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FILED

DEC 11 2007

DEPARTMENT OF REAL ESTATE

By Jean Alvarez

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-3394 SAC
LYNNIE ALICE NEWMAN,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 28, 1998, a Decision was rendered herein revoking the real estate salesperson license of Respondent effective February 4, 1999, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on May 6, 1999, and Respondent has operated as a restricted licensee since that time.

On May 29, 2007, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent if Respondent
11 satisfies the following conditions within nine (9) months from
12 the date of this Order:

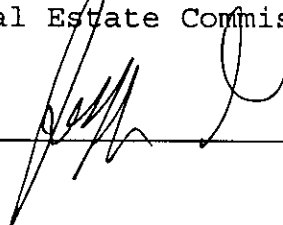
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: _____

22 JEFF DAVIS
23 Real Estate Commissioner

24 
25 _____
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FILED
MAY 20 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
WILLIAM LEWIS GREER,)	NO. H-3394 SAC
)	
)	
)	
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)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 26, 1999, an Order was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 10, 1999.

On February 11, 2002, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that Respondent meets the requirements of law for
2 the issuance to Respondent of an unrestricted real estate broker
3 license and that it would not be against the public interest to
4 issue said license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's
6 petition for reinstatement is granted and that a real estate
7 broker license be issued to Respondent if Respondent satisfies
8 the following conditions within nine months from the date of
9 this Order:

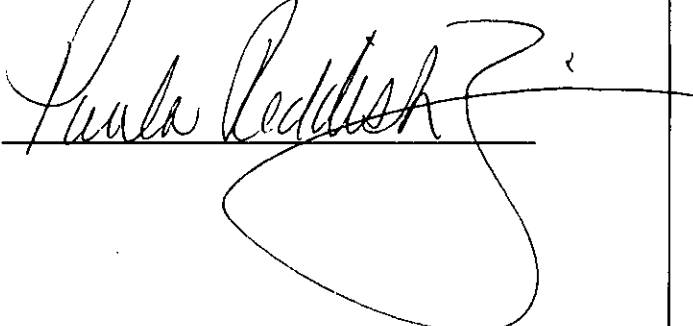
10 1. Submittal of a completed application and payment
11 of the fee for a real estate broker license.

12 2. Submittal of evidence of having, since the most
13 recent issuance of an original or renewal real estate license,
14 taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
16 for renewal of a real estate license. This requirement shall not
17 apply if Respondent renewed his restricted real estate broker
18 license.

19 This Order shall be effective immediately.

20 DATED: April 29, 2003.

21 PAULA REDDISH ZINNEMANN
22 Real Estate Commissioner

23 
24
25
26
27

1 Department of Real Estate
P. O. Box 187000
2 Sacramento, CA 95818-7000
3 Telephone: (916) 227-0789

FILED
FEB 17 1999

DEPARTMENT OF REAL ESTATE

Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-3394 SAC
)	
12 LYNNIE ALICE NEWMAN, and)	OAH NO. N-1998100070
13 WILLIAM LEWIS GREER,)	
)	<u>STIPULATION AND AGREEMENT</u>
14 Respondents.)	

15 It is hereby stipulated by and between WILLIAM LEWIS
16 GREER (hereinafter "Respondent GREER"), his attorney of record
17 Richard P. Bernstein and the Complainant, acting by and through
18 David A. Peters, Counsel for the Department of Real Estate, as
19 follows for purpose of settling and disposing of the Accusation
20 filed September 21, 1998 in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 GREER at a formal hearing on the Accusation, which hearing was to
24 be held in accordance with the provisions of the Administrative
25 Procedure Act (APA) (Government Code Section 11500 et seq.), shall
26 instead and in place thereof be submitted solely on the basis of
27 the provisions of this Stipulation and Agreement.

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

5 3. On September 25, 1998, Respondent GREER filed a
6 Notice of Defense pursuant to Section 11505 of the Government Code
7 for the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent GREER hereby freely and voluntarily
9 withdraws said Notice of Defense. Respondent GREER acknowledges
10 that he understands that by withdrawing said Notice of Defense he
11 will thereby waive his right to require the Commissioner to prove
12 the allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he waives other
14 rights afforded to him in connection with the hearing such as the
15 right to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation. In the interest of
19 expedience and economy, Respondent GREER chooses not to contest
20 these allegations, but to remain silent and understands that, as a
21 result thereof, these factual allegations, without being admitted
22 or denied, will serve as a prima facie basis for the disciplinary
23 action stipulated to herein. The Real Estate Commissioner shall
24 not be required to provide further evidence to prove said factual
25 allegations.

