

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

FILED
AUG - 8 2005
DEPARTMENT OF REAL ESTATE

Jana B. Alm

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6
7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)
12 SHANNON KRISTINE LEHMAN,)
13 Respondent.)

NO. H-31743 LA
L-2005050098

14 STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between SHANNON
16 KRISTINE LEHMAN, (sometimes referred to as Respondent) and
17 his attorney of record, Frank M. Buda, and the Complainant,
18 acting by and through Darlene Averetta, Counsel for the
19 Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on March 10,
21 2005, in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA), shall instead and in place thereof be
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1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate
6 ("Department") in this proceeding.

7 3. On April 14, 2004, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that
12 Respondent understands that by withdrawing said Notice of
13 Defense she will thereby waive her right to require the
14 Commissioner to prove the allegations in the Accusation at
15 a contested hearing held in accordance with the provisions of
16 the APA and that she will waive other rights afforded to her
17 in connection with the hearing such as the right to present
18 evidence in defense of the allegations in the Accusation and
19 the right to cross-examine witnesses.
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21 4. Respondent, pursuant to the limitations set forth
22 below, hereby admits that the factual allegations set forth in
23 the Accusation filed in this proceeding are true and correct
24 and the Real Estate Commissioner shall not be required to
25 provide further evidence of such allegations.

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1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as
3 his Decision in this matter, thereby imposing the penalty and
4 sanctions on Respondent's real estate license and license
5 rights as set forth in the below "Order". In the event that
6 the Commissioner in his discretion does not adopt the
7 Stipulation and Agreement, it shall be void and of no effect,
8 and Respondent shall retain the right to a hearing and
9 proceeding on the Accusation under all the provisions of the
10 APA and shall not be bound by any admission or waiver made
11 herein.

12 6. The Order or any subsequent Order of the Real
13 Estate Commissioner made pursuant to this Stipulation and
14 Agreement shall not constitute an estoppel, merger or bar to
15 any further administrative or civil proceedings by the
16 Department of Real Estate with respect to any matters which
17 were not specifically alleged to be causes for accusation in
18 this proceeding.

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20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations, admissions
22 and waivers and solely for the purpose of settlement of the
23 pending Accusation without a hearing, it is stipulated and
24 agreed that the following determination of issues shall be
25 made:

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1 The conduct of Respondent, as described in the
2 Accusation, are grounds for the suspension or revocation of all
3 of the real estate licenses and license rights of Respondent
4 under the provisions of Sections 490, 10177(b) and 10177(k) of
5 the Business and Professions Code.

6 ORDER

7 WHEREFORE, THE FOLOWING ORDER is hereby made:

8 All licenses and licensing rights of Respondent
9 SHANNON KRISTINE LEHMAN, under the Real Estate Law are revoked;
10 provided, however, a restricted real estate salesperson license
11 shall be issued to Respondent pursuant to Section 10156.5 of the
12 Code if Respondent makes application therefor and pays to the
13 Department the appropriate fee for the restricted license within
14 90 days from the effective date of this Decision.

15 The restricted license issued to Respondent shall be
16 subject to all of the provisions of Section 10156.7 of the Code
17 and to the following conditions, limitations and restrictions
18 imposed under the authority of Section 10156.6 of the Code:

19 1. The restricted license issued to Respondent may be
20 suspended prior to hearing by Order of the Commissioner in the
21 event of Respondent's conviction or plea of nolo contendere to a
22 crime which is substantially related to Respondent's fitness or
23 capacity as a real estate salesperson licensee.

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1 2. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Commissioner on
3 evidence satisfactory to the Commissioner that Respondent has
4 violated provisions of the Real Estate Law, the Subdivided Lands
5 Law, Regulations of the Real Estate Commissioner or conditions
6 attaching to the restricted license.

7 3. Respondent shall not be eligible to apply for
8 issuance of an unrestricted real estate salesperson license
9 nor for the removal of any of the conditions, limitations or
10 restrictions of a restricted license until four (4) years have
11 elapsed from the effective date of this Decision.

12 4. Respondent shall submit with any application for
13 license under an employing broker, or any application for
14 transfer to a new employing broker, a statement signed by the
15 prospective employing real estate broker, on a form approved by
16 the Department, which shall certify:

17 (a) That the employing broker has read the Decision
18 of the Commissioner which granted the right to a restricted
19 license; and
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21 (b) That the employing broker will exercise close
22 supervision over the performance by the restricted licensee
23 relating to activities for which a real estate salesperson
24 license is required.

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1 5. Respondent shall, within nine (9) months from the
2 effective date of this Decision, present evidence satisfactory
3 to the Commissioner that Respondent has, since the most recent
4 issuance of an original or renewal real estate salesperson
5 license, taken and successfully completed the continuing
6 education requirements of Article 2.5 of Chapter 3 of the Real
7 Estate Law for renewal of a real estate salesperson license.
8 If Respondent fails to satisfy this condition, the Commissioner
9 may order the suspension of the restricted license until
10 Respondent presents such evidence. The Commissioner shall
11 afford Respondent the opportunity for a hearing pursuant to the
12 APA to present such evidence.

13 6. During the term of any restricted license,
14 Respondent shall submit to the Department of Real Estate as of
15 the last day of each March, June, September and December, proof
16 satisfactory to the Real Estate Commissioner of Respondent's
17 ongoing participation in a recognized alcohol diversion program.
18 Said proof shall be submitted to the Manager of the Crisis
19 Response Team at the Los Angeles Office of the Department of
20 Real Estate and shall be verified as true and accurate by
21 Respondent under penalty of perjury.

