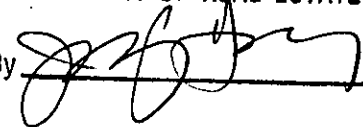


ORIGINAL

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000

4 Telephone: (916) 227-0789

FILED  
SEP 11 2003  
DEPARTMENT OF REAL ESTATE  
By 

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 ) NO. H-2807 SD  
14 )  
14 ERIC L. WAITE, JR. and ) STIPULATION AND AGREEMENT  
15 LANCASTER PROPERTIES, INC., )  
15 ) IN SETTLEMENT AND ORDER  
16 Respondents. )

17 It is hereby stipulated by and between ERIC L. WAITE,  
18 JR. and LANCASTER PROPERTIES, INC. (Respondents) and their  
19 attorney of record, John V. Stanley, and the Complainant, acting  
20 by and through David B. Seals, Counsel for the Department of Real  
21 Estate, as follows for the purpose of settling and disposing of  
22 the Accusation filed on January 31, 2003, in this matter:

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondents  
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 in Settlement.

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

7           3. A Notice of Defense was filed on February 10, 2003  
8 by Respondents, pursuant to Section 11505 of the Government Code  
9 for the purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondents hereby freely and voluntarily withdraw  
11 said Notice of Defense. Respondents acknowledge that they  
12 understand that by withdrawing said Notice of Defense they will  
13 thereby waive their right to require the Commissioner to prove  
14 the allegations in the Accusation at a contested hearing held in  
15 accordance with the provisions of the APA and that they will  
16 waive other rights afforded to them in connection with the  
17 hearing 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 allegations  
21 contained in the Accusation. In the interests of expedience and  
22 economy, Respondents choose not to contest these allegations, but  
23 to remain silent and understand that, as a result thereof, these  
24 factual allegations, without being admitted or denied, will serve  
25 as a prima facie basis for the disciplinary action stipulated to  
26 herein. The Real Estate Commissioner shall not be required to  
27 provide further evidence to prove said factual allegations.





1 the suspension for a total monetary penalty of \$7,500 for each  
2 Respondent:

- 3           A. Said payment shall be in the form of a cashier's  
4 check or certified check made payable to the  
5 Recovery Account of the Real Estate Fund. Said  
6 check must be delivered to the Department prior to  
7 the effective date of the Order in this matter.
- 8           B. No further cause for disciplinary action against  
9 the Real Estate licenses of said Respondent occurs  
10 within one (1) year from the effective date of the  
11 decision in this matter.
- 12           C. If any Respondent fails to pay the monetary penalty  
13 as provided above prior to the effective date of  
14 this Order, the stay of the suspension shall be  
15 vacated as to that Respondent and the order of  
16 suspension shall be immediately executed, under  
17 this Paragraph 2 of this Order, in which event the  
18 said Respondent shall not be entitled to any  
19 repayment nor credit, prorated or otherwise, for  
20 the money paid to the Department under the terms of  
21 this Order.
- 22           D. If said Respondents pay the monetary penalty and any  
23 other moneys due under this Stipulation and Agreement  
24 and if no further cause for disciplinary action  
25 against the real estate licenses of said Respondents  
26 occurs within one (1) year from the effective  
27 date of this Order, the entire stay hereby

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granted under Paragraphs 1 and 2 of this Order, as to  
said Respondents only, shall become permanent.

DATED: June 12, 2003

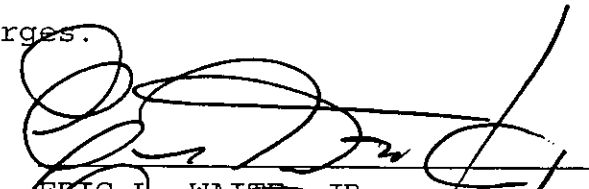


DAVID B. SEALS, Counsel  
DEPARTMENT OF REAL ESTATE

\* \* \*

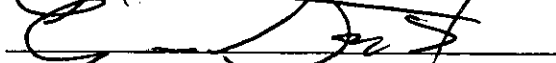
I have read the Stipulation and Agreement, have  
discussed it with my counsel, and its terms are understood by me  
and are agreeable and acceptable to me. I understand that I am  
waiving rights given to me by the California Administrative  
Procedure Act (including but not limited to Sections 11506,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

DATED: June 9, 2003



ERIC L. WAITE, JR.  
Respondent

DATED: June 9, 2003



LANCASTER PROPERTIES, INC.  
Respondent

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

DATED:

June 7, 2003

John V. Stanley  
John V. Stanley  
Attorney for Respondents

\* \* \*

The foregoing Stipulation and Agreement in Settlement  
is hereby adopted by the Real Estate Commissioner as her Decision  
and Order and shall become effective at 12 o'clock noon on  
October 1, 2003.

