

Handwritten initials/signature in top left corner.

FILED
AUG 13 2007
DEPARTMENT OF REAL ESTATE
K. Wiederholt

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-25803 LA
TOM GEORGE ROYDS,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 11, 1995, a Decision was rendered herein,
revoking the real estate salesperson license of Respondent, 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 June 12, 1995
and Respondent has operated as a restricted licensee without
cause for disciplinary action against Respondent since that
time.

///
///
///

1 On April 27, 2006, Respondent petitioned for
2 reinstatement of his real estate salesperson license. The
3 Attorney General of the State of California has been given
4 notice of the filing of Respondent's petition.

5 I have considered Respondent's petition and the
6 evidence and arguments submitted in support thereof. Respondent
7 has demonstrated to my satisfaction that Respondent meets the
8 requirements of law for the issuance to Respondent of an
9 unrestricted real estate salesperson license and that it would
10 not be against the public interest to issue said license to
11 Respondent.

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

17 Submittal of a completed application and payment of
18 the fee for a real estate salesperson license.

19 This Order shall be effective immediately.

20 Dated: 8-9-07.

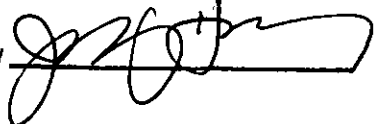
21 JEFF DAVI
22 Real Estate Commissioner

23 
24 _____

25
26
27

SAC TO
PLAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
MAR 16 2004
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-25803 LA
)
PAUL J. FIGUEIREDO,)
)
Respondent.)
)

ORDER DENYING REINSTATEMENT OF LICENSE

On May 11, 1995, a Decision was rendered in Case No. H-25803 LA revoking Respondent's real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. Respondent failed to apply for a restricted real estate salesperson license within the time period required.

On or about July 3, 1996, Respondent petitioned for reinstatement of said license. An Order Denying Reinstatement of License was filed on July 14, 1997. Respondent petitioned for reconsideration. On August 22, 1997, an Order Granting Reconsideration was filed. Respondent was granted the right to the issuance of a restricted real estate salesperson license.

1 On or about January 10, 2002, Respondent again
2 petitioned for reinstatement of said license and the Attorney
3 General of the State of California has been given notice of the
4 filing of the petition.

5 I have considered Respondent's petition and
6 the evidence and arguments in support thereof. Respondent has
7 failed to demonstrate to my satisfaction that Respondent has
8 undergone sufficient rehabilitation to warrant the reinstatement
9 of Respondent's real estate broker license, in that:

10 I

11 In the Decision in Case no. H-25803 LA which revoked
12 Respondent's real estate broker license, there were
13 Determination of Issues made that there was cause to revoke
14 Respondent's real estate license pursuant to Business and
15 Professions Code ("Code") Section 10177(f).

16 Respondent had purchased a home. The down payment
17 money was not provided by Respondent, but were from the trust
18 account of a company that was under the direction of
19 Respondent's employer and broker.

20 II

21 The burden of proving rehabilitation rests with the
22 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A
23 petitioner is required to show greater proof of honesty and
24 integrity than an applicant for first time licensure. The proof
25 must be sufficient to overcome the prior adverse judgment on the
26 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
27 395).

1 The Department has developed criteria in Regulation
2 2911 to assist in evaluating the rehabilitation of an applicant
3 for reinstatement of a license. Among the criteria relevant in
4 this proceeding are:

5 2911(j) - Discharge of, or bona fide efforts toward
6 discharging, adjudicated debts or monetary obligation to others.
7 Respondent has not provided proof that he has satisfied Federal
8 and State tax liens.

9 2911(1) - Significant or conscientious involvement in
10 community, church, or social programs. Respondent has not
11 provided proof of such involvement.

12 2911 (n) (2) - Change in attitude from that which
13 existed at the time of the conduct in question as evidenced
14 by family, friends or others. Respondent has not provided
15 proof from others of a change in attitude.

16 Given the fact that Respondent has not established
17 that he has complied with Regulations 2911(j), 2911(1) and
18 2911(n) (2), I am not satisfied that Respondent is sufficiently
19 rehabilitated to receive a real estate salesperson license.
20

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of Respondent's real estate
3 salesperson license is denied.

4 This Order shall become effective at 12 o'clock noon
5 on April 5, 2004.

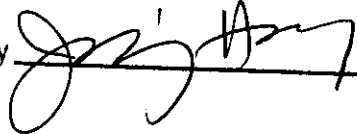
6
7 DATED: March 10, 2004.

8 JOHN R. LIBERATOR
9 Acting Real Estate Commissioner

10 *John R. Liberator*

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 cc: Paul J. Figueiredo
27 10382 Rossbury Place
 Los Angeles, CA 90064

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
MAR. 21 2002
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-25803 LA
)
TONY POTENTI,)
)
Respondent.)
)

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 29, 1995, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on July 1, 1995. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On September 29, 2000, 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
2 I have considered the petition of Respondent and
3 the evidence and arguments in support thereof. Respondent
4 has demonstrated to my satisfaction that Respondent meets
5 the requirements of law for the issuance to Respondent of an
6 unrestricted real estate salesperson license and that it would
7 not be against the public interest to issue said license to
8 Respondent TONY POTENTI.

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

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

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

21 This Order shall be effective immediately.

22 Dated: March 18, 2002.

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 cc: Tony Potenti
26 PMB369, P.O. Box 7000
27 Redondo Beach, CA 90277

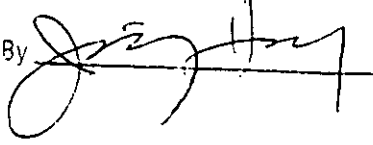
23609 Ladeene Ave.
Torrance, CA 90505

SAC 10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
OCT 27 2000

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	NO. H-25803 LA
DAVID ELLIS FREEMAN)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 10, 1995, a Decision and Order was rendered herein revoking the real estate salesperson license of Respondent, DAVID ELLIS FREEMAN (hereinafter "Respondent"), effective June 5, 1995, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Respondent failed to apply for this restricted license in a timely manner.

On December 14, 1999, 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 Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that grounds do not
4 presently exist to deny the issuance of an unrestricted real
5 estate salesperson license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for reinstatement is granted and that an
8 unrestricted real estate salesperson license be issued to
9 Respondent, DAVID ELLIS FREEMAN, after Respondent satisfies
10 the following conditions within six months from the date of
11 this Order:

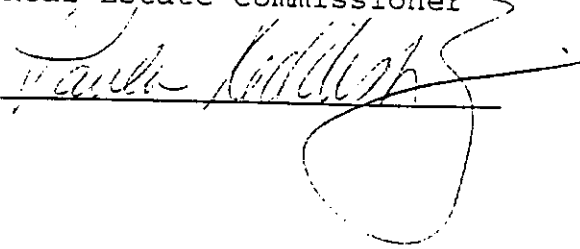
12 1. Submittal of a completed application and
13 payment of the fee for a real estate salesperson license.

14 2. Submittal of evidence satisfactory to the Real
15 Estate Commissioner that Respondent has, since his license
16 was revoked, taken and successfully completed the continuing
17 education requirements of Article 2.5 of Chapter 3 of the
18 Real Estate Law for renewal of a real estate license.

19
20 This Order shall become effective immediately.

21 DATED: October 23, 2000.

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

24 
25
26
27

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

DAVID ELLIS FREEMAN
759 Ave A
Redondo Beach, California 90277



1 demonstrated to my satisfaction that grounds do not presently
2 exist to deny the issuance of an unrestricted real estate
3 broker license to Respondent.

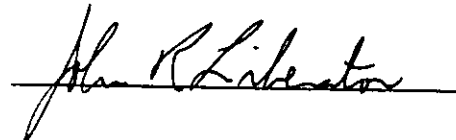
4 NOW, THEREFORE, IT IS ORDERED that Respondent's
5 petition for reinstatement is granted and that an
6 unrestricted real estate broker license be issued to
7 Respondent, BARBARA MARY NICHOLS, after Respondent satisfies
8 the following conditions within six months from the date of
9 this Order:

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

12 This Order shall become effective immediately.

13 DATED: September 2, 1999.

14
15 JOHN R. LIBERATOR
16 Acting Commissioner

17 
18

19 BARBARA MARY NICHOLS
20 1703 Morgan Lane
21 Redondo Beach, California 90278
22
23
24
25
26
27



By *Sandra B. Orma*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-25803 LA
CHARLES RAY MANNING)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 11, 1995, a Decision was rendered herein revoking the real estate salesperson license of Respondent, CHARLES RAY MANNING (hereinafter "Respondent"), effective June 7, 1995, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent immediately thereafter with an expiration date of June 6, 1999.

On September 29, 1998, 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently exist to deny the issuance of an unrestricted real estate salesperson license to Respondent.

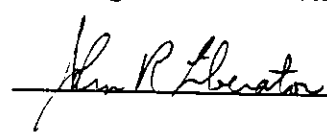
NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement is granted and that an unrestricted real estate salesperson license be issued to Respondent, after he satisfies the following conditions within six months from the date of this Order:

1. Submittal of a completed application and payment of the fee for a real estate salesperson license.
2. Submit evidence of having taken and successfully completed the courses specified in subdivisions (a) and (b) of Section 10170.5 of the Real Estate Law for renewal of a real estate license since his present restricted license was issued in 1995.

This Order shall become effective immediately.

DATED: August 23, 1999.

JOHN R. LIBERATOR
Acting Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CHARLES RAY MANNING
1703 Morgan Lane
Redondo Beach, California 90278



gsk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
AUG 22 1997
DEPARTMENT OF REAL ESTATE

By CB

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-25803 LA
)
)
PAUL J. FIGUEIREDO)
)
Respondent.)
_____)

ORDER GRANTING RECONSIDERATION

On July 9, 1997, an Order Denying Reinstatement of License was rendered herein, effective September 4, 1997, denying the Respondent's petition for the reinstatement of his real estate salesperson license.

On or about July 22, 1997, Respondent's petition for reconsideration was received.

I have considered Respondent's petition for reconsideration and the evidence submitted in support thereof. Respondent has demonstrated to my satisfaction that good cause has been presented for reconsideration of the Order of July 9, 1997.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of his real estate salesperson

1
2 license is denied. However, Respondent has offered evidence
3 that he is partially rehabilitated and it appears that
4 Respondent will pose no danger to the public if issued a
5 properly restricted salesperson license.

6 Therefore, a restricted real estate salesperson
7 license shall be issued to Respondent pursuant to Section
8 10156.5 of the Code after Respondent satisfied the following
9 conditions within six (6) months from the date of this Order:

10 1. Submittal of evidence that Respondent has, since
11 his license was revoked, taken and successfully passed the
12 Continuing Education Requirements of Section 10170.5 of the
13 Business and Professions Code for renewal of a real estate
14 license.

15 2. Submittal of evidence that Respondent has, since
16 his license was revoked, taken and successfully passed the
17 Professional Responsibility Examination administered by the
18 Department including the payment of the appropriate fee.

19 3. Submittal of a completed application and payment of
20 the fee for a restricted real estate salesperson license.

