

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

4 (213) 576-6982

FILED
APR 28 2009
DEPARTMENT OF REAL ESTATE

Laura B. Demus

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-35368 LA
12 SHANNON KRISTINE LEHMAN,)
13 Respondent.) STIPULATION AND AGREEMENT
14)
15)

16 It is hereby stipulated by and between SHANNON
17 KRISTINE LEHMAN (hereinafter "Respondent") and Respondent's
18 attorney, Frank M. Buda and the Complainant, acting by and
19 through James A. Demus, Counsel for the Department of Real
20 Estate, as follows for the purpose of settling and disposing of
21 the Accusation filed on October 10, 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 Procedure Act (APA), shall instead and in place thereof be
27 submitted solely on the basis of the provisions of this

1 Stipulation and Agreement.

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

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

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

24 5. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement as
26 his Decision in this matter, thereby imposing the penalty and
27 sanctions on Respondent's real estate license and license rights

1 provided, however, a restricted real estate salesperson license
2 shall be issued to Respondent pursuant to Section 10156.5 of the
3 Business and Professions Code, if Respondent makes application
4 therefor and pays to the Department the appropriate fee within
5 90 days from the effective date of this Decision. The
6 restricted license issued to Respondent shall be subject to all
7 of the provisions of Section 10156.7 of the Business and
8 Professions Code and to the following limitations, conditions
9 and restrictions imposed under authority of Section 10156.6 of
10 that code:

11 1. The restricted license issued to Respondent may be
12 suspended prior to hearing by Order of the Real Estate
13 Commissioner in the event of Respondent's conviction or plea of
14 nolo contendere to a crime which is substantially related to
15 Respondent's fitness or capacity as a real estate licensee.

16 2. The restricted license issued to Respondent may be
17 suspended prior to hearing by Order of the Real Estate
18 Commissioner on evidence satisfactory to the Commissioner that
19 Respondent has violated provisions of the California Real Estate
20 Law, the Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner, or conditions attaching to this restricted
22 license.

23 3. Respondent shall not be eligible to apply for the
24 issuance of an unrestricted real estate license nor for the
25 removal of any of the conditions, limitations or restrictions
26 of a restricted license until two (2) years have elapsed from
27 the date of issuance of the restricted license to Respondent.

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

6 (a) That the employing broker has read the
7 Decision of the Commissioner which granted
8 the right to a restricted license; and

9 (b) That the employing broker will exercise
10 close supervision over the performance by
11 the restricted licensee relating to activities
12 for which a real estate license is required.

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

25 6. Respondent shall provide proof acceptable to the
26 Real Estate Commissioner that, for a total duration of six (6)
27 months after the issuance of the restricted license, Respondent

1 has attended one or more sessions, each and every month, of
2 Alcoholics Anonymous or a similar 12 Step or substance abuse
3 program, or that such attendance in any month was impractical due
4 to travel for work, the illness of Respondent or a member of
5 Respondent's family, vacation, incarceration, residential
6 treatment for substance abuse, extreme personal hardship for
7 Respondent or a member of Respondent's family, or family
8 emergency. Respondent shall submit proof to the Los Angeles
9 Crisis Response Team Manager of the Department of Real Estate.
10 The Commissioner may suspend the restricted license issued to
11 Respondent pending a hearing held in accordance with Section
12 11500, et seq., of the Government Code, if such proof is not
13 timely submitted as provided for herein, or as provided for in a
14 subsequent agreement between the Respondent and the Commissioner.
15 The suspension shall remain in effect until such proof is
16 submitted or until Respondent enters into an agreement
17 satisfactory to the Commissioner to provide such proof, or until
18 a decision providing otherwise is adopted following a hearing
19 held pursuant to this condition.

20
21 DATED:

3/24/09

James A. Demus

JAMES A. DEMUS Counsel for Complainant

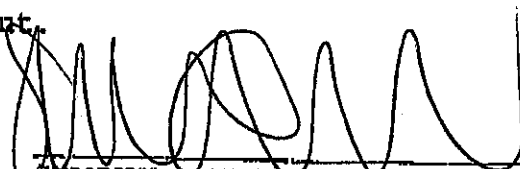
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23 * * *

24 I have read the Stipulation and Agreement and its
25 terms are understood by me and are agreeable and acceptable to
26 me. I understand that I am waiving rights given to me by the
27 California Administrative Procedure Act (including but not

1 limited to Sections 11506, 11508, 11509 and 11513 of the
 2 Government Code), and I willingly, intelligently and voluntarily
 3 waive those rights, including the right of requiring the
 4 Commissioner to prove the allegations in the Accusation at a
 5 hearing at which I would have the right to cross-examine
 6 witnesses against me and to present evidence in defense and
 7 mitigation of the charges.


