

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

FILED
APR 7 2005
DEPARTMENT OF REAL ESTATE
By *Jana B. Stone*

7 DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9
10 *In the Matter of the Application of*
11 LOUISE M. FLANIGAN,

)
) No. H- 31537 LA
) L-2005010042
)
) **STIPULATION AND**
) **WAIVER**
)

12
13 Respondent)
14)

15 It is hereby stipulated by and between LOUISE M. FLANIGAN (hereinafter "Respondent") and
16 Respondent's attorney, Steven Spierer, and the Complainant, acting by and through Chris Leong, Counsel
17 for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of
18 Issues filed on January 19, 2005, in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code. Respondent understands that any such restricted license will be issued subject to and be
8 limited by Section 10153.4 of the Business and Professions Code.

9 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
10 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
11 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver
12 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
13 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
14 Waiver is not accepted by the Commissioner.

15 Respondent further understands that the following conditions, limitations, and restrictions will attach
16 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 17 1. The license shall not confer any property right in the privileges to be exercised including the
18 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
19 to exercise any privileges granted under this restricted license in the event of:
- 20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
21 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
- 22 b. The receipt of evidence that Respondent has violated provisions of the California Real
23 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
24 conditions attaching to this restricted license.
- 25 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
26 nor the removal of any of the conditions, limitations or restrictions attaching to the restricted
27

1 license until two years have elapsed from the date of issuance of the restricted license to
2 Respondent.

3 3. With the application for license, or with the application for transfer to a new employing broker,
4 Respondent shall submit a statement signed by the prospective employing broker on a form
5 approved by the Department of Real Estate wherein the employing broker shall certify as
6 follows:

7 a. That broker has read the Statement of Issues which is the basis for the issuance of the
8 restricted license; and

9 b. That broker will carefully review all transaction documents prepared by the restricted
10 licensee and otherwise exercise close supervision over the licensee's performance of acts
11 for which a license is required.

12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of
13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to
15 the Commissioner of successful completion, at an accredited institution, of
16 a course in real estate practices and one of the courses listed in Section 10153.2, other than real
17 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced
18 real estate appraisal. If Respondent fails to timely present to the Department satisfactory
19 evidence of successful completion of the two required courses, the restricted license shall be
20 automatically suspended effective eighteen (18) months after the date of its issuance. Said
21 suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent
22 has submitted the required evidence of course completion and the Commissioner has given
23 written notice to Respondent of the lifting of the suspension.

24 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified
25 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,
26 and shall not be entitled to the issuance of another license which is subject to Section 10153.4
27 until four years after the date of the issuance of the preceding restricted license.

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5/16/05

CHRIS LEONG

Dated

CHRIS LEONG, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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

MAR 10 2005
Dated

Louise M. Flanigan
LOUISE M. FLANIGAN, Respondent

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

MAR 11 2005

Dated

Steven F. Spierer
STEVEN SPIERER, Attorney for Respondent

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 3-24-05



Jeff Davi
Real Estate Commissioner

Sacto
Palms

FILED
FEB - 3 2005

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Jana B. Olene

In the Matter of the Application of

LOUISE M. FLANIGAN,

}

Case No. H-31537 LA

OAH No. L-2005010042

Respondent

NOTICE OF HEARING ON APPLICATION

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, 320 West Fourth Street, Suite 630, Los Angeles, California 90013 on MARCH 16, 2005, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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: February 3, 2005

By CHRIS LEONG
CHRIS LEONG, Counsel

cc: Louise M. Flanigan
Steven Spierer, Esq.
Palos Verdes Realty, Inc./Sacto/OAH

S. L. Leong

FILED
JAN 19 2005
DEPARTMENT OF REAL ESTATE

by June B. Chan

1 CHRIS LEONG, Counsel (SBN 141079)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, California 90013-1105
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11 Telephone: (213) 576-6982
12 -or- (213) 576-6910 (Direct)
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14

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 LOUISE M. FLANIGAN,) No. H-31537 LA
13) FIRST AMENDED
14) STATEMENT OF ISSUES
Respondent.)

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against LOUISE M. FLANIGAN ("Respondent") alleges as follows:

18 I

19 Respondent made application to the Department of Real
20 Estate of the State of California for a real estate salesperson
21 license on or about October 27, 2003, with the knowledge and
22 understanding that any license issued as a result of said
23 application would be subject to the conditions of Section 10153.4
24 of the Business and Professions Code.

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II

Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Statement of Issues in her official capacity.

CRIMINAL CONVICTIONS

III

On or about February 22, 2002, in the Superior Court, County of Orange, State of California, Case No. 02HM01050, Respondent was convicted of one count of violating Section 23152(a) of the California Vehicle Code (VC) (Driving a Vehicle Under the Influence of Drugs or Alcohol), a misdemeanor and a crime which is substantially related to the qualifications, functions and duties of a real estate licensee.

IV

On or about March 26, 1984, in the Superior Court, County of San Luis Obispo, State of California, Case No. M70679, Respondent was convicted of violating one count of Section 484(a) of the California Penal Code (PC) (Petty Theft), a misdemeanor and a crime involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee.

V

Respondent's convictions, as set forth in Paragraphs III and IV, above, are each cause to deny Respondent's real estate license application pursuant to Code Sections 480(a) and 10177(b).

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FAILURE TO REVEAL CONVICTION

VI

In response to Question, 25 of her license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTION EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE". Respondent answered "Yes", but failed to reveal the conviction described, above, in Paragraph IV.

FAILURE TO REVEAL OTHER NAMES USED

VII

In response to Question 18 of her license application, to wit: "HAVE YOU USED ANY OTHER NAMES (i.e., MAIDEN NAME, AKA'S, ETC.)?". Respondent answered "No", and failed to reveal the use of an AKA (i.e., Louisa Ann Wetherell).

VIII

Respondent's failure to reveal the conviction and the use of an AKA set forth herein in Paragraphs IV and VII, above, in her license application, constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact, or knowingly making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under Business and Professions Code Sections 475(a)(1), 480(c), and/or 10177(a).

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1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code
3 of the State of California and Sections 11500 through 11528 of
4 the Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the
7 charges contained herein, that the Commissioner refuse to
8 authorize the issuance of, and deny the issuance of, a real
9 estate salesperson license to Respondent, LOUISE M. FLANIGAN,
10 and for such other and further relief as may be proper in the
11 premises.

12 Dated at Los Angeles, California
13 this 13th day of January, 2005.

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15 
16 Deputy Real Estate Commissioner
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25 cc: Louise M. Flanigan
26 Palos Verdes Realty, Inc.
27 Maria Suarez
Sacto.
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///

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2 the Government Code.

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5 charges contained herein, that the Commissioner refuse to
6 authorize the issuance of, and deny the issuance of, a real
7 estate salesperson license to Respondent, LOUISE M. FLANIGAN,
8 and for such other and further relief as may be proper in the
9 premises.

10 Dated at Los Angeles, California

11 this 30th day of November 2004.

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14 Deputy Real Estate Commissioner
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25 cc: Louise M. Flanigan
26 Palos Verdes Realty, Inc.
27 Maria Suarez
Sacto.
LF