21 The restricted license issued to Respondent shall be
22 subject to all of the provisions of Section 10156.7 of the Code
23 and to the following limitations, conditions and restrictions
24 imposed under authority of Section 10156.5 of said Code:

25 1. The restricted license shall not confer any
26 property right in the privileges to be exercised thereunder and
27 the Real Estate Commissioner may by appropriate order suspend



1 prior to hearing the right of Respondent to exercise any
2 privileges granted under the restricted license in the event of:

3 (a) The conviction of Respondent (including a plea of
4 nolo contendere) of a crime which bears a significant
5 relationship to Respondent's fitness or capacity as a real
6 estate licensee.

7 (b.) The receipt of evidence satisfactory to the Real
8 Estate Commissioner that subsequent to the date of the Order
9 herein Respondent has violated provisions of the California Real
10 Estate Law, Regulations of the Real Estate Commissioner, or
11 conditions attaching to said restricted license.

12 2. Respondent shall submit with his application for
13 said restricted license under an employing broker or any
14 application in the future for a transfer of said restricted
15 license to a new employing broker, a statement signed by the
16 prospective employing broker which shall certify:

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

20 (b) That said employing broker will exercise close
21 supervision over the performance of the restricted license of
22 activities for which a real estate license is required.

23 Respondent shall not be eligible to apply for the
24 issuance of an unrestricted real estate license nor the removal
25 of any of the conditions, limitations or restrictions attaching
26

27

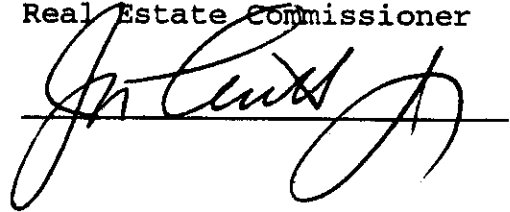


1
2 to the restricted license until at least one year has elapsed
3 from the effective date of this Order.

4 This Order shall become effective at 12 o'clock
5 noon on September 10, 1997.

6
7 DATED: 8/15/97

8
9 JIM ANTT, JR.
10 Real Estate Commissioner

11 
12

13
14
15
16
17
18
19
20
21
22
23 PAUL J. FIGUEIREDO
24 156 S. Hayworth Ave.
25 Los Angeles, California 90048
26
27



SAC

1
2
3
4
5
6
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
JUL 14 1997
DEPARTMENT OF REAL ESTATE

By CS

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	
PAUL J. FIGUEIREDO)	NO. H-25803 LA
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On May 11, 1995, a Decision was rendered herein revoking the real estate salesperson license of PAUL J. FIGUEIREDO (hereinafter referred to as Respondent), effective June 7, 1995. Respondent was given the right to apply for and receive a restricted real estate salesperson license which he failed to apply for in a timely manner.

On July 3, 1996, Respondent filed a petition 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.

I have considered the petition of Respondent and the

1 evidence submitted in support thereof. Respondent has failed to
2 demonstrate to my satisfaction that he has undergone sufficient
3 rehabilitation to warrant the reinstatement of his real estate
4 salesperson license at this time. This determination has been
5 made in light of Respondent's history of acts and conduct which
6 are substantially related to the qualifications, functions and
7 duties of a real estate licensee. That history includes:

8 1. After his petition was filed Respondent failed to
9 answer any of the inquiries mailed to him, thus failing to
10 establish that he had met any of the Criteria of Rehabilitation
11 set forth in Section 2911 of Chapter 6, Title 10, California
12 Code of Regulations (Regulations). This is cause for the denial
13 of his petition for reinstatement of license.
14

15 2. Further, Respondent failed to provide evidence that
16 he has completed any of the Continuing Education courses that
17 were required by the Decision and Order of May 11, 1995, for
18 Respondent to obtain and maintain a restricted real estate
19 salesperson license. This is additional evidence of a lack of
20 rehabilitation and is cause to deny Respondent's petition
21 pursuant to Section 2911(h) of the Regulations.

22 3. Finally, as a result of the business practices that
23 led to the revocation of his license, Respondent was required by
24 the Decision and Order of May 11, 1995, to provide evidence that
25 he had taken and passed the Professional Responsibility
26 Examination to avoid the suspension of any restricted real
27 estate salesperson license issued to him. Respondent has failed
to provide evidence that he has taken and passed this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

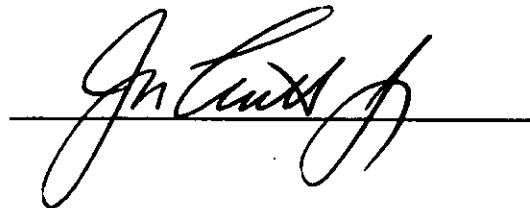
examination. This is evidence of a lack of rehabilitation and is cause to deny his petition for reinstatement pursuant to Section 2911(j) of the Regulations.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of his real estate salesperson license is hereby denied.

This order shall become effective at 12 o'clock noon on August 5, 1997.

DATED: 7/9/97

JIM ANTT, JR.
Real Estate Commissioner



PAUL J. FIGUEIREDO
107 1/2 N. Sweetzer Avenue
Los Angeles, California 90048

SAED
Flay

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
MAY 14 1997
DEPARTMENT OF REAL ESTATE
By *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* . * *

In the Matter of the Accusation of) NO. H-25803 LA
)
 DEAN ALLEN THOMAS)
)
) Respondent.)
_____)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 11, 1995, a Decision was rendered herein revoking the real estate salesperson license of Respondent, DEAN ALLEN THOMAS (hereinafter "Respondent"), effective July 1, 1995, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent on July 1, 1995.

On November 4, 1996, 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 Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that grounds do not presently
4 exist to deny the issuance of an unrestricted real estate
5 salesperson license to Respondent.

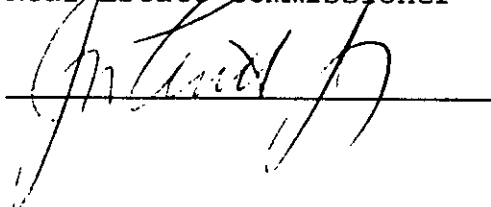
6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for reinstatement is granted and that an
8 unrestricted real estate salesperson license be issued to
9 Respondent, DEAN ALLEN THOMAS, after Respondent satisfies the
10 following conditions within one (1) year from the date of
11 this Order:

- 12 1. Submittal of a completed application and
13 payment of the fee for a real estate salesperson license.
- 14 2. Submittal of evidence satisfactory to the Real
15 Estate Commissioner that Respondent has, since his license
16 was revoked, taken and successfully completed the 45 hours of
17 continuing education required in Section 10170.5 of the
18 Business and Professions Code.

19
20 This Order shall become effective immediately.

21 DATED: 4/8/97.

22 JIM ANTT, JR.
23 Real Estate Commissioner

24 

25 DEAN ALLEN THOMAS
26 23227 Robert Road
27 Torrance, California 90505

SACTO
FLAG

Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

(213) 897-3937

FILED
OCT 31 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)
ROBERT KENNETH TODD, dba)
Re/Max Beach Cities Realty,)
Re/Max of Hermosa Beach,)
Re/Max of Manhattan Beach,)
Re/Max Professionals Realty,)
Coastal Financial Real Estate)
Loans, and RKT Realty;)
JODI A. VOY; LOUIS WRIGHT)
BOURGEOIS; DAVID ELLIS FREEMAN;)
SUSAN WRIGHT FREEMAN; DEAN ALLEN)
THOMAS; RICK RAY THOMAS; JACK B.)
THOMAS; PAUL J. FIGUEIREDO;)
BARBARA MARY NICHOLS, dba)
Meridian Properties; CHARLES RAY)
MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI and,)
SHERI LYNNE SKULICK,)
Respondents.)

No. H-25803 LA
No. H-25579 LA
No. H-25453 LA
No. H-25307 LA

ORDER MODIFYING
STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

1. On April 29, 1995, effective October 31, 1995, an Order was signed as to Respondent ROBERT KENNETH TODD. The Determination of Issues on page 4, commencing on line 16, recited:
"The conduct or omissions of Respondent ROBERT KENNETH TODD, as set forth in Accusation H-25803 LA, paragraphs one (1), two (2) and thirty two (32) through thirty two (e) [32(e)]; in the

1 Accusation H-25579 LA, paragraphs One (I) through three (III); and
2 in Accusation H-25453 LA, paragraphs three (3), four (4), five
3 (5) (a), six (6), seven (7), eight (8), nine (9), ten (10), and
4 sixty two (62), filed in these proceedings, constitute cause to
5 suspend or revoke his real estate salesperson license and/or
6 license rights under the provisions of Code Sections 10177(f) as to
7 Accusation H-25803 LA and H-25579 LA and 10177(h) as to Accusation
8 H-25453 LA.

9 2. The recitation that the conduct or omissions
10 constitute cause to suspend or revoke his real estate "salesperson"
11 license was error. Respondent ROBERT KENNETH TODD was at all times,
12 as alleged in the Accusation, licensed as a real estate broker.

13 3. Therefore, the Determination of Issues shall be
14 modified, nunc pro tunc, to read:

15 "The conduct or omissions of Respondent ROBERT KENNETH
16 TODD, as set forth in Accusation H-25803 LA, paragraphs one (1),
17 two (2) and thirty two (32) through thirty two (e) [32(e)]; in the
18 Accusation H-25579 LA, paragraphs One (I) through three (III); and
19 in Accusation H-25453 LA, paragraphs three (3), four (4), five
20 (5) (a), six (6), seven (7), eight (8), nine (9), ten (10), and
21 sixty two (62), filed in these proceedings, constitute cause to
22 suspend or revoke his real estate broker license and/or license
23 rights under the provisions of Code Sections 10177(f) as to
24 Accusation H-25803 LA and H-25579 LA and 10177(h) as to Accusation
25 H-25453 LA."

26 4. Except as modified herein, the Stipulation And
27 Agreement In Settlement and Order signed on April 29, 1995,



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

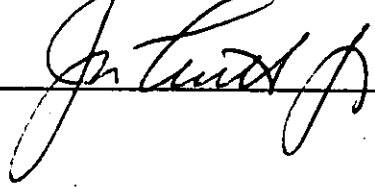
effective October 31, 1995, remains in effect.

* * * * *

The foregoing Order Modifying Stipulation And Agreement
In Settlement And Order is hereby adopted as my Order as to
Respondent ROBERT KENNETH TODD and shall remain effective at 12
o'clock noon on October 31, 1995.

IT IS SO ORDERED 10-24-95.

