

Telephone: (213) 576-6982

FILED
JUL 26 2008
DEPARTMENT OF REAL ESTATE

By

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

MICHAEL RICHARD LEBEAU,

Respondent

No. H- 32919 LA

STIPULATION AND WAIVER

I, MICHAEL RICHARD LEBEAU, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

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 May 24, 2006, 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
2 issuance 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
5 to 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
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
10 restricted or unrestricted 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
12 restricted 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
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to 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
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions 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
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have 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

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

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

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

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13 7/7/06
14 Dated

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Michael Richard LeBeau
MICHAEL RICHARD LEBEAU, Respondent

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

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

This Order is effective immediately.

IT IS SO ORDERED July 19, 2006

Jeff Davi
Real Estate Commissioner

By: Phillip Ihde
PHILLIP IHDE
Regional Manager

SAC
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FILED
MAY 24 2006
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-32919 LA
)
MICHAEL RICHARD LEBEAU,) STATEMENT OF ISSUES
)
Respondent.)

The Complainant, Phillip Ihde, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against MICHAEL RICHARD LEBEAU ("Respondent"), is informed and alleges in his official capacity as follows:

I

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about August 25, 2005.

II

CRIMINAL CONVICTION

On or about March 30, 1998, in the Municipal Court of Hollywood, County of Los Angeles, State of California, Case No.

1 8HL00870, Respondent MICHAEL RICHARD LEBEAU was convicted of one
2 (1) count of violating California Penal Code Section 647(a)
3 (disorderly conduct: lewd act), a crime involving moral
4 turpitude which is substantially related under Title 10, Chapter
5 6, Section 2910, California Code of Regulations, to the
6 qualifications, functions or duties of a real estate licensee.

7 III

8 The crime of which Respondent was convicted, as
9 alleged herein above, constitutes cause for denial of
10 Respondent's application for a real estate license under
11 Business and Professions Code Sections 475(a)(2), 480(a)(1)
12 and/or 10177(b).

13 IV

14 FAILURE TO REVEAL

15 In response to Question 25 of his license application,
16 to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
17 CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE
18 DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH
19 DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE," Respondent
20 answered "No," and failed to reveal the conviction described
21 above.
22

23 V

24 Respondent's failure to reveal the conviction set
25 forth above in his license application constitutes the attempt
26 to procure a real estate license by fraud, misrepresentation, or
27 deceit, or by making a material misstatement of fact, or

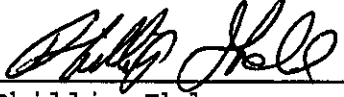
1 knowingly making a false statement of fact required to be
2 revealed in said application, which is grounds for denial of the
3 issuance of a license under Business and Professions Code
4 Sections 475(a)(1), 480(c), and/or 10177(a).

5 These proceedings are brought pursuant to Section
6 10100, Division 4 of the California Business and Professions
7 Code and Sections 11500 through 11528 of the Government Code.

8 WHEREFORE, Complainant prays that the above-entitled
9 matter be set for hearing and, upon proof of the charges
10 contained herein, that the Commissioner refuse to authorize the
11 issuance of, and deny the issuance of, a real estate salesperson
12 license to Respondent, MICHAEL RICHARD LEBEAU, and for such
13 other and further relief as may be proper under other provisions
14 of law.

15 Dated at Los Angeles, California

16 this 19th day of MAY, 2006.

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19 Phillip Ihde
20 Deputy Real Estate Commissioner
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25 cc: Michael Richard LeBeau
26 Joseph Mark Ebin
27 Phillip Ihde
Sacto.