

FILED

AUG 10 2009

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
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DEPARTMENT OF REAL ESTATE
BY: Lauren B. Oron

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-35486 LA
)
TEALA LAVAUGHN DUHAIME,)
) STIPULATION AND
) AGREEMENT
)
Respondent.)

It is hereby stipulated by and between TEALA LAVAUGHN DUHAIME (sometimes referred to herein as "Respondent"), representing herself in this matter, and the Complainant, acting by and through Martha J. Rosett, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 1, 2008 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

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

7 3. On April 27, 2009, 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. In order to effectuate this settlement, Respondent
11 hereby freely and voluntarily withdraws said Notice of Defense.
12 Respondent acknowledges that she understands that by
13 withdrawing said Notice of Defense, she will thereby waive her
14 right to require the Commissioner to prove the allegations in
15 the Accusation at a contested hearing held in accordance with
16 the provisions of the APA and that she will waive other rights
17 afforded to her in connection with the hearing such as the
18 right to present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, although not admitting or denying the truth of the
22 allegations, will not contest the factual allegations contained
23 in the Accusation filed in this proceeding and the Real Estate
24 Commissioner shall not be required to provide further evidence
25 of such allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as

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

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

17 7. This Stipulation and Respondent's decision not to
18 contest the Accusation are made for the purpose of reaching an
19 agreed disposition of this proceeding, and are expressly
20 limited to this proceeding and any other proceeding or case in
21 which the Department of Real Estate ("Department"), or another
22 licensing agency of this state, is involved and otherwise shall
23 not be admissible in any other criminal or civil proceedings.

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1 Commissioner in the event of Respondent's conviction or plea of
2 nolo contendere to a crime which is substantially related to
3 Respondent's fitness or capacity as a real estate licensee.

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

10 3. Respondent shall not be eligible to apply for the
11 issuance of an unrestricted real estate license nor for the
12 removal of any of the conditions, limitations or restrictions of
13 a restricted license until two years have elapsed from the
14 effective date of this Decision.

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

20 a. That the employing broker has read the Decision of
21 the Commissioner which granted the right to a restricted license;
22 and

23 b. That the employing broker will exercise close
24 supervision over the performance by the restricted licensee
25 relating to activities for which a real estate license is
26 required.

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5. Six months after the issuance of the restricted license, and at six month intervals thereafter during the term of the restricted license, Respondent shall provide proof acceptable to the Real Estate Commissioner that, during the preceding six months, Respondents has, each and every week, attended one or more sessions of Alcoholics Anonymous, or that such attendance in any week was impractical due to travel for work, the illness of Respondent or a member of Respondent's family, incarceration, residential treatment for substance abuse, extreme personal hardship for Respondent or a member of Respondent's family, or family emergency. The Commissioner may suspend the restricted license issued to Respondent pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if such proof is not timely submitted 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.

DATED:

6/30/09

Martha West

MARTHA J. ROSETT
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, and its terms are understood by me, //

1 and are agreeable and acceptable to me. I understand that I am
2 waiving rights given to me by the California Administrative
3 Procedure Act (including but not limited to Sections 11506,
4 11508, 11509 and 11513 of the Government Code), and I
5 willingly, intelligently and voluntarily waive those rights,
6 including the right of requiring the Commissioner to prove the
7 allegations in the Accusation at a hearing at which I would
8 have the right to cross-examine witnesses against me and to
9 present evidence in defense and mitigation of the charges.

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

20
21 DATED: 3/11/2009 Teala Lavaughn Dufaimé
22 TEALA LAVAUGHN DUFATIME
23 Respondent
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* * *

1 and are agreeable and acceptable to me. I understand that I am
2 waiving rights given to me by the California Administrative
3 Procedure Act (including but not limited to Sections 11506,
4 11508, 11509 and 11513 of the Government Code), and I
5 willingly, intelligently and voluntarily waive those rights,
6 including the right of requiring the Commissioner to prove the
7 allegations in the Accusation at a hearing at which I would
8 have the right to cross-examine witnesses against me and to
9 present evidence in defense and mitigation of the charges.

