

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 576-7843

FILED

MAR 05 2021

DEPARTMENT OF REAL ESTATE
By S. Yonaghi

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of:) Case No. H-3305 FR
11)
12 D E EQUITY GROUP, SCOTT LEE ELLIS,) STIPULATION AND AGREEMENT
and JASON DOYLE RITCHIE) IN SETTLEMENT AND ORDER
13)
14 Respondents.)

15 It is hereby stipulated by and between Respondents D E EQUITY GROUP ("D E
16 EQUITY"), SCOTT LEE ELLIS ("ELLIS"), acting by and through their counsel Charlotte
17 Wittig, JASON DOYLE RITCHIE ("RITCHIE"), acting by and through his counsel Stephen T.
18 Cammack, and the Complainant, acting by and through Jason D. Lazark, Counsel for the
19 Department of Real Estate, as follows for the purpose of settling and disposing of the
20 Accusation filed on April 17, 2020, in this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondents D E EQUITY, ELLIS and RITCHIE (collectively
23 referred to herein as "Respondents") at a formal hearing on the Accusation, which hearing was
24 to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
25 shall instead and in place thereof be submitted solely on the basis of the provisions of this
26 Stipulation and Agreement In Settlement and Order ("Stipulation and Agreement").

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

4 3. Respondents filed Notices of Defense pursuant to Section 11505 of the
5 Government Code for the purposes of requesting a hearing on the allegations in the
6 Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
7 Respondents acknowledge that they understand that by withdrawing said Notices of Defense
8 they will thereby waive their rights to require the Real Estate Commissioner ("Commissioner")
9 to prove the allegations in the Accusation at a contested hearing held in accordance with the
10 provisions of the APA, and that they will waive other rights afforded to them in connection
11 with the hearing such as the right to present evidence in defense of the allegations in the
12 Accusation and the right to cross-examine witnesses.

13 4. Respondents, pursuant to the limitations set forth below, hereby admit that
14 the factual allegations as set forth in the Accusation filed in this proceeding are true and correct
15 and the Commissioner shall not be required to provide further evidence of such allegations.

16 5. This Stipulation and Agreement is made for the purpose of reaching an
17 agreed disposition of this proceeding and is expressly limited to this proceeding and any other
18 proceeding or case in which the Department, the state or federal government, any agency of
19 this state, or an agency of another state is involved.

20 6. It is understood by the parties that the Real Estate Commissioner may adopt
21 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalties
22 and sanctions on Respondents' real estate licenses and license rights as set forth in the below
23 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation
24 and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a
25 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
26 bound by any admission or waiver made herein.

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1 provisions of Sections 10130, 10137, 10177(d), and 10177(g) of the Code.

2 ORDER

3 I. AS TO D E EQUITY

4 1. The corporate real estate broker license and license rights of D E EQUITY
5 under the Real Estate Law are revoked; provided, however, a restricted corporate real estate
6 broker license shall be issued to D E EQUITY pursuant to Section 10156.5 of the Code if D E
7 EQUITY makes application therefore and pays to the Department the appropriate fee for the
8 restricted license within 90 days from the effective date of this Decision.

9 2. The restricted license issued to D E EQUITY shall be subject to all of the
10 provisions of Section 10156.7 of the Code as to the following limitations, conditions and
11 restrictions imposed under authority of Section 10156.6 of that Code: The restricted license
12 issued to D E EQUITY shall be suspended prior to hearing by Order of the Commissioner on
13 evidence satisfactory to the Commissioner that D E EQUITY has violated provisions of the
14 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
15 Commissioner, or conditions attaching to the restricted license.

16 3. Respondent D E EQUITY shall not be eligible to apply for the issuance of an
17 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
18 of a restricted license until three (3) years have elapsed from the effective date of this Decision.

19 II. AS TO ELLIS

20 All licenses and licensing rights of ELLIS under the Real Estate Law are revoked;
21 provided, however, a restricted real estate broker license shall be issued to ELLIS pursuant to
22 Section 10156.5 of the Code if ELLIS makes application therefore and pays to the Department
23 the appropriate fee for the restricted broker license within 90 days from the effective date of this
24 Decision.

25 1. The restricted license issued to ELLIS shall be subject to all of the provisions
26 of Section 10156.7 of the Code as to the following limitations, conditions and restrictions
27 imposed under authority of Section 10156.6 of that Code:

1 (a) The restricted license issued to ELLIS shall be suspended prior to hearing
2 by Order of the Commissioner in the event of ELLIS' conviction
3 (including by plea of guilty or nolo contendere) to a crime which is
4 substantially related to ELLIS' fitness or capacity as a real estate licensee;
5 and,

6 (b) The restricted license issued to ELLIS shall be suspended prior to hearing
7 by Order of the Commissioner on evidence satisfactory to the
8 Commissioner that ELLIS has violated provisions of the California Real
9 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
10 Commissioner, or conditions attaching to the restricted license.

11 2. ELLIS shall not be eligible to apply for the issuance of an unrestricted real
12 estate license nor for removal of any of the conditions, limitations or restrictions of a restricted
13 license until three (3) years have elapsed from the effective date of this Decision.

14 3. ELLIS shall notify the Commissioner in writing within 72 hours of any arrest
15 by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office
16 Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of ELLIS' arrest,
17 the crime for which ELLIS was arrested and the name and address of the arresting law
18 enforcement agency. ELLIS' failure to timely file written notice shall constitute an independent
19 violation of the terms of the restricted license and shall be grounds for the suspension or
20 revocation of that license.