JIM ANTT, JR.
Real Estate Commissioner



1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937
4
5
6
7

FILED
MAY 24 1995
DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-25803 LA
12) No. H-25579 LA
13 ROBERT KENNETH TODD, dba) No. H-25453 LA
Re/Max Beach Cities Realty,) No. H-25307 LA
14 Re/Max of Hermosa Beach,)
Re/Max of Manhattan Beach,)
15 Re/Max Professionals Realty,)
Coastal Financial Real Estate)
Loans, and RKT Realty;)
16 JODI A. VOY; LOUIS WRIGHT)
BOURGEOIS; DAVID ELLIS FREEMAN;)
17 SUSAN WRIGHT FREEMAN; DEAN ALLEN)
THOMAS; RICK RAY THOMAS; JACK B.)
18 THOMAS; PAUL J. FIGUEIREDO;)
BARBARA MARY NICHOLS, dba)
Meridian Properties; CHARLES RAY)
19 MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI and,)
20 SHERI LYNNE SKULICK,)
Respondents.)
21

STIPULATION AND AGREEMENT

IN SETTLEMENT AND ORDER

22 It is hereby stipulated by and between ROBERT KENNETH
23 TODD (referred to as Respondent), acting by and through his
24 attorney Walter R. Urban, Esq. and the Complainant, acting by and
25 through Sean Crahan, Counsel for the Department of Real Estate, as
26 follows for the purpose of settling and disposing of the Accusation
27 filed on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 16, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense, he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in Accusation H-
26 25803 LA, paragraphs one (1), two (2) and thirty two (32) through
27 thirty two (e) [32(e)]; in the Accusation H-25579 LA, paragraphs

1 One (I) through three (III); and in Accusation H-25453 LA,
2 paragraphs three (3), four (4), five (5) (a), six (6), seven (7),
3 eight (8), nine (9), ten (10), and sixty two (62) filed in these
4 proceedings. Respondent chooses not to contest these factual
5 allegations and to remain silent and understand that, as a result
6 thereof, these factual allegations, without being admitted or
7 denied, will serve as a basis for the discipline stipulated to
8 herein. This Stipulation and Agreement in Settlement and Order and
9 the findings based on Respondent's decision not to contest the
10 Accusation is hereby expressly limited to this proceeding and made
11 for the sole purpose of reaching an agreed disposition of this
12 proceeding, only. Respondent's decision not to contest the factual
13 allegations is made solely for the purpose of effectuating this
14 Stipulation and is intended by Complainant and Respondent to be
15 non-binding upon him in any actions against Respondent by third
16 parties and shall not be deemed, used, or accepted as an
17 acknowledgement or admission. However, the results of this
18 Stipulation may provide the basis for establishing prior
19 discipline, and the basis thereof, in any subsequent proceeding by
20 Complainant. The Real Estate Commissioner shall not be required to
21 provide further evidence to prove such allegations.

22 5. It is understood by the parties that the Real Estate
23 Commissioner may adopt the Order in this Stipulation as his
24 decision and order in this matter thereby imposing the penalty and
25 sanctions on Respondent's real estate licenses and/or license
26 rights as set forth in the below Order. In the event that the
27 Commissioner in his discretion does not adopt the Stipulation, the

1 Stipulation And Agreement In Settlement shall be void and of no
2 effect, and Respondent shall retain the right to a hearing and
3 proceeding on the Accusation under all the provisions of the APA
4 and shall not be bound by any admission or waiver made herein.

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

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations and waivers, made
13 solely for the purpose of settlement of the pending Accusation
14 without a hearing, it is stipulated and agreed that the following
15 Determination of Issues shall be made:

16 The conduct or omissions of Respondent ROBERT KENNETH
17 TODD, as set forth in Accusation H-25803 LA, paragraphs one (1),
18 two (2) and thirty two (32) through thirty two (e) [32(e)]; in the
19 Accusation H-25579 LA, paragraphs One (I) through three (III); and
20 in Accusation H-25453 LA, paragraphs three (3), four (4), five
21 (5) (a), six (6), seven (7), eight (8), nine (9), ten (10), and
22 sixty two (62), filed in these proceedings, constitute cause to
23 suspend or revoke his real estate salesperson license and/or
24 license rights under the provisions of Code Sections 10177(f) as to
25 Accusation H-25803 LA and H-25579 LA and 10177(h) as to Accusation
26 H-25453 LA.
27

Modified

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and license rights of Respondent ROBERT KENNETH TODD under Part 1 of Division 4 of the Business and Professions Code are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent ROBERT KENNETH TODD pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said licenses within ninety (90) days from the effective date of the Decision. The restricted license issued to Respondent ROBERT KENNETH TODD shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

A. Any restricted real estate salesperson license issued to Respondent ROBERT KENNETH TODD shall be suspended for six (6) months from the date of issuance of said restricted license.

B. The restricted licenses issued to Respondent ROBERT KENNETH TODD shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

(1) The restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of Respondent ROBERT KENNETH TODD's conviction or plea of nolo contendere to a crime which bears a significant relation to

1 Respondent's fitness or capacity as a real estate licensee.

2 (2) The restricted license may be suspended prior
3 to hearing by Order of the Real Estate Commissioner on evidence
4 satisfactory to the Commissioner that Respondent ROBERT KENNETH
5 TODD has, during the time he holds a restricted license, violated
6 provisions of the California Real Estate Law, the Subdivided Lands
7 Law, Regulations of the Real Estate Commissioner, or the conditions
8 attaching to these restricted licenses.

9 (3) Respondent ROBERT KENNETH TODD shall not be
10 eligible to apply for the issuance of an unrestricted real estate
11 license nor the removal of any of the conditions, limitations or
12 restrictions of a restricted license until two (2) years have
13 elapsed from the date of issuance of the restricted license to
14 Respondent.

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

27 (5) Respondent ROBERT KENNETH TODD shall, within

1 six months from the effective date of this Decision, take and pass
2 the Professional Responsibility Examination administered by the
3 Department including the payment of the appropriate examination
4 fee. If Respondent fails to satisfy this condition, the
5 Commissioner may order suspension of Respondent's license until
6 Respondent passes the examination.

7 (6) Respondent ROBERT KENNETH TODD shall submit
8 with any application for license under an employing broker, or any
9 application for transfer to a new employing broker, a statement
10 signed by the prospective employing real estate broker on a form
11 approved by the Department of Real Estate which shall certify:

12 (a) That the employing broker has read the
13 Accusation and Third Amended Accusation filed
14 herein and the Decision of the Commissioner
15 which granted the right to a restricted license;
16 and,

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


21 (7) Accusation H-25307 LA is hereby dismissed as to
22 Respondent ROBERT KENNETH TODD only. Respondent ROBERT KENNETH -
23 TODD is hereby severed from Accusation H-25453 LA.

24 * * * * *

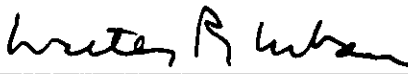
25 I have read the Stipulation And Agreement In Settlement
26 And Order, and its terms are understood by me and are agreeable and
27 acceptable to me. I understand that I am waiving rights given to

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


9 DATED: 4/4/95


ROBERT KENNETH TODD, Respondent.

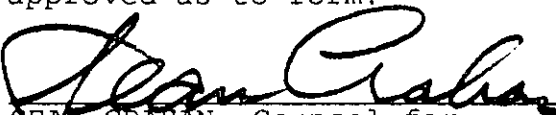
10 DATED: 4-4-95


WALTER R. URBAN, Esq. Counsel for
Respondent Robert Kenneth Todd,
approved as to form.

13 DATED: 4-4-95


DALE A. ELENIK, Esq. Counsel for
Respondent Robert Kenneth Todd,
approved as to form.

16 DATED: 4-7-95

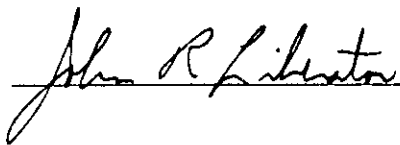

SEAN CRAHAN, Counsel for
Complainant.

19 * * * * *

20 The foregoing Stipulation And Agreement In Settlement is
21 hereby adopted as my Decision and Order as to Respondent ROBERT
22 KENNETH TODD and shall become effective at 12 o'clock noon
23 on October 31, 1995

24 IT IS SO ORDERED April 29, 1995

25 JOHN R. LIBERATOR
26 Intrim Commissioner

27 

Sachs

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937

FILED
MAY 10 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

11	In the Matter of the Accusation of)	No. H-25803 LA
12	ROBERT KENNETH TODD, dba)	
13	Re/Max Beach Cities Realty,)	
14	Re/Max of Hermosa Beach,)	
15	Re/Max of Manhattan Beach,)	
16	Re/Max Professionals Realty,)	<u>STIPULATION AND AGREEMENT</u>
17	Coastal Financial Real Estate)	
18	Loans, and RKT Realty;)	<u>IN SETTLEMENT AND ORDER</u>
19	JODI A. VOY; LOUIS WRIGHT)	
20	BOURGEOIS; DAVID ELLIS FREEMAN;)	
21	SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
22	THOMAS; RICK RAY THOMAS; JACK B.)	
23	THOMAS; PAUL J. FIGUEIREDO;)	
24	BARBARA MARY NICHOLS, dba)	
25	Meridian Properties; CHARLES RAY)	
26	MANNING; TOM GEORGE ROYDS; MARTI)	
27	MELILLO; TONY POTENTI and,)	
	SHERI LYNNE SKULICK,)	
	Respondents.)	

22 It is hereby stipulated by and between LOUIS WRIGHT
23 BOURGEOIS (referred to as Respondent), acting by and through his
24 attorney Walter R. Urban, Esq. and the Complainant, acting by and
25 through Sean Crahan, Counsel for the Department of Real Estate, as
26 follows for the purpose of settling and disposing of the Accusation
27 filed on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 12, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense, he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 one (1), four (4), seventeen (17) and eighteen (18) in the
27 Accusation, filed in these proceedings. Respondent chooses not to

1 contest these factual allegations and to remain silent and
2 understand that, as a result thereof, these factual allegations,
3 without being admitted or denied, will serve as a basis for the
4 discipline stipulated to herein. This Stipulation and Agreement in
5 Settlement and Order and the findings based on Respondent's
6 decision not to contest the Accusation is hereby expressly limited
7 to this proceeding and made for the sole purpose of reaching an
8 agreed disposition of this proceeding, only. Respondent's decision
9 not to contest the factual allegations is made solely for the
10 purpose of effectuating this Stipulation and is intended by
11 Complainant and Respondent to be non-binding upon him in any
12 actions against Respondent by third parties and shall not be
13 deemed, used, or accepted as an acknowledgement or admission.
14 However, the results of this Stipulation may provide the basis for
15 establishing prior discipline, and the basis thereof, in any
16 subsequent proceeding by Complainant. The Real Estate Commissioner
17 shall not be required to provide further evidence to prove such
18 allegations.

19 5. It is understood by the parties that the Real Estate
20 Commissioner may adopt the Order in this Stipulation as his
21 decision and order in this matter thereby imposing the penalty and
22 sanctions on Respondent's real estate licenses and/or license
23 rights as set forth in the below Order. In the event that the
24 Commissioner in his discretion does not adopt the Stipulation, the
25 Stipulation And Agreement In Settlement shall be void and of no
26 effect, and Respondent shall retain the right to a hearing and
27 proceeding on the Accusation under all the provisions of the APA

1 and shall not be bound by any admission or waiver made herein.

