.

17 Respondent's conviction, as set forth in Paragraph 2,
18 constitutes grounds for denial of Respondent's application for a
19 real estate license pursuant to Business and Professions Code
20 Sections 480(a) and 10177(b).

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

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1 WHEREFORE, the Complainant prays that the above-
2 entitled 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 salesperson
5 license to Respondent SHANNON KRISTINE LEHMAN and for such other
6 and further relief as may be proper under the law.

7 Dated at Los Angeles, California

8 this 24th day of January, 2003

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12 Deputy Real Estate Commissioner
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20 cc: Shannon Kristine Lehman
21 Elite Team Realty, Bryan David Reed
22 Sacto.
23 Maria Suarez
24 KA
25
26
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