

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

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

FILED
JUNE 17, 2008
DEPARTMENT OF REAL ESTATE

By C. Ben

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TABATHA LAVETTE DAVIS,)
13 Respondent.)

NO. H-34658 LA
L-2008020542

14 STIPULATION AND AGREEMENT

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16 It is hereby stipulated by and between TABATHA LAVETTE
17 DAVIS ("Respondent") and her attorney of record, Mary E. Work,
18 and the Complainant, acting by and through Lissete Garcia,
19 Counsel for the Department of Real Estate, as follows for the
20 purpose of settling and disposing of the Accusation filed on
21 January 22, 2008, 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
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1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

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

8 3. On January 28, 2008, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that she
13 understands that by withdrawing said Notice of Defense she will
14 thereby waive her right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that she will waive
17 other rights afforded to her in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations of the
22 Accusation filed in this proceeding are true and correct and the
23 Real Estate Commissioner shall not be required to provide further
24 evidence of such allegations.

25 5. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement as
27 his Decision in this matter, thereby imposing the penalty and

1 sanctions on Respondent's real estate license and license rights
2 as set forth in the below "Order". In the event that the
3 Commissioner in his discretion does not adopt the Stipulation and
4 Agreement, it shall be void and of no effect, and Respondent
5 shall retain the right to a hearing and proceeding on the
6 Accusation under all the provisions of the APA and shall not be
7 bound by any admission or waiver made herein.

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

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations, admissions and
17 waivers and solely for the purpose of settlement of the pending
18 Accusation without a hearing, it is stipulated and agreed that
19 the following determination of issues shall be made:

20 The conduct of Respondent, as set forth in the
21 Accusation constitutes grounds for suspension or revocation of
22 all of the real estate licenses and license rights of Respondent
23 under the provisions of Sections 490 and 10177(b) of the Business
24 and Professions Code.

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1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions of
4 a restricted license until at least three (3) years have elapsed
5 from the date of issuance of any restricted real estate license.

6 4. Respondent shall submit with any application for
7 license under an employing broker, or any application for
8 transfer to a new employing broker, a statement signed by the
9 prospective employing real estate broker on a form approved by
10 the Department of Real Estate which shall certify:

11 (a) That the employing broker has read the Order of
12 the Commissioner which granted the right to a restricted license,
13 and

14 (b) That the employing broker will exercise close
15 supervision over the performance by the restricted licensee of
16 the activities for which a real estate license is required.

17 5. Respondent shall, within nine (9) months from the
18 effective date of this Decision, present evidence satisfactory to
19 the Real Estate Commissioner that Respondent has, since the most
20 recent issuance of an original or renewal real estate license,
21 taken and successfully completed the continuing education
22 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
23 for renewal of a real estate license. If Respondent fails to
24 satisfy this condition, the Commissioner may order the suspension
25 of the restricted license until the Respondent presents such
26 evidence. The Commissioner shall afford Respondent the
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1 opportunity for a hearing pursuant to the Administrative
2 Procedure Act to present such evidence.

3 DATED: May 27, 2008 Lisette Garcia
4 LISSETE GARCIA Counsel for Complainant
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6 * * *

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8 I have read the Stipulation and Agreement, have
9 discussed it with my counsel, and its terms are understood by me
10 and are agreeable and acceptable to me. I understand that I am
11 waiving rights given to me by the California Administrative
12 Procedure Act (including but not limited to Sections 11506,
13 11508, 11509 and 11513 of the Government Code), and I willingly,
14 intelligently and voluntarily waive those rights, including the
15 right of requiring the Commissioner to prove the allegations in
16 the Accusation at a hearing at which I would have the right to
17 cross-examine witnesses against me and to present evidence in
18 defense and mitigation of the charges.

19 Respondent can signify acceptance and approval of the
20 terms and conditions of this Stipulation and Agreement by faxing
21 a copy of the signature page, as actually signed by Respondent,
22 to the Department at fax number (213) 576-6917. Respondent
23 agrees, acknowledges and understands that by electronically
24 sending to the Department a fax copy of her actual signature as
25 it appears on the Stipulation and Agreement, that receipt of the
26 faxed copy by the Department shall be as binding on Respondent
27

MAY-07-08 WED 09:12 AM

FAX NO.

as if the Department had received the original signed
Stipulation and Agreement.

DATED: 5-7-08

Tabatha R. Davis

TABATHA LAVETTE DAVIS, Respondent

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

DATED: 5/7/08

Mary E. Work

MARY E. WORK, Attorney for Respondent

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on July 7, 2008.

IT IS SO ORDERED

6-11-08

JEFF DAVIS
Real Estate Commissioner

Jeff Davis

FILED
JAN 22 2008
DEPARTMENT OF REAL ESTATE

By [Signature]

STATE OF CALIFORNIA

* * *

The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against TABATHA LAVETTE DAVIS ("Respondent"), is informed and alleges in his official capacity as follows:

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II

Pursuant to the provisions of Code Section 10153.3, Respondent was originally licensed as a salesperson with the Department on or about October 15, 2002.

III

On or about November 16, 2005, in the Superior Court of California, County of Riverside, in Case No. RIF123920, as part of a plea agreement, Respondent pled guilty to and was convicted of violating lesser included/related offense of Business and Professions Code Section 4324(A) (forge/alter and attempt to pass as genuine, a drug prescription), and Business and Professions Code Section 4324(B) (willfully and unlawfully possess a drug secured by a forged prescription), both misdemeanors. The underlying facts of said crimes involve moral turpitude and bear a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The crimes of which Respondent was convicted, as alleged in Paragraph III above, constitute cause under Code Sections 490 and 10177(b) for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

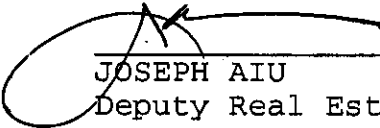
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondent,
5 TABATHA LAVETTE DAVIS, 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 San Diego, California

10 this 14 day of January, 2008.

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14 JOSEPH AIU
15 Deputy Real Estate Commissioner
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24 cc: Tabatha Lavette Davis
25 J&B Executive Investments Associates
26 Sacto.
27 Joseph Aiu