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

8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations and waivers, made
10 solely for the purpose of settlement of the pending Accusation
11 without a hearing, it is stipulated and agreed that the following
12 Determination of Issues shall be made:

13 The conduct or omissions of Respondent LOUIS WRIGHT
14 BOURGEOIS, as set forth in Accusation H-25803 LA, paragraphs one
15 (1), four (4), seventeen (17) and eighteen (18) in the Accusation,
16 filed in these proceedings, constitute cause to suspend or revoke
17 his real estate salesperson license and/or license rights under the
18 provisions of Code Sections 10177(f).

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 All licenses and license rights of Respondent LOUIS
22 WRIGHT BOURGEOIS under Part 1 of Division 4 of the Business and
23 Professions Code are revoked; provided, however, a restricted real
24 estate salesperson license shall be issued to Respondent LOUIS
25 WRIGHT BOURGEOIS pursuant to Section 10156.5 of the Code if
26 Respondent makes application therefor and pays to the Department of
27 Real Estate the appropriate fee for said licenses within ninety

1 (90) days from the effective date of the Decision. The restricted
2 license issued to Respondent LOUIS WRIGHT BOURGEOIS shall be
3 subject to all of the provisions of Section 10156.7 of the Business
4 and Professions Code and to the following limitations, conditions
5 and restrictions imposed under authority of Section 10156.6 of said
6 Code:

7 A. Any restricted real estate salesperson license issued
8 to Respondent LOUIS WRIGHT BOURGEOIS shall be suspended for one (1)
9 year from the date of issuance of said restricted license.

10 B. The restricted licenses issued to Respondent LOUIS
11 WRIGHT BOURGEOIS shall be subject to all of the provisions of
12 Section 10156.7 of the Business and Professions Code and to the
13 following limitations, conditions and restrictions imposed under
14 authority of Section 10156.6 of said Code:

15 (1) The restricted license may be suspended prior
16 to hearing by order of the Real Estate Commissioner in the event of
17 Respondent LOUIS WRIGHT BOURGEOIS's conviction or plea of nolo
18 contendere to a crime which bears a significant relation to
19 Respondent's fitness or capacity as a real estate licensee.

20 (2) The restricted license may be suspended prior
21 to hearing by Order of the Real Estate Commissioner on evidence
22 satisfactory to the Commissioner that Respondent LOUIS WRIGHT
23 BOURGEOIS has, during the time he holds a restricted license,
24 violated provisions of the California Real Estate Law, the
25 Subdivided Lands Law, Regulations of the Real Estate Commissioner,
26 or the conditions attaching to these restricted licenses.

27 (3) Respondent LOUIS WRIGHT BOURGEOIS shall not be

1 eligible to apply for the issuance of an unrestricted real estate
2 license nor the removal of any of the conditions, limitations or
3 restrictions of a restricted license until two (2) years have
4 elapsed from the date of issuance of the restricted license to
5 Respondent.

6 (4) Respondent LOUIS WRIGHT BOURGEOIS shall, within
7 twelve (12) months from the effective date of this Decision,
8 present evidence satisfactory to the Real Estate Commissioner that
9 Respondent has, since the most recent issuance of an original or
10 renewal real estate license, taken and successfully completed the
11 continuing education requirements of Article 2.5 of Chapter 3 of
12 the Real Estate Law for renewal of a real estate license. If
13 Respondent fails to satisfy this condition, the Commissioner may
14 order the suspension of the restricted license until the Respondent
15 presents such evidence. The Commissioner shall afford Respondent
16 the opportunity for a hearing pursuant to the Administrative
17 Procedure Act to present such evidence.

18 (5) Respondent LOUIS WRIGHT BOURGEOIS shall, within
19 six months from the effective date of this Decision, take and pass
20 the Professional Responsibility Examination administered by the
21 Department including the payment of the appropriate examination
22 fee. If Respondent fails to satisfy this condition, the
23 Commissioner may order suspension of Respondent's license until
24 Respondent passes the examination.

25 (6) Respondent LOUIS WRIGHT BOURGEOIS shall submit
26 with any application for license under an employing broker, or any
27 application for transfer to a new employing broker, a statement

1 signed by the prospective employing real estate broker on a form
2 approved by the Department of Real Estate which shall certify:

3 (a) That the employing broker has read the
4 Accusation and Third Amended Accusation filed
5 herein and the Decision of the Commissioner
6 which granted the right to a restricted license;
7 and,

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

12 (8) Accusations H-25453 LA and H-25307 LA are
13 hereby dismissed as to Respondent LOUIS WRIGHT BOURGEOIS only.

14 * * * * *

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

26 DATED: 4-17-95

27 Louis Wright Bourgeois
LOUIS WRIGHT BOURGEOIS, Respondent.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DATED: 4-25-95

Walter R Urban

WALTER R. URBAN, Esq. Counsel for Respondent Louis Wright Bourgeois, approved as to form.

DATED: 4-26-95

Sean Cronan
SEAN CRONAN, Counsel for Complainant.

* * * * *

The foregoing Stipulation And Agreement In Settlement is hereby adopted as my Decision and Order as to Respondent LOUIS WRIGHT BOURGEOIS and shall become effective at 12 o'clock noon on July 1, 1995.

IT IS SO ORDERED May 5, 1995

JOHN R. LIBERATOR
Intrim Commissioner

John R Liberator

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012

3 (213) 897-3937

FILED
MAY 18 1995

DEPARTMENT OF REAL ESTATE

[Handwritten signature]

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12 ROBERT KENNETH TODD, dba)
Re/Max Beach Cities Realty,)
13 Re/Max of Hermosa Beach,)
Re/Max of Manhattan Beach,)
14 Re/Max Professionals Realty,)
Coastal Financial Real Estate)
15 Loans, and RKT Realty;)
JODI A. VOY; LOUIS WRIGHT)
16 BOURGEOIS; DAVID ELLIS FREEMAN;)
SUSAN WRIGHT FREEMAN; DEAN ALLEN)
17 THOMAS; RICK RAY THOMAS; JACK B.)
THOMAS; PAUL J. FIGUEIREDO;)
18 BARBARA MARY NICHOLS, dba)
Meridian Properties; CHARLES RAY)
19 MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI and,)
20 SHERI LYNNE SKULICK,)
Respondents.)
21

No. H-25803 LA

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

22 It is hereby stipulated by and between DEAN ALLEN THOMAS.

23 (referred to as Respondent), acting by and through his attorney
24 Lawrence H. Lackman, Esq. and the Complainant, acting by and
25 through Sean Crahan, Counsel for the Department of Real Estate, as
26 follows for the purpose of settling and disposing of the Accusation
27 filed on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 17, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense, he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 one (1), six (6) and twenty one (21) through twenty eight (f)
27 [28(f)], in the Accusation and Third Amended Accusation filed in

1 this proceeding. Respondent chooses not to contest these factual
2 allegations and to remain silent and understands that, as a result
3 thereof, these factual allegations, without being admitted or
4 denied, will serve as a basis for the discipline stipulated to
5 herein. This Stipulation and Agreement in Settlement and Order and
6 the findings based on Respondent's decision not to contest the
7 Accusation is hereby expressly limited to this proceeding and made
8 for the sole purpose of reaching an agreed disposition of this
9 proceeding, only. Respondent's decision not to contest the factual
10 allegations is made solely for the purpose of effectuating this
11 Stipulation and shall have no collateral estoppel or res judicata
12 effect in any proceedings in which Respondent and the Department
13 are not parties. It is understood and intended by Complainant and
14 Respondent to be non-binding upon him in any judicial actions or
15 proceedings against Respondent by third parties and shall not be
16 argued deemed, used, or accepted as an acknowledgement or
17 admission. However, the results of this Stipulation may provide
18 the basis for establishing prior discipline, and the basis thereof,
19 in any subsequent proceeding by Complainant. The Real Estate
20 Commissioner shall not be required to provide further evidence to
21 prove such allegations.

22 5. It is understood by the parties that the Real Estate
23 Commissioner may adopt the Order in this Stipulation as his
24 decision and order in this matter thereby imposing the penalty and
25 sanctions on Respondent's real estate licenses and/or license
26 rights as set forth in the below Order. In the event that the
27 Commissioner in his discretion does not adopt the Stipulation, the

1 Stipulation And Agreement In Settlement shall be void and of no
2 effect, and Respondent shall retain the right to a hearing and
3 proceeding on the Accusation under all the provisions of the APA
4 and shall not be bound by any admission or waiver made herein.

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

11 8. A precondition to settling this matter with the
12 Department is that respondent DEAN ALLEN THOMAS give full and
13 truthful testimony in the above entitled proceedings. Upon
14 signing this stipulation, DEAN ALLEN THOMAS will be severed from
15 the hearing. The signed stipulation would not be submitted to
16 the Commissioner's office for its action until after respondent
17 DEAN ALLEN THOMAS testifies. If respondent DEAN ALLEN THOMAS
18 fails to testify, then the accusation will be reset for separate
19 hearing as to respondent DEAN ALLEN THOMAS.

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations and waivers, made
22 solely for the purpose of settlement of the pending Accusation
23 without a hearing, it is stipulated and agreed that the following
24 Determination of Issues shall be made:

25 The conduct or omissions of Respondent DEAN ALLEN THOMAS,
26 as set forth in paragraphs one (1), six (6) and twenty one (21)
27 through twenty eight (f) [28(f)] in the Accusation and Third

1 Amended Accusation constitute cause to suspend or revoke his real
2 estate salesperson license and/or license rights under the
3 provisions of Code Sections 10177(f).

4 ORDER

5 WHEREFORE, THE FOLLOWING ORDER is hereby made:

6 All licenses and license rights of Respondent DEAN ALLEN
7 THOMAS under Part 1 of Division 4 of the Business and Professions
8 Code are revoked; provided, however, a restricted real estate
9 salesperson license shall be issued to Respondent DEAN ALLEN THOMAS
10 pursuant to Section 10156.5 of the Code if Respondent makes
11 application therefor and pays to the Department of Real Estate the
12 appropriate fee for said licenses within ninety (90) days from the
13 effective date of the Decision. The restricted license issued to
14 Respondent DEAN ALLEN THOMAS shall be subject to all of the
15 provisions of Section 10156.7 of the Business and Professions Code
16 and to the following limitations, conditions and restrictions
17 imposed under authority of Section 10156.6 of said Code:

18 A. Any restricted real estate salesperson licenses
19 issued to Respondent DEAN ALLEN THOMAS shall be suspended for
20 ninety (90) days from the date of issuance of said restricted
21 license; provided, however, that if Respondent petitions, the first
22 60 days of said 90 day suspension shall be stayed upon compliance
23 with all the terms and conditions hereinbelow:

24 (1) Respondent DEAL ALLEN THOMAS pays a monetary
25 penalty pursuant to Section 10175.2 of the Business and Professions
26 Code of \$5,000;

27 (2) Said payment shall be in the form of a

H 30430 CA
25803 CA

1 cashier's check or certified check made payable to the Recovery
2 Account of the Real Estate Fund. Said check must be delivered to
3 the Department prior to the effective date of the Order in this
4 matter;

5 (3) If Respondent fails to pay the monetary penalty
6 in accordance with the terms of this paragraph or this Order, the
7 Commissioner may, without a hearing, order the immediate execution
8 of all or any part of the sixty (60) days stayed suspension, in
9 which event the Respondent shall not be entitled to any repayment
10 nor credit, prorated or otherwise, for money paid to the Department
11 under the terms of this Order.