21 4. ELLIS shall, within nine (9) months from the effective date of this Decision,
22 present evidence satisfactory to the Commissioner that Respondent has, since the most recent
23 issuance of an original or renewal real estate license, taken and successfully completed the
24 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
25 of a real estate license. If ELLIS fails to satisfy this condition, the Commissioner shall order the
26 suspension of the restricted license until ELLIS presents such evidence. The Commissioner shall
27 afford ELLIS the opportunity for hearing pursuant to the APA to present such evidence.

1 2. With the application for license, or with the application for transfer to a new
2 employing broker, RITCHIE shall submit a statement signed by the prospective employing real
3 estate broker on a form approved by the Department which shall certify as follows:

4 (a) That the employing broker has read the Decision which is the
5 basis for the issuance of the restricted license; and

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

10 3. RITCHIE shall not be eligible to apply for the issuance of an unrestricted real
11 estate license nor for removal of any of the conditions, limitations or restrictions of a restricted
12 license until two (2) years have elapsed from the effective date of this Decision. RITCHIE shall
13 not be eligible for any unrestricted licenses until all restrictions attaching to the license have been
14 removed.

15 4. RITCHIE shall notify the Commissioner in writing within 72 hours of any
16 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Legal
17 Section at Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the
18 date of RITCHIE's arrest, the crime for which RITCHIE was arrested and the name and address
19 of the arresting law enforcement agency. RITCHIE's failure to timely file written notice shall
20 constitute an independent violation of the terms of the restricted license and shall be grounds for
21 the suspension or revocation of that license.

22 5. RITCHIE shall, within nine (9) months from the effective date of this
23 Decision, present evidence satisfactory to the Commissioner that RITCHIE has, since the most
24 recent issuance of an original or renewal real estate license, taken and successfully completed the
25 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
26 of a real estate license. If RITCHIE fails to satisfy this condition, the Commissioner shall order
27 the suspension of the restricted license until the RITCHIE presents such evidence. The

1 Commissioner shall afford RITCHIE the opportunity for hearing pursuant to the APA to present
2 such evidence. Proof of completion of the continuing education courses must be delivered to the
3 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

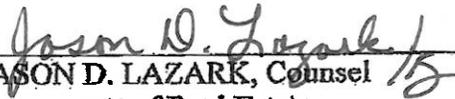
4 6. RITCHIE shall, within nine (9) months from the issuance of the Order, take
5 and pass the Professional Responsibility Examination administered by the Department,
6 including the payment of the appropriate examination fee. All licenses and licensing rights of
7 RITCHIE shall be indefinitely suspended unless or until RITCHIE passes the examination. In
8 the event that access to the location for taking the Professional Responsibility Examination is
9 closed during normal business hours, the Department shall extend the time for taking and
10 passing the Professional Responsibility Examination by the same amount of time that access to
11 the test location was closed.

12 III. AS TO DE EQUITY, ELLIS AND RITCHIE JOINTLY AND SEVERALLY

13 All licenses and licensing rights of Respondents are indefinitely suspended
14 unless or until Respondents, jointly and severally, pay the sum of \$5,039.60 for the
15 Commissioner's reasonable cost of the investigation and enforcement which led to this
16 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
17 made payable to the Real Estate Fund. The investigative and enforcement costs must be
18 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
19 95813-7013, prior to the effective date of this Decision and Order.

20
21 12-4-2020

22 DATED

23 
24 JASON D. LAZARK, Counsel
25 Department of Real Estate

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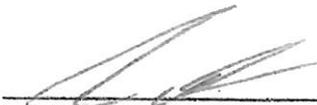
27 Respondents have read the Stipulation and Agreement in Settlement and Order,
discussed it with their counsel, where appropriate, and its terms are understood by them and
are agreeable and acceptable to them. Respondents understand that they are waiving rights

1 given to them by the California APA (including but not limited to Sections 11506, 11508,
2 11509 and 11513 of the Government Code), and willingly, intelligently, and voluntarily waive
3 those rights, including the right of requiring the Commissioner to prove the allegations in the
4 Accusation at a hearing at which Respondents would have the right to cross-examine witnesses
5 against them and to present evidence in defense and mitigation of the charges.

6 Respondents further agree to send the original signed Stipulation and
7 Agreement by mail to the following address no later than one (1) week from the date the
8 Stipulation and Agreement is signed by me and my attorney: *Department of Real Estate, Legal*
9 *Section, P.O. Box 137007, Sacramento, California 95813-7007.*

10 Respondents further understand and agree that if they fail to return the original
11 signed Stipulation and Agreement by the due date, Complainant retains the right to set this
12 matter for hearing.

13
14 12-2-20
15 DATED


16 SCOTT LEE ELLIS
17 Designated Officer,
18 D E EQUITY GROUP
19 Respondent

20 12-2-20
21 DATED


22 SCOTT LEE ELLIS,
23 Respondent

24 12/02/2020
25 DATED


26 JASON DOYLE RITCHIE,
27 Respondent

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

DATED

CHARLOTTE WITTIG,
Attorney for Respondent
D E EQUITY GROUP
and SCOTT LEE ELLIS

12/2/2020

DATED

STEPHEN T. CAMMACK,
Attorney for Respondent
JASON DOYLE RITCHIE

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____, 2020.

REAL ESTATE COMMISSIONER

DOUGLAS R. McCAULEY

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

3
4 12/13/20
DATED


CHARLOTTE WITTIG,
Attorney for Respondent
D E EQUITY GROUP
and SCOTT LEE ELLIS

8
9 DATED

STEPHEN T. CAMMACK,
Attorney for Respondent
JASON DOYLE RITCHIE

11 * * *

12 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
13 this matter and shall become effective at 12 o'clock noon on MAR 26 2021.

14 IT IS SO ORDERED 2-2-21, 2020.

16 REAL ESTATE COMMISSIONER

18 
19 DOUGLAS R. M&CAULEY