

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4  
5 Telephone: (213) 576-6982  
6

**FILED**  
OCT 13 2004  
DEPARTMENT OF REAL ESTATE

7 **DEPARTMENT OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of* )  
11 **WILLIAM JOHN MAY,** ) No. H- 30939 LA  
12 ) L-2004070174  
13 ) **STIPULATION AND**  
14 **Respondent** ) **WAIVER**

15 It is hereby stipulated by and between WILLIAM JOHN MAY (hereinafter "Respondent"), and  
16 Respondent's attorney, Fredrick M. Ray, and the Complainant, acting by and through Chris Leong, Counsel  
17 for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of  
18 Issues filed on May 27, 2004 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the  
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's  
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner  
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's  
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the  
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and  
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate  
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets  
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner  
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance  
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are  
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real  
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and  
7 Professions Code. Respondent understands that any such restricted license will be issued subject to and be  
8 limited by Section 10153.4 of the Business and Professions Code.

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

15 Respondent further understands that the following conditions, limitations, and restrictions will attach  
16 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 17 1. The license shall not confer any property right in the privileges to be exercised including the  
18 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
19 to exercise any privileges granted under this restricted license in the event of:
- 20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears  
21 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
- 22 b. The receipt of evidence that Respondent has violated provisions of the California Real  
23 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
24 conditions attaching to this restricted license.
- 25 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license  
26 nor the removal of any of the conditions, limitations or restrictions attaching to the restricted  
27

1 license until two years have elapsed from the date of issuance of the restricted license to  
2 Respondent.

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

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

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

12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of  
13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within  
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to  
15 the Commissioner of successful completion, at an accredited institution, of two of the courses  
16 listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate,  
17 advanced real estate finance, or advanced real estate appraisal. If Respondent fails to timely  
18 present to the Department satisfactory evidence of successful completion of the two required  
19 courses, the restricted license shall be automatically suspended effective eighteen (18) months  
20 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of  
21 the restricted license, Respondent has submitted the required evidence of course completion and  
22 the Commissioner has given written notice to Respondent of the lifting of the suspension.

23 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified  
24 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,  
25 and shall not be entitled to the issuance of another license which is subject to Section 10153.4  
26 until four years after the date of the issuance of the preceding restricted license.

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9/22/04

Dated

CHRIS LEONG

CHRIS LEONG, Counsel, Department of Real Estate

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I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

9/21/04

Dated

William John May  
WILLIAM JOHN MAY, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client

accordingly.

9/21/04

Dated

Fredrick M. Ray  
FREDRICK M. RAY, Attorney for Respondent

9/22/09

CHRIS LEONG

Dated

CHRIS LEONG, Counsel, Department of Real Estate

\*\*\*

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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Dated

WILLIAM JOHN MAY, Respondent

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

Dated

FREDRICK M. RAY, Attorney for Respondent

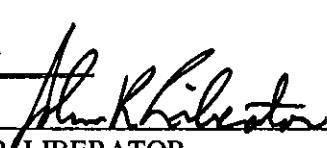
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2 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
3 Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
4 truthfulness of Respondent need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

6 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
7 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The  
8 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and  
9 Waiver.

10 This Order is effective immediately.

11 IT IS SO ORDERED Oct. 6, 2004.

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14 JOHN R. LIBERATOR  
15 Acting Real Estate Commissioner  
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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of ) Case No. H-30939 LA  
 )  
 WILLIAM JOHN MAY, ) OAH No. L-2004070174  
 )  
 )  
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 \_\_\_\_\_ )  
 Respondent(s)

FILED  
JUL 26 2004  
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

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 TUESDAY, SEPTEMBER 28, 2004, 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 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: July 26, 2004

By

CHRIS LEONG  
CHRIS LEONG, Counsel

cc: William John May  
Primary Capital, Inc.  
Sacto.  
OAH

1 CHRIS LEONG, Counsel (SBN 141079)  
Department of Real Estate  
2 320 West Fourth Street, Suite 350  
Los Angeles, CA 90013-1105  
3  
4 Telephone: (213) 576-6982-  
-or- (213) 576-6910 (Direct)

**FILED**  
MAY 27 2004  
DEPARTMENT OF REAL ESTATE



8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11	In the Matter of the Application of	)	No. H- 30939 LA
12	WILLIAM JOHN MAY,	)	<u>STATEMENT OF ISSUES</u>
13	Respondent.	)	

14  
15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of  
17 Issues against WILLIAM JOHN MAY ("Respondent") alleges as  
18 follows:

19 I

20 Respondent made application to the Department of Real  
21 Estate of the State of California for a conditional real estate  
22 salesperson license on or about June 30, 2003. This license  
23 was to be subject to Section 10153.4 of the Business and  
24 Professions Code ("Code").