12 B. The restricted licenses issued to Respondent DEAN
13 ALLEN THOMAS shall be subject to all of the provisions of Section
14 10156.7 of the Business and Professions Code and to the following
15 limitations, conditions and restrictions imposed under authority of
16 Section 10156.6 of said Code:

17 (1) The restricted license may be suspended prior
18 to hearing by order of the Real Estate Commissioner in the event of
19 Respondent DEAN ALLEN THOMAS's conviction or plea of nolo
20 contendere to a crime which bears a significant relation to
21 Respondent's fitness or capacity as a real estate licensee.

22 (2) The restricted license may be suspended prior
23 to hearing by Order of the Real Estate Commissioner on evidence
24 satisfactory to the Commissioner that Respondent DEAN ALLEN THOMAS
25 has, during the time he holds a restricted license, violated
26 provisions of the California Real Estate Law, the Subdivided Lands
27 Law, Regulations of the Real Estate Commissioner, or the conditions

1 attaching to these restricted licenses.

2 (3) Respondent DEAN ALLEN THOMAS shall not be
3 eligible to apply for the issuance of an unrestricted real estate
4 license nor the removal of any of the conditions, limitations or
5 restrictions of a restricted license until one (1) year has elapsed
6 from the date of issuance of the restricted license to Respondent.

7 (4) Respondent DEAN ALLEN THOMAS shall submit with any
8 application for license under an employing broker, or any
9 application for transfer to a new employing broker, a statement
10 signed by the prospective employing real estate broker on a form
11 approved by the Department of Real Estate which shall certify:

12 (a) That the employing broker has read the
13 Accusation and Third Amended Accusation filed
14 herein and the Decision of the Commissioner
15 which granted the right to a restricted license;
16 and,

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

21 (5) Respondent DEAN ALLEN THOMAS shall, within nine
22 months from the effective date of this Decision, present evidence
23 satisfactory to the Real Estate Commissioner that Respondent has,
24 since the most recent issuance of an original or renewal real
25 estate license, taken and successfully completed the continuing
26 education requirements of Article 2.5 of Chapter 3 of the Real
27 Estate Law for renewal of a real estate license. If Respondent

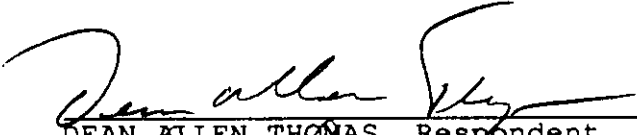
1 fails to satisfy this condition, the Commissioner may order the
2 suspension of the restricted license until the Respondent presents
3 such evidence. The Commissioner shall afford Respondent the
4 opportunity for a hearing pursuant to the Administrative Procedure
5 Act to present such evidence.

6 (6) Respondent DEAN ALLEN THOMAS shall, within six
7 months from the effective date of this Decision, take and pass the
8 Professional Responsibility Examination administered by the
9 Department including the payment of the appropriate examination
10 fee. If Respondent fails to satisfy this condition, the
11 Commissioner may order suspension of Respondent's license until
12 Respondent passes the examination.

13 * * * * *

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

25 DATED: 4/6/95


DEAN ALLEN THOMAS, Respondent.

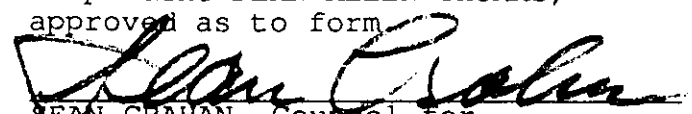
26 DATED: 1-6-95


LAWRENCE H. LACKMAN, Esq. Counsel for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Respondent DEAN ALLEN THOMAS,
approved as to form

DATED: 5-3-95

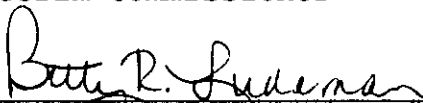

SEAN CRAHAN, Counsel for
Complainant.

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent DEAN ALLEN
THOMAS and shall become effective at 12 o'clock noon on
July 1, 1995

IT IS SO ORDERED May 11, 1995.

JOHN R. LIBERATOR
Interim Commissioner

By: 
Betty R. Ludeman
Assistant Commissioner
Enforcement

Sachs
Flag

Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

(213) 897-3937

FILED
JUN 9 - 1995
DEPARTMENT OF REAL ESTATE



DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-25803 LA
)	
ROBERT KENNETH TODD, dba	)	<u>STIPULATION AND AGREEMENT</u>
Re/Max Beach Cities Realty,	)	<u>IN SETTLEMENT AND ORDER</u>
Re/Max of Hermosa Beach,)	
Re/Max of Manhattan Beach,)	
Re/Max Professionals Realty,)	
Coastal Financial Real Estate)	
Loans, and RKT Realty;)	
JODI A. VOY; LOUIS WRIGHT)	
BOURGEOIS; DAVID ELLIS FREEMAN;)	
SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
THOMAS; RICK RAY THOMAS; JACK B.)	
THOMAS; PAUL J. FIGUEIREDO;)	
BARBARA MARY NICHOLS, dba)	
Meridian Properties; CHARLES RAY)	
MANNING; TOM GEORGE ROYDS; MARTI)	
MELILLO; TONY POTENTI and ,)	
SHERI LYNNE SKULICK,)	
Respondents.)	

It is hereby stipulated by and between MARTI MELILLO (referred to as Respondent), acting by and through his attorney James M. Hallett, Esq. and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed

1 on April 29, 1994, and the Third Amended Accusation filed on
2 December 20, 1994 in this matter:

3 1. All issues which were to be contested and all
4 evidence which was to be presented by Complainant and Respondent at
5 a formal hearing on the Accusation, which hearing was to be held in
6 accordance with the provisions of the Administrative Procedure Act
7 (APA), shall instead and in place thereof be submitted solely on
8 the basis of the provisions of this Stipulation And Agreement In
9 Settlement And Order (hereafter Stipulation).

10 2. Respondent has received, read and understands the
11 Statement to Respondent, the Discovery Provisions of the APA and
12 the Accusation, filed by the Department of Real Estate in this
13 proceeding.

14 3. On May 17, 1994, Respondent filed a Notice of
15 Defense pursuant to Section 11505 of the Government Code for the
16 purpose of requesting a hearing on the allegations in the
17 Accusation. Respondent hereby freely and voluntarily withdraws
18 said Notice of Defense. Respondent acknowledges that she
19 understands that by withdrawing said Notice of Defense, she will
20 thereby waive her right to require the Commissioner to prove the
21 allegations in the Accusation at a contested hearing held in
22 accordance with the provisions of the APA and that she will waive
23 other rights afforded to her in connection with the hearing such as
24 the right to present evidence in defense of the allegations in the
25 Accusation and the right to cross-examine witnesses.

26 4. This Stipulation and Agreement in Settlement and
27 Order relates to the factual allegations contained in paragraphs

1 one (1), thirteen (13), seventeen (17) (a) through 17(h), and twenty
2 two (22), in the Accusation and Third Amended Accusation filed in
3 this proceeding. Respondent chooses not to contest these factual
4 allegations and to remain silent and understands that, as a result
5 thereof, these factual allegations, without being admitted or
6 denied, will serve as a basis for the discipline stipulated to
7 herein. This Stipulation and Agreement in Settlement and Order and
8 the findings based on Respondent's decision not to contest the
9 Accusation is hereby expressly limited to this proceeding and made
10 for the sole purpose of reaching an agreed disposition of this
11 proceeding, only. Respondent's decision not to contest the factual
12 allegations is made solely for the purpose of effectuating this
13 Stipulation and is intended by Complainant and Respondent to be
14 non-binding upon him in any actions against Respondent by third
15 parties and shall not be deemed, used, or accepted as an
16 acknowledgement or admission. However, the results of this
17 Stipulation may provide the basis for establishing prior
18 discipline, and the basis thereof, in any subsequent proceeding by
19 Complainant. The Real Estate Commissioner shall not be required to
20 provide further evidence to prove such allegations.

21 5. It is understood by the parties that the Real Estate
22 Commissioner may adopt the Order in this Stipulation as his
23 decision and order in this matter thereby imposing the penalty and
24 sanctions on Respondent's real estate licenses and/or license
25 rights as set forth in the below Order. In the event that the
26 Commissioner in his discretion does not adopt the Stipulation, the
27 Stipulation And Agreement In Settlement shall be void and of no

1 effect, and Respondent shall retain the right to a hearing and
2 proceeding on the Accusation under all the provisions of the APA
3 and shall not be bound by any admission or waiver made herein.

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

10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations and waivers, made
12 solely for the purpose of settlement of the pending Accusation
13 without a hearing, it is stipulated and agreed that the following
14 Determination of Issues shall be made:

15 The conduct or omissions of Respondent MARTI MELILLO, as
16 set forth in paragraphs one (1), thirteen (13), seventeen (17) (a)
17 through 17(h), and twenty two (22), in the Accusation and Third
18 Amended Accusation constitute cause to suspend or revoke his real
19 estate salesperson license and/or license rights under the
20 provisions of Code Sections 10177(f).

21 ORDER

22 WHEREFORE, THE FOLLOWING ORDER is hereby made:

23 All licenses and license rights of Respondent MARTI
24 MELILLO under Part 1 of Division 4 of the Business and Professions
25 Code are revoked; provided, however, a restricted real estate
26 salesperson license shall be issued to Respondent MARTI MELILLO
27 pursuant to Section 10156.5 of the Code if Respondent makes

1 application therefor and pays to the Department of Real Estate the
2 appropriate fee for said licenses within ninety (90) days from the
3 effective date of the Decision. The restricted license issued to
4 Respondent MARTI MELILLO shall be subject to all of the provisions
5 of Section 10156.7 of the Business and Professions Code and to the
6 following limitations, conditions and restrictions imposed under
7 authority of Section 10156.6 of said Code:

8 A. Any restricted real estate salesperson licenses
9 issued to Respondent MARTI MELILLO shall be suspended for one
10 hundred (120) days from the date of issuance of said restricted
11 license.

12 B. The restricted licenses issued to Respondent MARTI
13 MELILLO shall be subject to all of the provisions of Section
14 10156.7 of the Business and Professions Code and to the following
15 limitations, conditions and restrictions imposed under authority of
16 Section 10156.6 of said Code:

17 (1) The restricted license may be suspended prior
18 to hearing by order of the Real Estate Commissioner in the event of
19 Respondent MARTI MELILLO's conviction or plea of nolo contendere to
20 a crime which bears a significant relation to Respondent's fitness
21 or capacity as a real estate licensee.

