

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

SEP 17 2019

DEPT. OF REAL ESTATE

By *[Signature]*

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

10 * * *

11 In the Matter of the Accusation of
12 **LIDIA E. FRANSIS,**
13 **Respondent.**

} No. H-41021 LA
} OAH No. 2018110864

} **STIPULATION AND AGREEMENT**
} **IN SETTLEMENT AND ORDER**

15
16 It is hereby stipulated by and between Respondent LIDIA E. FRANSIS,
17 (sometimes referred to as "Respondent"), acting by and through her attorney Karen Larson, Esq.,
18 of Century Law Group LLP, and the Complainant, acting by and through Judith B. Vasan,
19 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
20 of the Second Amended Accusation ("Accusation") filed on April 12, 2019, in this matter:

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

26 2. Respondent has received, read and understands the Statement to Respondent,
27 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate

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1 ("Department") in this proceeding.

2 3. On May 17, 2018, Respondent filed a Notice of Defense pursuant to Section
3 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
4 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
5 Respondent acknowledges that she understands that by withdrawing said Notice of Defense
6 Respondent thereby waives her right to require the Commissioner to prove the allegations in the
7 Accusation at a contested hearing held in accordance with the provisions of the APA and that
8 Respondent will waive other rights afforded to her in connection with the hearing such as the
9 right to present evidence in her defense, and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the Accusation
11 filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to
12 contest these factual allegations, but to remain silent and understands that, as a result thereof,
13 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
14 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
15 such allegations.

16 5. It is understood by the parties that the Real Estate Commissioner may adopt
17 this Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
18 Respondent's real estate license and license rights as set forth in the below "Order". In the event
19 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
20 void and of no effect and Respondent shall retain the right to a hearing and proceed on the
21 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
22 made herein.

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

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1 DETERMINATION OF ISSUES

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

5 The conduct, acts or omissions of Respondent LIDIA E. FRANSIS, as set forth in
6 the Accusation, are in violation of Sections 10145, 10148, and 10159.5 of the Real Estate Law,
7 Part 1 of Division 4, of the California Business and Professions Code ("Code"), and Sections
8 2831, 2831.1, 2831.2, 2832, 2832.1, 2950(d), 2950(g), 2950(e), and 2951 of Title 10, Chapter 6,
9 of the California Code of Regulations, and are a basis for discipline of Respondent's licenses and
10 license rights pursuant to the Code sections 10176(i), 10177(d), 10177(j), and/or 10177(g).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I.

14 All licenses and licensing rights of Respondent LIDIA E. FRANSIS under the
15 Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall
16 be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if
17 Respondent makes application therefor and pays to the Department of Real Estate the
18 appropriate fee for the restricted license within ninety (90) days from the effective date of this
19 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
20 Section 10156.7 of the Business and Professions Code and to the following limitations,
21 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

22 1. The restricted license issued to Respondent may be suspended prior to hearing
23 by Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere
24 to a crime which is substantially related to Respondent's fitness or capacity as a real estate
25 licensee.

26 2. The restricted license issued to Respondent may be suspended prior to hearing
27 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that

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1 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
2 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
3 license.

4 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
5 real estate license nor for removal of any of the conditions, limitations or restrictions of a
6 restricted license until two (2) years have elapsed from the effective date of this Decision and
7 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
8 attaching to the license have been removed

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

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

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

18 II.

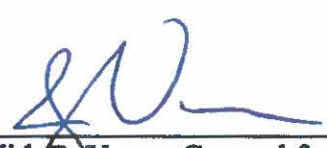
19 Pursuant to Code section 10148, Respondent shall pay the sum of \$13,379.15
20 for the Commissioner's costs of the audit which led to this disciplinary action. Respondent shall
21 pay such costs within sixty (60) days of receiving an invoice therefore from the Commissioner.
22 Payment of audit costs should not be made until Respondent receives the invoice. If Respondent
23 fails to satisfy this condition in a timely manner as provided for herein, Respondent's real estate
24 license shall automatically be suspended until payment is made in full, or until a decision
25 providing otherwise is adopted following a hearing held pursuant to this condition.

26 III.

27 All licenses and licensing rights of Respondent are indefinitely suspended unless

1 or until Respondent pays the sum of \$10,708.65 for the Commissioner's reasonable costs of the
2 investigation and enforcement, which led to this disciplinary action. Said payment shall be in
3 the form of a cashier's check made payable to the Department of Real Estate. The investigative
4 and enforcement costs must be delivered to the Department of Real Estate, Flag Section, at P.O.
5 Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and
6 Order.

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8 DATED: 8-16-2009


Judith B. Vasan, Counsel for
Department of Real Estate

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10 * * *

11 **EXECUTION OF THE STIPULATION**

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

20 Respondent shall mail the original signed signature page of the stipulation herein
21 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
22 Suite 350, Los Angeles, California 90013-1105.

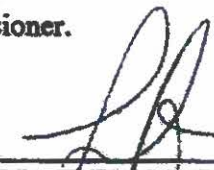
23 In the event of time constraints before an administrative hearing, Respondent can
24 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
25 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
26 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands
27 that by electronically sending the Department a scan of Respondent's actual signature as it

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1 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
2 binding on Respondent as if the Department had received the original signed Stipulation and
3 Agreement.

4 Respondent's signature below constitutes acceptance and approval of the terms
5 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
6 signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and
7 that this agreement is not subject to rescission or amendment at a later date except by a separate
8 Decision and Order of the Real Estate Commissioner.

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10 DATED: 8/15/19


LIDIA E. FRANSIS
Respondent

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12
13 DATED: August 15, 2019


Karen Larson, Esq.
Counsel for Respondent
Approved as to Form

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16 ***

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18 Respondent LIDIA E. FRANSIS and shall become effective at 12 o'clock noon on
19 OCT 07 2019.

20 IT IS SO ORDERED September 11, 2019.

21
22 DANIEL J. SANDRI
23 ACTING REAL ESTATE COMMISSIONER

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