IT IS SO ORDERED

July 7, 2003.  
Paula Reddish Zinnemann  
PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

1 DAVID B. SEALS, Counsel (SBN 69378)  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0792 (Direct)

FILED  
JAN 31 2003

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	No. H-2807 SD
12	ERIC L. WAITE, JR. and	)	
13	LANCASTER PROPERTIES, INC.,	)	<u>ACCUSATION</u>
14	Respondents.	)	
15		)	

16 The Complainant, Pete Saverien, a Managing Deputy Real  
17 Estate Commissioner of the State of California for cause of  
18 Accusation against ERIC L. WAITE, JR. (hereinafter Respondent  
19 "WAITE") and LANCASTER PROPERTIES, INC. (hereinafter Respondent  
20 "LANCASTER"), is informed and alleges as follows:

21 I

22 The Complainant, Pete Saverien, a Managing Deputy Real  
23 Estate Commissioner of the State of California, makes this  
24 Accusation in his official capacity.

25 ///

26 ///

27 ///



1 II

2 Respondents are licensed and/or have license  
3 rights under the Real Estate Law, Part 1 of Division 4 of the  
4 California Business and Professions Code (hereinafter "Code") as  
5 follows:

6 (a) Respondent WAITE, as a real estate broker and  
7 the designated officer of Respondent  
8 LANCASTER and Marelly Mortgage, Inc.

9 (b) Respondent LANCASTER as a corporate real  
10 estate broker dba Ranch & Sea Financial  
11 Services and Ranch & Sea Realty.

12 III

13 At all times herein mentioned Respondents LANCASTER and  
14 WAITE engaged in the business of, acted in the capacity of,  
15 advertised, or assumed to act as real estate brokers in the State  
16 of California within the meaning of Section 10131(b) of the Code  
17 for or in expectation of compensation by leasing or renting or  
18 offering to lease or rent, or places for rent, or soliciting  
19 listings of places for rent, or soliciting for prospective  
20 tenants, or negotiating the sale, purchase or exchanging of  
21 leases on real property, or on a business opportunity, or  
22 collecting rents from real property, or improvements thereon, or  
23 from business opportunities.

24 IV

25 Beginning on or about July 20, 1998 and at various  
26 times thereafter through February 4, 2000, Pablo Sanchez, while  
27 in the employ of Respondent LANCASTER, negotiated and executed

1 leases, found homes to rent from owners, and negotiated with  
2 prospective tenants.

3 V

4 Beginning on or about March 2, 2000 and at various  
5 times thereafter through April 11, 2000, Victoria Tussing, while  
6 in the employ of Respondent LANCASTER, rented properties, secured  
7 lease agreements, collected late rents, executed applications,  
8 showed properties, quoted rents, negotiated rents, and collected  
9 deposits for long term and vacation rentals.

10 VI

11 Beginning on or about March 9, 2000 and at various  
12 times thereafter through September 13, 2000, Tracy Cox, while in  
13 the employ of Respondent LANCASTER, showed rental units to  
14 prospective tenants, responded to inquiries from prospective  
15 tenants, accepted deposits or fees for credit checks, security  
16 deposits and rents, provided information on rental rates and  
17 terms and conditions of leases.

18 VII

19 The activities performed by Pablo Sanchez, Victoria  
20 Tussing, and Tracy Cox as described in Paragraphs IV through VI  
21 above, were activities for which a real estate license is  
22 required and they were compensated by Respondent LANCASTER for  
23 performing these acts. However, Pablo Sanchez, Victoria Tussing,  
24 and Tracy Cox were all not licensed by the Department as either a  
25 real estate salesperson or broker at any time during the period  
26 discussed in Paragraph IV.

27 ///

VIII

1  
2 At all times mentioned herein, Respondent WAITE failed  
3 to exercise reasonable supervision over the activities of  
4 Respondent LANCASTER and Pablo Sanchez, Victoria Tussing, and  
5 Tracy Cox, and permitted, ratified and/or caused the conduct  
6 described above. Respondent WAITE failed to reasonably or  
7 adequately review, oversee, inspect and manage the personnel and  
8 activities of Respondent LANCASTER and Pablo Sanchez, Victoria  
9 Tussing, and Tracy Cox, and/or to establish reasonable policies,  
10 rules, procedures and systems for such review, oversight,  
11 inspection and management.

12 IX

13 The acts and/or omissions of Respondents described  
14 above are grounds for the revocation or suspension of  
15 Respondents' licenses under the following sections of the  
16 Business and Professions Code and the Regulations:

17 (a) As to Respondent LANCASTER under Section  
18 10137 of the Code.

19 (b) As to Respondent WAITE only, under Section  
20 10177(h) of the Code.

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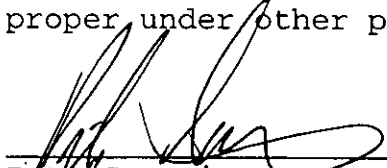
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1                   WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of Respondents,  
5 and each of them, under the Real Estate Law (Part 1 of Division 4  
6 of the Business and Professions Code) and for such other and  
7 further relief as may be proper under other provisions of law.

8  
9   
10 \_\_\_\_\_  
Pete Saverien  
Managing Deputy Real Estate Commissioner

11 Dated at Sacramento, California,  
12 this 31st day of January, 2003.