22 (2) The restricted license may be suspended prior
23 to hearing by Order of the Real Estate Commissioner on evidence
24 satisfactory to the Commissioner that Respondent MARTI MELILLO has,
25 during the time he holds a restricted license, violated provisions
26 of the California Real Estate Law, the Subdivided Lands Law,
27 Regulations of the Real Estate Commissioner, or the conditions

1 attaching to these restricted licenses.

2 (3) Respondent MARTI MELILLO shall not be eligible
3 to apply for the issuance of an unrestricted real estate license
4 nor the removal of any of the conditions, limitations or
5 restrictions of a restricted license until one (1) year has elapsed
6 from the date of issuance of the restricted license to Respondent.

7 (4) Respondent MARTI MELILLO shall submit with any
8 application for license under an employing broker, or any
9 application for transfer to a new employing broker, a statement
10 signed by the prospective employing real estate broker on a form
11 approved by the Department of Real Estate which shall certify:

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

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

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

1 suspension of the restricted license until the Respondent presents
2 such evidence. The Commissioner shall afford Respondent the
3 opportunity for a hearing pursuant to the Administrative Procedure
4 Act to present such evidence.

5 (6) Respondent MARTI MELILLO shall, within six
6 months from the effective date of this Decision, take and pass the
7 Professional Responsibility Examination administered by the
8 Department including the payment of the appropriate examination
9 fee. If Respondent fails to satisfy this condition, the
10 Commissioner may order suspension of Respondent's license until
11 Respondent passes the examination.


12 * * * * *

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

24 DATED: 5.2.95


MARTI MELILLO, Respondent.

25 DATED: 5/8/95


JAMES M. HALLETT, Esq. Counsel for
Respondent Marti Melillo, approved
as to form.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DATED:

May 11, 1995

Sean Crahan

SEAN CRAHAN, Counsel for
Complainant.

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent MARTI
MELILLO and shall become effective at 12 o'clock noon on

June 29, 1995

IT IS SO ORDERED

June 8, 1995

JOHN R. LIBERATOR
Interim Commissioner

John R. Liberator

Sacto

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937

FILED
JUN 7 - 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25803 LA
ROBERT KENNETH TODD, dba)	
Re/Max Beach Cities Realty,)	<u>STIPULATION AND AGREEMENT</u>
Re/Max of Hermosa Beach,)	<u>IN SETTLEMENT AND ORDER</u>
Re/Max of Manhattan Beach,)	
Re/Max Professionals Realty,)	
Coastal Financial Real Estate)	
Loans, and RKT Realty;)	
JODI A. VOY; LOUIS WRIGHT)	
BOURGEOIS; DAVID ELLIS FREEMAN;)	
SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
THOMAS; RICK RAY THOMAS; JACK B.)	
THOMAS; PAUL J. FIGUEIREDO;)	
BARBARA MARY NICHOLS, dba)	
Meridian Properties; CHARLES RAY)	
MANNING; TOM GEORGE ROYDS; MARTI)	
MELILLO; TONY POTENTI and,)	
SHERI LYNNE SKULICK,)	
Respondents.)	

22 It is hereby stipulated by and between JODI A. VOY
23 (referred to as Respondent), acting by and through her attorney
24 Scott S. Furstman, Esq. and the Complainant, acting by and through
25 Sean Crahan, Counsel for the Department of Real Estate, as follows
26 for the purpose of settling and disposing of the Accusation filed
27 on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 12, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that she
17 understands that by withdrawing said Notice of Defense, she will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that she will waive
21 other rights afforded to her in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 one (1), three (3), twenty one (21), twenty three (23) and forty
27 one (41), in the Accusation and Supplemental Accusation filed in

1 this proceeding. Respondent chooses not to contest these factual
2 allegations and to remain silent and understands that, as a result
3 thereof, these factual allegations, without being admitted or
4 denied, will serve as a basis for the discipline stipulated to
5 herein. This Stipulation and Agreement in Settlement and Order and
6 the findings based on Respondent's decision not to contest the
7 Accusation is hereby expressly limited to this proceeding and made
8 for the sole purpose of reaching an agreed disposition of this
9 proceeding, only. Respondent's decision not to contest the factual
10 allegations is made solely for the purpose of effectuating this
11 Stipulation and is intended by Complainant and Respondent to be
12 non-binding upon her in any actions against Respondent by third
13 parties and shall not be deemed, used, or accepted as an
14 acknowledgement or admission. However, the results of this
15 Stipulation may provide the basis for establishing prior
16 discipline, and the basis thereof, in any subsequent proceeding by
17 Complainant. The Real Estate Commissioner shall not be required to
18 provide further evidence to prove such allegations.

19 5. It is understood by the parties that the Real Estate
20 Commissioner may adopt the Order in this Stipulation as his
21 decision and order in this matter thereby imposing the penalty and
22 sanctions on Respondent's real estate licenses and/or license
23 rights as set forth in the below Order. In the event that the
24 Commissioner in his discretion does not adopt the Stipulation, the
25 Stipulation And Agreement In Settlement shall be void and of no
26 effect, and Respondent shall retain the right to a hearing and
27 proceeding on the Accusation under all the provisions of the APA

1 and shall not be bound by any admission or waiver made herein.

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

8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations and waivers, made
10 solely for the purpose of settlement of the pending Accusation
11 without a hearing, it is stipulated and agreed that the following
12 Determination of Issues shall be made:

13 The conduct or omissions of Respondent JODI A. VOY, as
14 set forth in paragraphs one (1), three (3), twenty one (21), twenty
15 three (23) and forty one (41) in the Accusation and Supplemental
16 Accusation, constitute cause to suspend or revoke her real estate
17 salesperson license and/or license rights under the provisions of
18 Code Sections 10177(f) and 10177(j).

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 All licenses and license rights of Respondent JODI A. VOY
22 under Part 1 of Division 4 of the Business and Professions Code are
23 revoked.

24 * * * * *

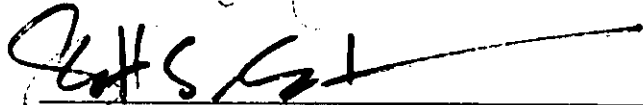
25 I have read the Stipulation And Agreement In Settlement
26 And Order, and its terms are understood by me and are agreeable and
27 acceptable to me. I understand that I am waiving rights given to

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


9 DATED: 5/5/95

JODI A. VOY, Respondent.

10
11 DATED: 5/9/95


SCOTT S. FURSTMAN, Esq. Counsel for
Respondent JODI A. VOY, approved as
to form.

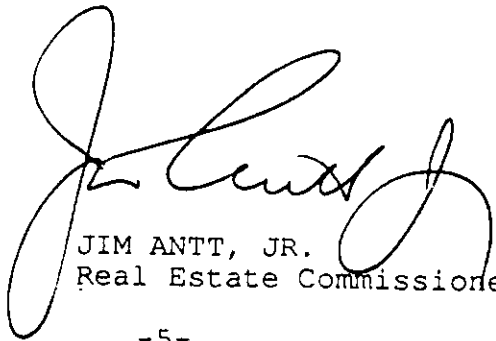
12
13
14 DATED: 5-15-95


SEAN CRAHAN, Counsel for
Complainant.

15
16
17 * * * * *

18 The foregoing Stipulation And Agreement In Settlement is
19 hereby adopted as my Decision and Order as to Respondent JODI A.
20 VOY and shall become effective at 12 o'clock noon on
21 June 27, 1995.

22
23 IT IS SO ORDERED June 5, 1995.

24
25
26
27

JIM ANTT, JR.
Real Estate Commissioner

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California, 90012
4
5 (213) 897-3937
6
7

FILED
MAY 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-25803 LA
12)
12 ROBERT KENNETH TODD, dba) STIPULATION AND AGREEMENT
Re/Max Beach Cities Realty,) IN SETTLEMENT AND ORDER
13 Re/Max of Hermosa Beach,)
Re/Max of Manhattan Beach,)
14 Re/Max Professionals Realty,)
Coastal Financial Real Estate)
Loans, and RKT Realty;)
15 JODI A. VOY; LOUIS WRIGHT)
BOURGEOIS; DAVID ELLIS FREEMAN;)
16 SUSAN WRIGHT FREEMAN; DEAN ALLEN)
THOMAS; RICK RAY THOMAS; JACK B.)
17 THOMAS; PAUL J. FIGUEIREDO;)
BARBARA MARY NICHOLS, dba)
18 Meridian Properties; CHARLES RAY)
MANNING; TOM GEORGE ROYDS; MARTI)
19 MELILLO; TONY POTENTI and,)
20 SHERI LYNNE SKULICK,)
Respondents.)
21)

22 It is hereby stipulated by and between JACK B. THOMAS
23 (referred to as Respondent) and the Complainant, acting by and
24 through Sean Crahan, Counsel for the Department of Real Estate, as
25 follows for the purpose of settling and disposing of the Accusation
26 filed on April 29, 1994, in this matter:

27 1. All issues which were to be contested and all

1 evidence which was to be presented by Complainant and Respondent at
2 a formal hearing on the Accusation, which hearing was to be held in
3 accordance with the provisions of the Administrative Procedure Act
4 (APA), shall instead and in place thereof be submitted solely on
5 the basis of the provisions of this Stipulation And Agreement In
6 Settlement And Order (hereafter Stipulation).

7 2. Respondent has received, read and understands the
8 Statement to Respondent, the Discovery Provisions of the APA and
9 the Accusation, filed by the Department of Real Estate in this
10 proceeding.

11 3. On May 10, 1994, Respondent filed a Notice of
12 Defense pursuant to Section 11505 of the Government Code for the
13 purpose of requesting a hearing on the allegations in the
14 Accusation. Respondent hereby freely and voluntarily withdraws
15 said Notice of Defense. Respondent acknowledges that he
16 understands that by withdrawing said Notice of Defense, he will
17 thereby waive his right to require the Commissioner to prove the
18 allegations in the Accusation at a contested hearing held in
19 accordance with the provisions of the APA and that he will waive
20 other rights afforded to him in connection with the hearing such as
21 the right to present evidence in defense of the allegations in the
22 Accusation and the right to cross-examine witnesses.

23 4. This Stipulation and Agreement in Settlement and
24 Order relates to the factual allegations contained in paragraphs
25 one (1), eight (8) and twenty eight (28) through twenty eight (f)
26 [28(f)], in the Accusation and Third Amended Accusation filed in
27 this proceeding. Respondent chooses not to contest these factual

1 allegations and to remain silent and understands that, as a result
2 thereof, these factual allegations, without being admitted or
3 denied, will serve as a basis for the discipline stipulated to
4 herein. This Stipulation and Agreement in Settlement and Order and
5 the findings based on Respondent's decision not to contest the
6 Accusation is hereby expressly limited to this proceeding and made
7 for the sole purpose of reaching an agreed disposition of this
8 proceeding, only. Respondent's decision not to contest the factual
9 allegations is made solely for the purpose of effectuating this
10 Stipulation and is intended by Complainant and Respondent to be
11 non-binding upon him in any actions against Respondent by third
12 parties and shall not be deemed, used, or accepted as an
13 acknowledgement or admission. However, the results of this
14 Stipulation may provide the basis for establishing prior
15 discipline, and the basis thereof, in any subsequent proceeding by
16 Complainant. The Real Estate Commissioner shall not be required to
17 provide further evidence to prove such allegations.