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

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

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

16 DETERMINATION OF ISSUES

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

21 I

22 The acts and omissions of Respondent GREER, as alleged
23 in the Accusation, constitute cause for the suspension or
24 revocation of the real estate license and license rights of
25 Respondent GREER under the provisions of Sections 10137 and
26 10177(h) of the Business and Professions Code and Section 10177(d)
27 of the Business and Professions Code and Section 10177(d) of the

1 Business and Professions Code in conjunction with Sections 2725,
2 2831, and 2731 of Title 10, California Code of Regulations and
3 Section 10161.8 of the Business and Professions Code.

4 ORDER

5 I

6 A. The real estate broker license and all license
7 rights of Respondent GREER under the Real Estate Law are revoked.

8 B. A restricted real estate broker license shall be
9 issued to Respondent GREER pursuant to Business and Professions
10 Code Section 10156.5, if Respondent GREER makes application
11 therefor and pays to the Department of Real Estate the appropriate
12 fee for the restricted license within ninety (90) days from the
13 effective date of this ORDER.

14 C. The restricted license issued to Respondent GREER
15 shall be subject to all of the provisions of Section 10156.7 of
16 the Business and Professions Code and to the following
17 limitations, conditions and restrictions imposed under authority
18 of Section 10156.6 of said Code:

19 (1) The license shall not confer any property right in
20 the privileges to be exercised, and the Real Estate
21 Commissioner may by appropriate order suspend the
22 right to exercise any privileges granted under the
23 restricted license in the event of:

24 (a) The conviction of Respondent (including a plea
25 of nolo contendere) to a crime which bears a
26 significant relation to Respondent's fitness
27 or capacity as a real estate licensee; or,

1 (b) The receipt of evidence that Respondent has
2 violated provisions of the California Real
3 Estate Law, Subdivided Lands Law, Regulations
4 of the Real Estate Commissioner or conditions
5 attaching to the restricted license.

6 (2) Respondent GREER shall not be eligible to apply for
7 issuance of an unrestricted real estate license nor
8 the removal of any of the conditions, limitations
9 or restrictions attaching to the restricted license
10 until one (1) year has elapsed from the date of
11 issuance of a restricted license to Respondent.

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

24 E. Respondent shall, within six (6) months from the
25 effective date of this Decision, take and pass the Professional
26 Responsibility Examination administered by the Department
27 including the payment of the appropriate examination fee. If

1 Respondent fails to satisfy this condition, the Commissioner may
2 order the suspension of Respondent's license until Respondent
3 passes the examination.

4 F. Any restricted real estate broker license issued to
5 Respondent GREER may be suspended or revoked for a violation by
6 Respondent of any of the conditions attaching to the restricted
7 license.

8
9 1/15/99
10 DATED

David A. Peters
11 DAVID A. PETERS, Counsel
12 DEPARTMENT OF REAL ESTATE

13 * * *

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

25 1-14-99
26 DATED

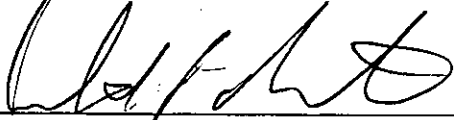
William Lewis Greer
27 WILLIAM LEWIS GREER
Respondent

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

1/14/99
DATED

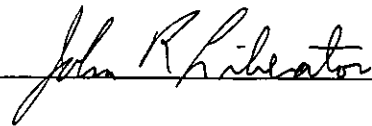

RICHARD P. BERNSTEIN
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as his Decision
and Order and shall become effective at 12 o'clock noon on
March 10, 1999.

IT IS SO ORDERED January 26, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
JAN 15 1999

DEPARTMENT OF REAL ESTATE

By *Laurie L. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-3394 SAC
12)
13 LYNNIE ALICE NEWMAN, and) OAH NO. N-1998100070
14 WILLIAM LEWIS GREER,)
Respondents.) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between LYNNIE ALICE
16 NEWMAN (hereinafter "Respondent NEWMAN"), her attorney of record
17 Raymond P. Burton, Jr. and the Complainant, acting by and through
18 David A. Peters, Counsel for the Department of Real Estate, as
19 follows for purpose of settling and disposing of the Accusation
20 filed September 21, 1998 in this matter:

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

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

5 3. On October 16, 1998, Respondent NEWMAN filed a
6 Notice of Defense pursuant to Section 11505 of the Government Code
7 for the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent NEWMAN hereby freely and voluntarily
9 withdraws said Notice of Defense. Respondent NEWMAN acknowledges
10 that she understands that by withdrawing said Notice of Defense
11 she will thereby waive her right to require the Commissioner to
12 prove the allegations in the Accusation at a contested hearing
13 held in accordance with the provisions of the APA and that she
14 waives other rights afforded to her in connection with the hearing
15 such as the right to present evidence in defense of the
16 allegations in the Accusation and the right to cross-examine
17 witnesses.

