

1 Department of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

FILED

JUL - 2 2010

DEPARTMENT OF REAL ESTATE

BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 JOSEPH MAURICE LEWIS,)
13)
14)
15 Respondent.)

NO. H-36342 LA

L-2009120292

STIPULATION AND AGREEMENT

16
17 It is hereby stipulated by and between JOSEPH MAURICE
18 LEWIS (sometimes referred to as "Respondent"), and the
19 Complainant, acting by and through Cheryl Keily, Counsel for the
20 Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on November 4,
22 2009, in this matter.

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

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 November 18, 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. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing,
17 such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation. In the interest of
22 expedience and economy, Respondent chooses not to contest these
23 allegations, but to remain silent and understand that, as a
24 result thereof, these factual allegations, without being
25 admitted or denied, will serve as a prima facie basis for the
26 disciplinary action stipulated to herein. The Real Estate
27

1 Commissioner shall not be required to provide further evidence
2 to prove said factual allegations.

3 5. This Stipulation is made for the purpose of
4 reaching an agreed disposition of this proceeding and is
5 expressly limited to this proceeding and any other proceeding or
6 case in which the Department of Real Estate ("Department"), the
7 state or federal government, or any agency of this state,
8 another state or federal government is involved, and otherwise
9 shall not be admissible in any other criminal or civil
10 proceedings.

11 6. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation and Agreement as
13 his decision in this matter, thereby imposing the penalty and
14 sanctions on Respondent's real estate licenses and license
15 rights as set forth in the below "Order". In the event that
16 the Commissioner in his discretion does not adopt the
17 Stipulation and Agreement, it shall be void and of no effect,
18 and Respondent shall retain the right to a hearing and
19 proceeding on the Accusation under all the provisions of the
20 APA and shall not be bound by any admission or waiver made
21 herein.

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation and
24 Agreement shall not constitute an estoppel, merger or bar to any
25 further administrative or civil proceedings by the Department of
26 Real Estate with respect to any matters which were not
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1 specifically alleged to be causes for accusation in this
2 proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions
5 and waivers and solely for the purpose of settlement of the
6 pending Accusation without a hearing, it is stipulated and
7 agreed that the following determination of issues shall be made:

8 The Conduct of Respondent is in violation of Business
9 and Professions Code ("Code") Section 10162 and Section 2715,
10 Title 10, Chapter 6, California Code of Regulations, and is
11 grounds for the suspension or revocation of all of the real
12 estate licenses and license rights of Respondent under the
13 provisions of Code Sections 10165, 10177 subdivisions (d) and
14 (g).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:


17 ALL licenses and licensing rights of Respondent JOSEPH
18 MAURICE LEWIS, under the Real Estate Law are suspended for a
19 period of thirty (30) days from the effective date of this
20 Decision; provided, however, that the entire period of said
21 suspension shall be stayed for one (1) year upon the following
22 terms and conditions:

23 1. Respondent shall obey all laws, rules and
24 regulations governing the rights, duties and responsibilities of
25 a real estate licensee in the State of California; and

26 2. That no final subsequent determination be made,
27 after hearing or upon stipulation, that cause for disciplinary

1 action occurred within one (1) year of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in his discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7
8 DATED: May 6, 2010


CHERYL D. KELLY, Counsel
DEPARTMENT OF REAL ESTATE

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10 * * *

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

22 Respondent can signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by faxing
24 a copy of its signature page, as actually signed by Respondent,
25 to the Department at the following telephone/fax number (213)
26 576-6917. Respondent agrees, acknowledges, and understands that
27 by electronically sending to the Department a fax copy of his

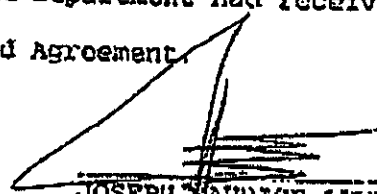
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FAX NO.