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

1 provisions of Code Sections 10177(f).

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 All licenses and license rights of Respondent JACK B.
5 THOMAS under Part 1 of Division 4 of the Business and Professions
6 Code are revoked; provided, however, a restricted real estate
7 broker license shall be issued to Respondent JACK B. THOMAS
8 pursuant to Section 10156.5 of the Code if Respondent makes
9 application therefor and pays to the Department of Real Estate the
10 appropriate fee for said licenses within ninety (90) days from the
11 effective date of the Decision.

12 A. Any restricted real estate broker licenses issued to
13 Respondent JACK B. THOMAS shall be suspended for sixty (60) days
14 from the date of issuance of said restricted license.

15 B. The restricted license issued to Respondent JACK B. THOMAS
16 shall be subject to all of the provisions of Section 10156.7 of the
17 Business and Professions Code and to the following limitations,
18 conditions and restrictions imposed under authority of Section
19 10156.6 of said Code and to the following limitations, conditions
20 and restrictions imposed under authority of Section 10156.6 of said
21 Code:

22 (1) The restricted license may be suspended prior
23 to hearing by order of the Real Estate Commissioner in the event of
24 Respondent JACK B. THOMAS's conviction or plea of nolo contendere
25 to a crime which bears a significant relation to Respondent's
26 fitness or capacity as a real estate licensee.

27 (2) The restricted license may be suspended prior

1 to hearing by Order of the Real Estate Commissioner on evidence
2 satisfactory to the Commissioner that Respondent JACK B. THOMAS
3 has, during the time he holds a restricted license, violated
4 provisions of the California Real Estate Law, the Subdivided Lands
5 Law, Regulations of the Real Estate Commissioner, or the conditions
6 attaching to these restricted licenses.

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

12 (4) Respondent JACK B. THOMAS shall report in
13 writing to the Department of Real Estate as the Real Estate
14 Commissioner shall direct by his Order herein or by separate
15 written order issued while Respondent holds a restricted license,
16 such information concerning Respondent's activities for which a
17 real estate license is required as the Commissioner shall deem to
18 be appropriate to protect the public interest.

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

1 such evidence. The Commissioner shall afford Respondent the
2 opportunity for a hearing pursuant to the Administrative Procedure
3 Act to present such evidence.

4 (6) Respondent JACK B. THOMAS shall, within six
5 months from the effective date of this Decision, take and pass the
6 Professional Responsibility Examination administered by the
7 Department including the payment of the appropriate examination
8 fee. If Respondent fails to satisfy this condition, the
9 Commissioner may order suspension of Respondent's license until
10 Respondent passes the examination.

11 * * * * *

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

23 DATED: 4-28-95

Jack B. Thomas
JACK B. THOMAS, Respondent.

25 DATED: 4-28-95

Sean Crahan
SEAN CRAHAN, Counsel for
Complainant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent JACK B.
THOMAS and shall become effective at 12 o'clock noon on
June 12, 1995.

IT IS SO ORDERED May 11, 1995.

JOHN R. LIBERATOR
Interim Commissioner

By: Betty R. Ludeman
Betty R. Ludeman
Assistant Commissioner
Enforcement

*Sacto
File*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

(213) 897-3937

FILED
MAY 24 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-25803 LA
)	
ROBERT KENNETH TODD, dba	)	<u>STIPULATION AND AGREEMENT</u>
Re/Max Beach Cities Realty,	)	<u>IN SETTLEMENT AND ORDER</u>
Re/Max of Hermosa Beach,)	
Re/Max of Manhattan Beach,)	
Re/Max Professionals Realty,)	
Coastal Financial Real Estate)	
Loans, and RKT Realty;)	
JODI A. VOY; LOUIS WRIGHT)	
BOURGEOIS; DAVID ELLIS FREEMAN;)	
SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
THOMAS; RICK RAY THOMAS; JACK B.)	
THOMAS; PAUL J. FIGUEIREDO;)	
BARBARA MARY NICHOLS, dba)	
Meridian Properties; CHARLES RAY)	
MANNING; TOM GEORGE ROYDS; MARTI)	
MELILLO; TONY POTENTI and,)	
SHERI LYNNE SKULICK,)	
Respondents.)	

It is hereby stipulated by and between SUSAN WRIGHT FREEMAN (referred to as Respondent), acting by and through her attorney Frank E. Di Giacomo, Esq. and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 2, 1994, Respondent filed a Notice of Defense
13 pursuant to Section 11505 of the Government Code for the purpose of
14 requesting a hearing on the allegations in the Accusation.
15 Respondent hereby freely and voluntarily withdraws said Notice of
16 Defense. Respondent acknowledges that she understands that by
17 withdrawing said Notice of Defense, she will thereby waive his
18 right to require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that she will waive other rights afforded
21 to her in connection with the hearing such as the right to present
22 evidence in defense of the allegations in the Accusation and the
23 right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 one (1), five (5), and nineteen (19) through twenty (f) [20(f)], in
27 the Accusation and Third Amended Accusation filed in this

1 proceeding. Respondent chooses not to contest these factual
2 allegations and to remain silent and understands that, as a result
3 thereof, these factual allegations, without being admitted or
4 denied, will serve as a basis for the discipline stipulated to
5 herein. This Stipulation and Agreement in Settlement and Order and
6 the findings based on Respondent's decision not to contest the
7 Accusation is hereby expressly limited to this proceeding and made
8 for the sole purpose of reaching an agreed disposition of this
9 proceeding, only. Respondent's decision not to contest the factual
10 allegations is made solely for the purpose of effectuating this
11 Stipulation and is intended by Complainant and Respondent to be
12 non-binding upon her in any actions against Respondent by third
13 parties and shall not be deemed, used, or accepted as an
14 acknowledgement or admission. However, the results of this
15 Stipulation may provide the basis for establishing prior
16 discipline, and the basis thereof, in any subsequent proceeding by
17 Complainant. The Real Estate Commissioner shall not be required to
18 provide further evidence to prove such allegations.

19 5. It is understood by the parties that the Real Estate
20 Commissioner may adopt the Order in this Stipulation as his
21 decision and order in this matter thereby imposing the penalty and
22 sanctions on Respondent's real estate licenses and/or license
23 rights as set forth in the below Order. In the event that the
24 Commissioner in his discretion does not adopt the Stipulation, the
25 Stipulation And Agreement In Settlement shall be void and of no
26 effect, and Respondent shall retain the right to a hearing and
27 proceeding on the Accusation under all the provisions of the APA

1 and shall not be bound by any admission or waiver made herein.

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

8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations and waivers, made
10 solely for the purpose of settlement of the pending Accusation
11 without a hearing, it is stipulated and agreed that the following
12 Determination of Issues shall be made:

13 The conduct or omissions of Respondent SUSAN WRIGHT
14 FREEMAN, as set forth in paragraphs one (1), five (5), and nineteen
15 (19) through twenty (f) [20(f)], in the Accusation and Third
16 Amended Accusation constitute cause to suspend or revoke her real
17 estate salesperson license and/or license rights under the
18 provisions of Code Sections 10177(f).

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 All licenses and license rights of Respondent SUSAN
22 WRIGHT FREEMAN under Part 1 of Division 4 of the Business and
23 Professions Code are revoked; provided, however, a restricted real
24 estate salesperson license shall be issued to Respondent SUSAN
25 WRIGHT FREEMAN pursuant to Section 10156.5 of the Code if
26 Respondent makes application therefor and pays to the Department of
27 Real Estate the appropriate fee for said licenses within ninety

1 (90) days from the effective date of the Decision. The restricted
2 license issued to Respondent SUSAN WRIGHT FREEMAN shall be subject
3 to all of the provisions of Section 10156.7 of the Business and
4 Professions Code and to the following limitations, conditions and
5 restrictions imposed under authority of Section 10156.6 of said
6 Code:

7 A. Any restricted real estate salesperson licenses
8 issued to Respondent SUSAN WRIGHT FREEMAN shall be suspended for
9 ninety (90) days from the date of issuance of said restricted
10 license.

11 B. The restricted licenses issued to Respondent SUSAN
12 WRIGHT FREEMAN shall be subject to all of the provisions of Section
13 10156.7 of the Business and Professions Code and to the following
14 limitations, conditions and restrictions imposed under authority of
15 Section 10156.6 of said Code:

16 (1) The restricted license may be suspended prior
17 to hearing by order of the Real Estate Commissioner in the event of
18 Respondent SUSAN WRIGHT FREEMAN's conviction or plea of nolo
19 contendere to a crime which bears a significant relation to
20 Respondent's fitness or capacity as a real estate licensee.

21 (2) The restricted license may be suspended prior
22 to hearing by Order of the Real Estate Commissioner on evidence
23 satisfactory to the Commissioner that Respondent SUSAN WRIGHT
24 FREEMAN has, during the time she holds a restricted license,
25 violated provisions of the California Real Estate Law, the
26 Subdivided Lands Law, Regulations of the Real Estate Commissioner,
27 or the conditions attaching to these restricted licenses.

1 (3) Respondent SUSAN WRIGHT FREEMAN shall not be
2 eligible to apply for the issuance of an unrestricted real estate
3 license nor the removal of any of the conditions, limitations or
4 restrictions of a restricted license until one (1) year has elapsed
5 from the date of issuance of the restricted license to Respondent.

6 (4) Respondent SUSAN WRIGHT FREEMAN shall submit
7 with any application for license under an employing broker, or any
8 application for transfer to a new employing broker, a statement
9 signed by the prospective employing real estate broker on a form
10 approved by the Department of Real Estate which shall certify:

11 (a) That the employing broker has read the
12 Accusation and Third Amended Accusation filed
13 herein and the Decision of the Commissioner
14 which granted the right to a restricted license;
15 and,

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

20 (5) Respondent SUSAN WRIGHT FREEMAN shall, within
21 nine months from the effective date of this Decision, present
22 evidence satisfactory to the Real Estate Commissioner that
23 Respondent has, since the most recent issuance of an original or
24 renewal real estate license, taken and successfully completed the
25 continuing education requirements of Article 2.5 of Chapter 3 of
26 the Real Estate Law for renewal of a real estate license. If
27 Respondent fails to satisfy this condition, the Commissioner may

1 order the suspension of the restricted license until the Respondent
2 presents such evidence. The Commissioner shall afford Respondent
3 the opportunity for a hearing pursuant to the Administrative
4 Procedure Act to present such evidence.

5 (6) Respondent SUSAN WRIGHT FREEMAN shall, within
6 six months from the effective date of this Decision, take and pass
7 the Professional Responsibility Examination administered by the
8 Department including the payment of the appropriate examination
9 fee. If Respondent fails to satisfy this condition, the
10 Commissioner may order suspension of Respondent's license until
11 Respondent passes the examination.

12 * * * * *

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

24 DATED: 3/27/95

Susan W. Freeman
SUSAN WRIGHT FREEMAN, Respondent.