18 4. This Stipulation is based on the factual
19 allegations contained in the Accusation. In the interest of
20 expedience and economy, Respondent NEWMAN chooses not to contest
21 these allegations, but to remain silent and understands that, as a
22 result thereof, these factual allegations, without being admitted
23 or denied, will serve as a prima facie basis for the disciplinary
24 action stipulated to herein. The Real Estate Commissioner shall
25 not be required to provide further evidence to prove said factual
26 allegations.

27 ///

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

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

18 DETERMINATION OF ISSUES

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

23 I

24 The acts and omissions of Respondent NEWMAN, as
25 described in Paragraphs III, IV, V and VI of the Accusation, are
26 grounds for the suspension or revocation of all the real licenses
27 and license rights of Respondent NEWMAN under the provisions of

1 Section 10130 of the Business and Professions Code in conjunction
2 with Section 10177(d) of the Business and Professions Code.

3 ORDER

4 I

5 A. The real estate salesperson license and all
6 license rights of Respondent NEWMAN under the Real Estate Law are
7 revoked.

8 B. A restricted real estate salesperson license shall
9 be issued to Respondent NEWMAN pursuant to Business and
10 Professions Code Section 10156.5, if Respondent NEWMAN makes
11 application therefor and pays to the Department of Real Estate the
12 appropriate fee for the restricted license within ninety (90) days
13 from the effective date of this ORDER.

14 C. The restricted license issued to Respondent NEWMAN
15 shall be subject to all of the provisions of Section 10156.7 of
16 the Business and Professions Code and to the following
17 limitations, conditions and restrictions imposed under authority
18 of Section 10156.6 of said Code:

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

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

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

6 (3) Respondent shall not be eligible to apply for the
7 issuance of an unrestricted real estate license
8 nor for removal of any of the conditions,
9 limitations or restrictions of a restricted
10 license until one (1) year has elapsed from the
11 effective date of this Decision.

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

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

21 (b) The employing broker will exercise close
22 supervision over the performance by the
23 restricted licensee relating to activities
24 for which a real estate license is required.

25 D. Respondent NEWMAN shall, within nine (9) months
26 from the effective date of this Decision, present evidence
27 satisfactory to the Real Estate Commissioner that Respondent

1 NEWMAN has, since the most recent issuance of an original or
2 renewal real estate license, taken and successfully completed the
3 continuing education requirements of Article 2.5 of Chapter 3 of
4 the Real Estate Law for renewal of a real estate license. If
5 Respondent NEWMAN fails to satisfy this condition, the
6 Commissioner may order the suspension of the restricted license
7 until the Respondent presents such evidence. The Commissioner
8 shall afford Respondent NEWMAN the opportunity for a hearing
9 pursuant to the Administrative Procedure Act to present such
10 evidence.

11 E. Respondent NEWMAN shall, within six (6) months
12 from the effective date of this ORDER, take and pass the
13 Professional Responsibility Examination administered by the
14 Department including the payment of the appropriate examination
15 fee. If Respondent NEWMAN fails to satisfy this condition, the
16 Commissioner may order suspension of Respondent NEWMAN's license
17 until Respondent NEWMAN passes the examination.

18 F. Any restricted real estate salesperson license
19 issued to Respondent NEWMAN may be suspended or revoked for a
20 violation by Respondent NEWMAN of any of the conditions attaching
21 to the restricted license.

22
23 12/7/98
24 DATED

23 David A. Peters
24 DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

25 * * *

26 I have read the Stipulation and Agreement, have
27 discussed it with my counsel, 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 willingly,
5 intelligently, and voluntarily waive those rights, including the
6 right of requiring the Commissioner to prove the allegations in
7 the Accusation at a hearing at which I would have the right to
8 cross-examine witnesses against me and to present evidence in
9 defense and mitigation of the charges.

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12/14/98

DATED

Lynn A. Newman

LYNNIE ALICE NEWMAN
Respondent

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

12/14/98

DATED

Raymond P. Burton, Jr.

RAYMOND P. BURTON, JR.
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as his Decision
and Order and shall become effective at 12 o'clock noon on
February 4, 1999.