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Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in her official capacity.

(LICENSE DISCIPLINE)

III

In or about 1997, the Bureau of Automotive Repair, Department of Consumer Affairs, State of California, filed an Accusation, Case No. 77/97-80, entitled In the Matter of the Accusation Against Transmasters Transmissions William John May and Karen Coleen May, Partners, Automotive Repair Dealer Registration No. AK 180630. On about July 22, 1997, a Decision was rendered revoking Respondent's Automotive Repair Dealer license on the grounds of violating Sections of the Code.

IV

Respondent's Automotive Repair Dealer license was revoked on the following grounds:

1) Respondent and/or his wife, made numerous false representations regarding repairs for which an undercover operator was charged and paid, when in fact the repairs were not necessary, were not performed, or were not performed in accordance with accepted trade standards for good and workmanlike repairs. Respondent also released the second undercover automobile to the operator even though the transmission exhibited the same malfunction as prior to the repairs performed by Respondent. Among other things,

1 Respondent failed to properly document the first undercover  
2 operator's odometer reading, failed document the undercover  
3 operator's authorization for repairs, failed to identify all  
4 parts supplied, failed to secure the second undercover  
5 operator's signature and failed to have the operator date the  
6 "Important Notice" statement prior to removing the transmission  
7 from the vehicle. Respondent also falsely alleged in his  
8 advertising that he was a member of the Automobile Transmission  
9 Repair Association.

10 2) Respondent knowingly or willfully performed these  
11 acts. This constituted grounds for the Director to revoke the  
12 license and licensing rights of Respondent pursuant to the  
13 provisions of Sections 9884.7(1)(a), 9884.7(1)(b),  
14 9884.7(1)(d), 9884.7(1)(f), 9884.7(1)(g), 9884.9(a) and 9884.8  
15 of the California Business and Professions Code and California  
16 Code of Regulations Sections 3553(a), 3356(a), 3361(b),  
17 3361(d)(6), 3371 and 3373.

18 V

19 Respondent's conduct above, would have been  
20 violations of Section 10177(g) and/or 10177(j). Respondent's  
21 conduct which led to the revocation of his Automotive Repair  
22 Dealer license, is cause to deny Respondent's real estate  
23 salesperson license application pursuant to Code Section  
24 10177(f).

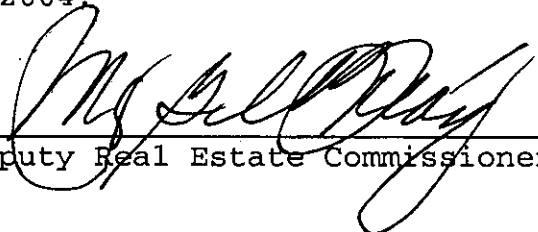
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1           These proceedings are brought under the provisions of  
2 Section 10100, Division 4 of the Business and Professions Code  
3 of the State of California and Sections 11500 through 11528 of  
4 the Government Code.

5           WHEREFORE, the Complainant prays that the above-  
6 entitled matter be set for hearing and, upon proof of the  
7 charges contained herein, that the Commissioner refuse to  
8 authorize the issuance of, and deny the issuance of, a real  
9 estate salesperson license to Respondent, WILLIAM JOHN MAY, and  
10 for such other and further relief as may be proper in the  
11 premises.

12 Dated at Los Angeles, California

13 this 20<sup>th</sup> day of May, 2004.

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15 \_\_\_\_\_  
16 Deputy Real Estate Commissioner  
17  
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25 cc: William John May  
26 Primary Capital, Inc./Eric Dean Stuckey  
27 Maria Suarez  
Sacto.  
SJR (Sacto)