P. 07/07

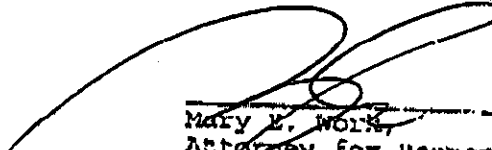
1 actual signature as it appears on the Stipulation and Agreement,
 2 that receipt of the faxed copy by the Department shall be as
 3 binding on Respondent as if the Department had received the
 4 original signed Stipulation and Agreement.

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 6 DATED: 5/5/10


 JOSEPH MAURICE LEWIS,
 Respondent

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 8
 9 *I have reviewed the Stipulation and Agreement as to form and content and have
 10 advised my client accordingly.*

11 DATED: 5/5/10


 Mary E. Work,
 Attorney for Respondent

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 17 * * *
 18 The foregoing Stipulation and Agreement is hereby
 19 adopted as my Decision in this matter and shall become effective
 20 at 12 o'clock noon on _____, 2010.

21 IT IS SO ORDERED _____, 2010.

22
 23
 24 JEFF DAVIS
 25 Real Estate Commissioner
 26
 27

1 actual signature as it appears on the Stipulation and Agreement,
2 that receipt of the faxed copy by the Department shall be as
3 binding on Respondent as if the Department had received the
4 original signed Stipulation and Agreement.

5
6 DATED: _____

JOSEPH MAURICE LEWIS,
Respondent

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8
9 *I have reviewed the Stipulation and Agreement as to form and content and have
10 advised my client accordingly.*

11 DATED: _____

Mary E. Work,
Attorney for Respondent

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16 * * *

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18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision in this matter and shall become effective
20 at 12 o'clock noon on JUL 22 2010, 2010.

21 IT IS SO ORDERED 6/25, 2010.

22
23 _____
24 JEFF DAVIS
25 Real Estate Commissioner
26
27

1 CHERYL D. KEILY SBN# 94008
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) 576-6905

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9 BEFORE THE DEPARTMENT OF REAL ESTATE

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12 In the Matter of the Accusation of) No. H-36342 LA
13 JOSEPH MAURICE LEWIS,) A C C U S A T I O N
14)
15)
16 Respondent.)
_____)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against JOSEPH MAURICE LEWIS (Respondent) is informed and
20 alleges as follows:
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22 1.

23 The Complainant, Maria Suarez, a Deputy Real Estate
24 Commissioner of the State of California, makes this Accusation
25 in her official capacity.

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2.

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code"), as a real estate broker.

3.

At all times material herein, Respondent was engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Code Section 10131.

4.

On or about September 30, 2008, Respondent advised the Department that his current business address and mailing address is 1732 Aviation Boulevard, #315, Redondo Beach, California 90277. The business located at this address is called "AIM Mail Centers," a post office box location.

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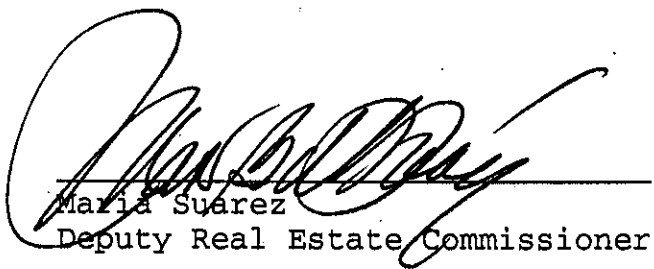
At a time known to Respondent, but unknown to the Department, Respondent left and/or abandoned his former business and mailing address, and is presently maintaining no definite place of business in the State of California which shall serve as his office for the transaction of business requiring a real estate license, in violation of Code section 10162 and Section 2715, Title 10, Chapter 6, California Code of Regulations.

///

The conduct, acts and/or omissions of Respondent, as set forth above, are cause for the suspension or revocation of the licenses and license rights of Respondent pursuant to Code Sections 10165, 10177(d), and/or 10177(g).

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 the licenses and license rights of Respondent JOSEPH MAURICE LEWIS, under the Real Estate Law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 3rd day of November, 2009.



Maria Suarez
Deputy Real Estate Commissioner

cc: Joseph Maurice Lewis
Maria Suarez
Sacto.