IT IS SO ORDERED

December 28, 1998

JIM ANTT, JR.
Real Estate Commissioner

Betty R. Ludeman

BY: Betty R. Ludeman
Assistant Commissioner

H-3394 SAC

- 7 -

STIPULATION OF
LYNNIE ALICE NEWMAN

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Laurie A. Zain

In the Matter of the Accusation of

LYNNIE ALICE NEWMAN, and
WILLIAM LEWIS GREER,

Case No. H-3394 SAC

OAH No. N-1998100070

Respondent

FIRST AMENDED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, 560 J Street, Suite 340/360,
Sacramento, CA 95814

on December 22nd & 23rd, 1998, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: November 5, 1998

By David A. Peters
DAVID A. PETERS Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By Laurie A. Zin

In the Matter of the Accusation of

LYNNIE ALICE NEWMAN, and
WILLIAM LEWIS GREER,

}

Case No. H-3394 SAC

OAH No. N-1998100070

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
Office of Administrative Hearings, 560 J Street, Suite 340/360,
Sacramento, CA 95814

on November 19 & 20, 1998, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: October 22, 1998

By Larry Alamao
LARRY A. ALAMAO Counsel
for DAVID A. PETERS, Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)
7

FILED
SEP 21 1998
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H- 3394 SAC
12 LYNNIE ALICE NEWMAN, and) ACCUSATION
13 WILLIAM LEWIS GREER,)
14 Respondents.)

15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against LYNNIE ALICE NEWMAN (hereinafter "Respondent NEWMAN"), and
18 WILLIAM LEWIS GREER (hereinafter "Respondent GREER"), is informed
19 and alleges as follows:

20 FIRST CAUSE OF ACCUSATION

21 I

22 The Complainant, Charles W. Koenig, a Deputy Real Estate
23 Commissioner of the State of California, makes this accusation in
24 his official capacity.

25 II

26 Respondents NEWMAN and GREER, are licensed and/or have
27 license rights under the Real Estate Law (Part 1 of Division 4 of

1 the Business and Professions Code) (hereinafter "the Code") as
2 follows:

3 LYNNIE ALICE NEWMAN - as a real estate salesperson.

4 WILLIAM LEWIS GREER - as a real estate broker.

5 III

6 Beginning on or after February 2, 1997 and continuing
7 through on or before September 22, 1997, Respondent NEWMAN's real
8 estate salesperson license was expired.

9 IV

10 Beginning on or after February 2, 1997 and continuing
11 through on or before September 22, 1997, at a time when Respondent
12 NEWMAN's real estate salesperson license was expired as described
13 in Paragraph III above, Respondent NEWMAN while in the employ of
14 Respondent GREER, engaged in the business of, acted in the
15 capacity of, advertised, or assumed to act as a real estate
16 broker, selling or offering to sell, buying or offering to buy,
17 soliciting or obtaining listings of, or negotiating the purchase,
18 sale or exchange of real property for or in expectation of a
19 compensation within the meaning of Sections 10131(a) and 10132 of
20 the Code.

21 V

22 Beginning on or after February 2, 1997 and continuing
23 through on or before September 22, 1997, at a time when Respondent
24 NEWMAN's real estate salesperson license was expired as described
25 in Paragraph III above, Respondent NEWMAN while in the employ of
26 Respondent GREER, engaged in the business of, acted in the
27 capacity of, advertised or assumed to act as a real estate broker,

1 within the meaning of Section 10131(b) of the Code wherein
2 Respondent NEWMAN for or in expectation of a compensation, leased
3 or rented or offered to lease or rent, or placed for rent, or
4 solicited listings of places for rent, or solicited prospective
5 tenants, or negotiated the sale, purchase or exchange of leases on
6 real property, or collected rents for real property.

7 VI

8 The real estate activities conducted by Respondent
9 NEWMAN as described in Paragraph IV and V above, include, but are
10 not limited to, the following transactions:

11	<u>DATE</u>	<u>LESSOR OR BUYER</u>	<u>PROPERTY</u>
12	05/02/97	Milton & Gwen Otis	7157 Snowy Birch Way
13			Sacramento, California
14	06/08/97	Kevin & Carolyn Eaddy	8213 Summer Falls
15			Sacramento, California
16	06/10/97	Diane Slutsky & Robert	8221 Summer Sunset Drive
17		Simpson	Sacramento, California
18	07/11/97	Robert L. McDonald &	Summer Sunset Drive
19		Georgia F. Jenó	Sacramento, California
20	07/26/97	Kelvin Lawson &	7194 Snowy Birch Way
21		LaTonya Brown	Sacramento, California
22	08/02/97	Danilo & Victoria	8189 Summer Sunset Dr.
23		Beringuel	Sacramento, California
24	08/21/97	Dennis W. & Beverly C.	11613 Myrna Drive
25		Giovinetti	Grass Valley, California
26	///		
27	///		