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

18
 19 DATED: 3-17-09


 20 SHANNON KRISTINE LEHMAN, Respondent

21 I have read the Stipulation and Agreement as to form
 22 and content and have advised my client accordingly.

23
 24 DATED: 3-17-09


 25 FRANK M. BUDA, Attorney for Respondent

26 ***

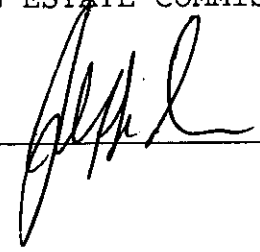
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on MAY 18 2009.

IT IS SO ORDERED 4-21-09.

JEFF DAVI
REAL ESTATE COMMISSIONER



1 authority of Section 10156.5 of said Code. Among those terms,
2 conditions and restrictions, Respondent was required to submit
3 proof of ongoing participation in a recognized alcohol diversion
4 program on a quarterly basis during the term of any restricted
5 license.

6 On October 10, 2008, in Case No. H-35368 LA, an
7 Accusation by a Deputy Real Estate Commissioner of the State of
8 California was filed charging Respondent with a violation of
9 Section 10177(k) of the Code in that Respondent has failed to
10 provide quarterly reports of participation in a recognized drug
11 and alcohol diversion program for the quarter ending December
12 2005, all of the quarters in 2006, all of the quarters in 2007,
13 and the quarters ending March and June 2008.

14 NOW, THEREFORE, IT IS ORDERED under authority of
15 Section 10156.7 of the Business and Professions Code of the
16 State of California that the restricted real estate salesperson
17 license heretofore issued to Respondent and the exercise of any
18 privileges thereunder is hereby suspended pending final
19 determination made after the hearing on the aforesaid
20 Accusation.

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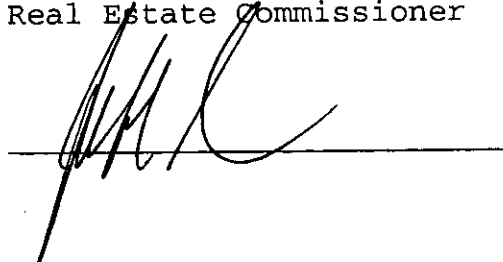
IT IS FURTHER ORDERED that all license certificates and identification cards issued by the Department of Real Estate which are in the possession of Respondent be immediately surrendered by personal delivery or by mailing in the enclosed self-addressed envelope to:

DEPARTMENT OF REAL ESTATE
Attention: Flag Section
Post Office Box 187000
Sacramento, CA 95818-7000

This Order shall be effective immediately.

DATED: 10 28, 2008.

JEFF DAVI,
Real Estate Commissioner



facts

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6910

FILED
OCT 10 2008
DEPARTMENT OF REAL ESTATE

Laura B. Cline

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-35368 LA
SHANNON KRISTINE LEHMAN,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against SHANNON KRISTINE LEHMAN, ("Respondent") alleges as follows:

1.

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

Respondent is presently licensed by the Department of Real Estate of the State of California ("Department") as a restricted real estate salesperson under the Real Estate Law,

1 Part 1 of Division 4 of the California Business and Professions
2 Code ("Code").

3 3.

4 On October 4, 2005, a restricted real estate
5 salesperson license was issued by the Department to Respondent
6 on the terms, conditions and restrictions set forth in the Real
7 Estate Commissioner's Order of August 1, 2005, in Case No.
8 H-31743 LA.

9 4.

10 Included in said terms, conditions and restrictions
11 were the following:

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

23 The Commissioner may suspend the restricted
24 license issued to Respondent pending a hearing held in
25 accordance with Section 11500, et seq., of the
26 Government Code if such proof is not timely submitted
27 as provided for herein, or as provided for in a
subsequent agreement between the Respondent and the
Commissioner. The suspension shall remain in effect
until such proof is submitted or until Respondent
enters into an agreement satisfactory to the
Commissioner to provide such proof, or until a
decision providing otherwise is adopted following a
hearing held pursuant to this condition."

5.

Respondent has failed to submit proof of participation
in a recognized alcohol diversion program for the quarters

1 ending December 2005; March, June, September and December 2006;
2 March, June, September and December 2007; and March and June
3 2008.

4 6.

5 The facts set forth above are grounds for suspension
6 or revocation of Respondent's restricted real estate license and
7 all license rights under Code Section 10177(k).

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

16 Dated at Los Angeles, California

17 this 8 day of October, 2008.

18

19



Robin Trujillo
Deputy Real Estate Commissioner

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25 cc: SHANNON KRISTINE LEHMAN
26 Robin Trujillo
27 Sacto.