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1 The Commissioner may suspend the restricted license
2 issued to Respondent pending a hearing held in accordance with
3 Section 11500 et seq., of the Government Code, if such proof is
4 not timely submitted as provided for herein, or as provided for
5 in a subsequent agreement between the Respondent and the
6 Commissioner. The suspension shall remain in effect until such
7 proof is submitted or until Respondent enters into an agreement
8 satisfactory to the Commissioner to provide such proof, or until
9 a decision providing otherwise is adopted following a hearing
10 held pursuant to this condition.

11 DATED: July 21, 2005


12 DARLENE AVERETTA, Counsel
13 for the Complainant, the
14 Department of Real Estate

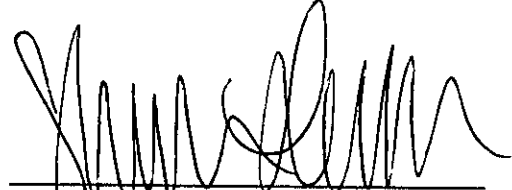
14 * * *

15 I have read the Stipulation and Agreement, have
16 discussed it with my counsel, and its terms are understood by
17 me and are agreeable and acceptable to me. I understand that
18 I am waiving rights given to me by the California Administrative
19 Procedure Act (including but not limited to Sections 11506,
20 11508, 11509 and 11513 of the Government Code), and I willingly,
21 intelligently and voluntarily waive those rights, including the
22 right of requiring the Commissioner to prove the allegations in
23 the Accusation at a hearing at which I would have the right to
24 cross-examine witnesses against me and to present evidence in
25 defense and mitigation of the charges.
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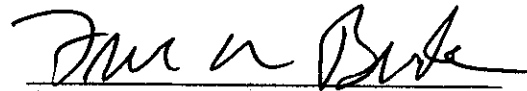
1 "Respondent can signify acceptance and approval of the
2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of the signature page, as actually signed by Respondent,
4 to the Department at the following telephone/fax number: (213)
5 576-6917. Respondent agrees, acknowledges and understands that
6 by electronically sending to the Department a fax copy of his
7 actual signature as it appears on the Stipulation and Agreement,
8 that receipt of the faxed copy by the Department shall be as
9 binding on Respondent as if the Department had received the
10 original signed Stipulation and Agreement."

11 Further, if the Respondent is represented by counsel,
12 the Respondent's counsel can signify his agreement to the terms
13 and conditions of the Stipulation and Agreement by submitting
14 that signature via fax.

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16 DATED: 7-19-05


SHANNON KRISTINE LEHMAN,
Respondent

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19 DATED: 7-14-05


FRANK M. BUDA, ESQ.
Counsel for the Respondent
Approved as to Form

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2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision in this matter and shall become effective
4 at 12 o'clock noon on AUG 29 2005, 2005.

5 IT IS SO ORDERED 8-1-05, 2005.

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7 JEFF DAVI
8 Real Estate Commissioner
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LICENSE HISTORY

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3 On or about May 28, 2003, the Department of Real Estate
4 for the State of California (hereinafter "Department"), pursuant
5 to a Stipulation and Waiver, in Case No. H-22910 LA;
6 L-2003030173, issued Respondent a restricted real estate
7 salesperson license. The Department issued the restriction on
8 Respondent's license because of the following convictions:

9 1. On September 7, 1999, in the Superior Court of
10 California, County of Riverside, in Case No. RIM384798,
11 Respondent was convicted of violating Penal Code Section 487 (a)
12 (Grand Theft), a felony.

13 2. On September 12, 2001, in the Superior Court of
14 California, County of San Bernardino, in Case No. TSB106297,
15 Respondent was convicted of violating Vehicle Code Section
16 23512(b) (Driving with Blood Alcohol Level of 0.08% or More), a
17 misdemeanor.

18 In Section D of the Stipulation and Waiver, the
19 Department placed the following conditions, limitations, and
20 restrictions on Respondent's license:

21 1. The Real Estate Commissioner may by appropriate
22 order suspend the right to exercise any privileges granted under
23 this restricted license in the event of:

24 a. The conviction of Respondent (including a plea of
25 nolo contendere) to a crime which bears a substantial
26 relationship to respondent's fitness or capacity as a
27 real estate licensee; or

1 b. The receipt of evidence that Respondent has
2 violated . . . conditions attaching to this restricted
3 license.

4 CRIMINAL CONVICTION

5 V

6 On September 22, 2003, in the Superior Court of
7 California, County of Orange, in Case No. 03NM08144MA, Respondent
8 was convicted of violating Vehicle Code Section 23152(a) (DUI), a
9 misdemeanor crime which is substantially related to the
10 qualifications, functions and duties of a real estate licensee.

11 VI

12 The conviction set forth in Paragraph V, above,
13 constitutes cause under Code Sections 490 and/or 10177(b) for the
14 suspension or revocation of all licenses and license rights of
15 Respondent under the Real Estate Law.

16 VII

17 Respondent's conviction as indicated in Paragraph V,
18 above, is in violation of Section D(1) of the Stipulation and
19 Waiver entered into by Respondent and the Department, and by
20 itself constitutes cause under Code Section 10177(k) for the
21 immediate suspension or revocation of all licenses and license
22 rights of Respondent under the Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent,
5 SHANNON KRISTINE LEHMAN, under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California
10 this 8th day of March, 2005.

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13 Deputy Real Estate Commissioner
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25 cc: Shannon Kristine Lehman
26 Maria Suarez
27 Sacto.
PK