1 VII

2 Beginning on or after February 2, 1997 and continuing
3 through on or before September 22, 1997, in connection with the
4 real estate activities described in Paragraphs IV and V above,
5 Respondent GREER employed and compensated, directly or indirectly
6 Respondent NEWMAN to perform acts requiring a real estate license
7 at a time when Respondent NEWMAN's real estate salesperson license
8 was expired.

9 VIII

10 At various times beginning on or after February 2, 1997
11 and continuing through on or before September 22, 1997, Respondent
12 GREER failed to exercise reasonable supervision and control over
13 the licensed activities of Respondent NEWMAN a real estate
14 salesperson in his employ, in that Respondent GREER permitted
15 Respondent NEWMAN, a real estate salesperson with an expired real
16 estate license, to conduct the real estate activities described in
17 Paragraphs IV and V above. Respondent GREER failed to exercise
18 reasonable supervision over the activities of Respondent NEWMAN by
19 failing to establish adequate policies, rules, procedures and
20 systems to review, oversee, inspect and manage said activities.

21 IX

22 The acts and/or omissions of Respondents NEWMAN and
23 GREER described above are grounds for the suspension or revocation
24 of the licenses and/or license rights of Respondents NEWMAN and
25 GREER under the following sections of the Code and of Title 10,
26 California Code of Regulations (hereinafter "Regulations"):

27 ///

1 (1) As to Paragraph IV, V, and VI, under Section 10130
2 of the Code in conjunction with Section 10177(d) of the Code as to
3 Respondent NEWMAN;

4 (2) As to Paragraph VII, under Section 10137 of the
5 Code as to Respondent GREER; and

6 (3) As to Paragraph VIII, under Section 10177(h) of the
7 Code and Section 2725 of Title 10, California Code of Regulations
8 (hereinafter "Regulations") in conjunction with Section 10177(d)
9 of the Code as to Respondent GREER. In the alternative, the acts
10 and/or omissions of Respondent GREER described in Paragraph VIII
11 are grounds for the suspension or revocation of Respondent GREER's
12 license and/or license rights under Section 10177(g) of the Code.

13 SECOND CAUSE OF ACCUSATION

14 X

15 There is hereby incorporated in this second, separate
16 and distinct Cause of Accusation, all of the allegations contained
17 in Paragraphs I, II, III, IV and V of the First Cause of
18 Accusation with the same force and effect as if herein fully set
19 forth.

20 XI

21 In connection with the real estate activities described
22 in Paragraphs IV and V above, Respondent GREER failed to record
23 the dates that trust funds not deposited were forwarded as
24 required by Section 2831 of the Regulations.

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XII

Within the three-year period immediately preceding the filing of this Accusation, Respondent GREER operated his real estate business in Sacramento, California, under the fictitious business name of "William Greer and Associates" without obtaining a license bearing said fictitious business name as required by Section 2731 of the Regulations.

XIII

Within the three-year period immediately preceding the filing of this Accusation, Respondent GREER failed to immediately notify the Commissioner of the termination of salesperson's Theresa Rene Bishop and Donna Terry Cheney as required by Section 10161.8 of the Code.

XIV

The acts and/or omissions of Respondent GREER described in this Second Cause of Accusation are grounds for the suspension or revocation of the licenses and/or license rights of Respondent GREER under the following sections of the Code and Regulations:

(1) As to Paragraph XI, under Section 10177(d) of the Code in conjunction with Section 2831 of the Regulations;

(2) As to Paragraph XII, under Section 10177(d) of the Code in conjunction with Section 2731 of the Regulations; and

(3) As to Paragraph XIII, under Section 10177(d) of the Code in conjunction with Section 10161.8 of the Code.

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PRIOR DISCIPLINARY ACTION

On October 9, 1985, effective October 15, 1985, in Case No. H-2018 SAC, the Real Estate Commissioner suspended the real estate broker license of WILLIAM LEWIS GREER for violations of Sections 10176(a), 10176(b), 10176(i), 10177(g), 10177(h) and 10177.2(b) of the Code.

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 license rights of Respondents NEWMAN and GREER, 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 provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 18th day of September, 1998.