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

20
21 DATED: _____

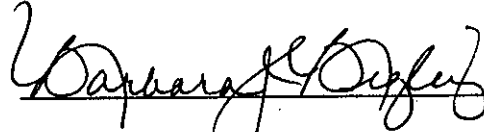
TEALA LAVAUGHN DUHAIME
Respondent

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24 * * *

1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision in this matter and shall become
3 effective at 12 o'clock noon on **August 31, 2009**

4 IT IS SO ORDERED 7-31-09.

5 JEFF DAVI
6 Real Estate Commissioner

7 

8 BY: Barbara J. Bigby
9 Chief Deputy Commissioner

FILED

AUG 10 2009

DEPARTMENT OF REAL ESTATE
BY: Johna B. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-35486 LA
TEALA LAVAUGHN DUHAIME,)	<u>ORDER VACATING</u>
)	<u>ORDER OF</u>
)	<u>SUSPENSION</u>
)	
Respondent.)	

An ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE pursuant to Section 10177(k) of the Business and Professions Code was filed on December 30, 2008, suspending Respondent TEALA LAVAUGHN DUHAIME's restricted salesperson license.

Good cause appearing there for, the ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE is hereby vacated.

IT IS SO ORDERED this 31 day of July, 2009.

JEFF DAVI
Real Estate Commissioner

[Signature]

BY: Barbara J. Bigby
Chief Deputy Commissioner

By James B. Dean

* * *

- 1 -

1 under authority of Section 10156.5 of said Code ("Code"). Among
2 those terms, conditions and restrictions, Respondent was required
3 to submit proof of ongoing participation in a recognized drug and
4 alcohol diversion program at semi-annual intervals during the
5 term of any restricted license.

6 On December 1, 2008, in Case No. H-35486 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 reports of participation in a recognized drug and alcohol
11 diversion program for the periods ending May and November 2006;
12 May and November 2007; and May 2008.

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

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1 IT IS FURTHER ORDERED that all license certificates
2 and identification cards issued by Department which are in the
3 possession of Respondent be immediately surrendered by personal
4 delivery or by mailing in the enclosed, self-addressed envelope

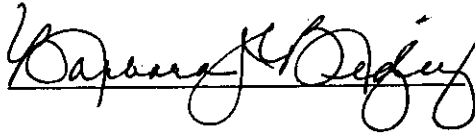
5 To:

6 Department of Real Estate
7 Attn: Flag Section
8 P. O. Box 187000
9 Sacramento, CA 95818-7000

10 This Order shall be effective immediately.

11 DATED: 12-19-08

12 JEFF DAVI
13 Real Estate Commissioner

14 

15 BY: Barbara J. Bigby
16 Chief Deputy Commissioner
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1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
DEC - 1 2008
DEPARTMENT OF REAL ESTATE

By Sandra B. Stone

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-35486 LA
12)
13 TEALA LAVAUGHN DUHAIME,) A C C U S A T I O N
14) Respondent.)

15 The Complainant, Robin Trujillo, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against TEALA LAVAUGHN DUHAIME ("Respondent"), is informed and
18 alleges in her official capacity as follows:

19 1.

20 Respondent is presently licensed by the Department of
21 Real Estate of the State of California ("Department") as a
22 restricted real estate salesperson under the Real Estate Law,
23 Part 1 of Division 4 of the California Business and Professions
24 Code ("Code").

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2.

On or about May 6, 2005, Respondent was issued a restricted real estate salesperson license by the Department on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order in Case No. H-30959 LA.

3.

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

"5. Six months after the issuance of the restricted license, and at six month intervals thereafter during the term of the restricted license, Respondent shall provide proof acceptable to the Real Estate Commissioner that, during the preceding six months, Respondent has, each and every week, attended one or more sessions of Alcoholics Anonymous, or that such attendance in any week was impractical due to travel for work, the illness of Respondent or a member of Respondent's family, incarceration, residential treatment for substance abuse, extreme personal hardship for Respondent or a member of Respondent's family, or family emergency. The Commissioner may suspend the restricted license issued to Respondent pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if such proof is not timely submitted 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."

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4.

Respondent has failed to submit proof of participation in a recognized drug and alcohol diversion program for the six month periods ending May and November 2006; May and November 2007; and May 2008.


5.

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

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent, TEALA LAVAUGHN DUHAIME, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 20 day of November, 2008.


Deputy Real Estate Commissioner

cc: TEALA LAVAUGHN DUHAIME
Robin Trujillo
Sacto.