25 /
26 /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DATED: 4/3/95

Frank E. Di Giacomo
FRANK E. DI GIACOMO, Esq. Counsel for
Respondent Susan Wright Freeman,
approved as to form.

DATED: 4-5-95

Sean Crahan
SEAN CRAHAN, Counsel for
Complainant.

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent SUSAN
WRIGHT FREEMAN and shall become effective at 12 o'clock noon on
June 13, 1995.

IT IS SO ORDERED April 29, 1995

JOHN R. LIBERATOR
Intrim Commissioner

John R. Liberator

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012

3 (213) 897-3937

FILED
MAY 22 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12 ROBERT KENNETH TODD, dba)
Re/Max Beach Cities Realty,)
13 Re/Max of Hermosa Beach,)
Re/Max of Manhattan Beach,)
14 Re/Max Professionals Realty,)
Coastal Financial Real Estate)
15 Loans, and RKT Realty;)
JODI A. VOY; LOUIS WRIGHT)
16 BOURGEOIS; DAVID ELLIS FREEMAN;)
SUSAN WRIGHT FREEMAN; DEAN ALLEN)
17 THOMAS; RICK RAY THOMAS; JACK B.)
THOMAS; PAUL J. FIGUEIREDO;)
18 BARBARA MARY NICHOLS, dba)
Meridian Properties; CHARLES RAY)
19 MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI and,)
20 SHERI LYNNE SKULICK,)
Respondents.)

No. H-25803 LA

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

22 It is hereby stipulated by and between TOM GEORGE ROYDS

23 (referred to as Respondent), acting by and through his attorney
24 Alvin S. Tobias, Esq. and the Complainant, acting by and through
25 Sean Crahan, Counsel for the Department of Real Estate, as follows
26 for the purpose of settling and disposing of the Accusation filed
27 on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 12, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense, he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 one (1), twelve (12) and thirty (30) through thirty (g) [30(g)], in
27 the Accusation and Third Amended Accusation filed in this

1 proceeding. Respondent chooses not to contest these factual
2 allegations and to remain silent and understand that, as a result
3 thereof, these factual allegations, without being admitted or
4 denied, will serve as a basis for the discipline stipulated to
5 herein. This Stipulation and Agreement in Settlement and Order and
6 the findings based on Respondent's decision not to contest the
7 Accusation is hereby expressly limited to this proceeding and made
8 for the sole purpose of reaching an agreed disposition of this
9 proceeding, only. Respondent's decision not to contest the factual
10 allegations is made solely for the purpose of effectuating this
11 Stipulation and is intended by Complainant and Respondent to be
12 non-binding upon him in any actions against Respondent by third
13 parties and shall not be deemed, used, or accepted as an
14 acknowledgement or admission. However, the results of this
15 Stipulation may provide the basis for establishing prior
16 discipline, and the basis thereof, in any subsequent proceeding by
17 Complainant. The Real Estate Commissioner shall not be required to
18 provide further evidence to prove such allegations.

19 5. It is understood by the parties that the Real Estate
20 Commissioner may adopt the Order in this Stipulation as his
21 decision and order in this matter thereby imposing the penalty and
22 sanctions on Respondent's real estate licenses and/or license
23 rights as set forth in the below Order. In the event that the
24 Commissioner in his discretion does not adopt the Stipulation, the
25 Stipulation And Agreement In Settlement shall be void and of no
26 effect, and Respondent shall retain the right to a hearing and
27 proceeding on the Accusation under all the provisions of the APA

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and license rights of Respondent TOM GEORGE ROYDS under Part 1 of Division 4 of the Business and Professions Code are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent TOM GEORGE ROYDS pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said licenses within ninety (90) days from the effective date of the Decision. The restricted license issued to Respondent TOM GEORGE ROYDS shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

The restricted licenses issued to Respondent TOM GEORGE ROYDS shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

(1) The restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of Respondent TOM GEORGE ROYDS's conviction or plea of nolo contendere to a crime which bears a significant relation to Respondent's fitness or capacity as a real estate licensee.

(2) The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent TOM GEORGE ROYDS

1 has, during the time he holds a restricted license, violated
2 provisions of the California Real Estate Law, the Subdivided Lands
3 Law, Regulations of the Real Estate Commissioner, or the conditions
4 attaching to these restricted licenses.

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

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

15 (a) That the employing broker has read the
16 Accusation filed herein and the Decision of the
17 Commissioner which granted the right to a
18 restricted license; and

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

23 (5) Respondent TOM GEORGE ROYDS shall, within nine
24 months from the effective date of this Decision, present evidence
25 satisfactory to the Real Estate Commissioner that Respondent has,
26 since the most recent issuance of an original or renewal real
27 estate license, taken and successfully completed the continuing

1 education requirements of Article 2.5 of Chapter 3 of the Real
2 Estate Law for renewal of a real estate license. If Respondent
3 fails to satisfy this condition, the Commissioner may order the
4 suspension of the restricted license until the Respondent presents
5 such evidence. The Commissioner shall afford Respondent the
6 opportunity for a hearing pursuant to the Administrative Procedure
7 Act to present such evidence.

8 (6) Respondent TOM GEORGE ROYDS shall, within six
9 months from the effective date of this Decision, take and pass the
10 Professional Responsibility Examination administered by the
11 Department including the payment of the appropriate examination
12 fee. If Respondent fails to satisfy this condition, the
13 Commissioner may order suspension of Respondent's license until
14 Respondent passes the examination.


15 * * * * *

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


27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

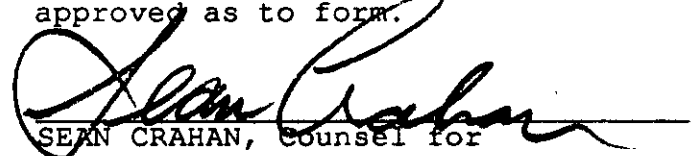
DATED: 4/5/95


TOM GEORGE ROYDS, Respondent.

DATED: 4/5/95


ALVIN S. TOBIAS, Esq. Counsel for
Respondent Tom George Royds,
approved as to form.

DATED: 4-6-95

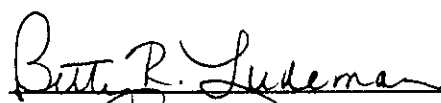

SEAN CRAHAN, Counsel for
Complainant.

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent TOM GEORGE
ROYDS and shall become effective at 12 o'clock noon on
June 12, 1995.

IT IS SO ORDERED May 11, 1995

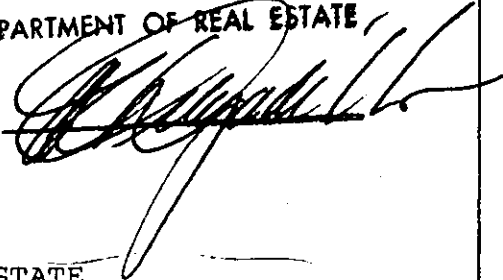
JOHN R. LIBERATOR
Interim Commissioner

by: 
BETTY R. LUDEMAN
Assistant Commissioner,
Enforcement

Sacto Ray

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937

FILED
MAY 18 1995
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

11	In the Matter of the Accusation of)	No. H-25803 LA
12	ROBERT KENNETH TODD, dba)	<u>STIPULATION AND AGREEMENT</u>
13	Re/Max Beach Cities Realty,)	<u>IN SETTLEMENT AND ORDER</u>
14	Re/Max of Hermosa Beach,)	
15	Re/Max of Manhattan Beach,)	
16	Re/Max Professionals Realty,)	
17	Coastal Financial Real Estate)	
18	Loans, and RKT Realty;)	
19	JODI A. VOY; LOUIS WRIGHT)	
20	BOURGEOIS; DAVID ELLIS FREEMAN;)	
21	SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
22	THOMAS; RICK RAY THOMAS; JACK B.)	
23	THOMAS; PAUL J. FIGUEIREDO;)	
24	BARBARA MARY NICHOLS, dba)	
25	Meridian Properties; CHARLES RAY)	
26	MANNING; TOM GEORGE ROYDS; MARTI)	
27	MELILLO; TONY POTENTI and,)	
	SHERI LYNNE SKULICK,)	
	Respondents.)	

22 It is hereby stipulated by ~~and between~~ CHARLES RAY
23 MANNING, (referred to as Respondent), acting by and through his
24 attorney Robert J. Reamer, Esq. and the Complainant, acting by and
25 through Sean Crahan, Counsel for the Department of Real Estate, as
26 follows for the purpose of settling and disposing of the Accusation
27 filed on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 12, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense, he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 one (1), eleven (11) and twenty nine (29) through twenty nine (f)
27 [29(f)], in the Accusation filed in this proceeding. Respondent

1 chooses not to contest these factual allegations and to remain
2 silent and understand that, as a result thereof, these factual
3 allegations, without being admitted or denied, will serve as a
4 basis for the discipline stipulated to herein. This Stipulation
5 and Agreement in Settlement and Order and the findings based on
6 Respondent's decision not to contest the Accusation is hereby
7 expressly limited to this proceeding and made for the sole purpose
8 of reaching an agreed disposition of this proceeding, only.
9 Respondent's decision not to contest the factual allegations is
10 made solely for the purpose of effectuating this Stipulation and is
11 intended by Complainant and Respondent to be non-binding upon him
12 in any actions against Respondent by third parties and shall not be
13 deemed, used, or accepted as an acknowledgement or admission.
14 However, the results of this Stipulation may provide the basis for
15 establishing prior discipline, and the basis thereof, in any
16 subsequent proceeding by Complainant. The Real Estate Commissioner
17 shall not be required to provide further evidence to prove such
18 allegations.

19 5. It is understood by the parties that the Real Estate
20 Commissioner may adopt the Order in this Stipulation as his
21 decision and order in this matter thereby imposing the penalty and
22 sanctions on Respondent's real estate licenses and/or license
23 rights as set forth in the below Order. In the event that the
24 Commissioner in his discretion does not adopt the Stipulation, the
25 Stipulation And Agreement In Settlement shall be void and of no
26 effect, and Respondent shall retain the right to a hearing and
27 proceeding on the Accusation under all the provisions of the APA

1 and shall not be bound by any admission or waiver made herein.
2 6. The Order or any subsequent Order of the Real Estate
3 Commissioner made pursuant to this Stipulation shall not constitute
4 an estoppel, merger or bar to any further administrative or civil
5 proceedings by the Department of Real Estate with respect to any
6 matters which were not specifically alleged to be causes for
7 accusation in this proceeding.

8 7. A precondition to settling this matter with the
9 Department is that respondent CHARLES RAY MANNING give full and
10 truthful testimony in the above entitled proceedings. Upon
11 signing this stipulation, CHARLES RAY MANNING will be severed
12 from the hearing. The signed stipulation would not be submitted
13 to the Commissioner's office for its action until after
14 respondent MANNING testifies. If respondent MANNING fails to
15 testify, then the accusation will be reset for separate hearing
16 as to respondent MANNING.

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations and waivers, made
19 solely for the purpose of settlement of the pending Accusation
20 without a hearing, it is stipulated and agreed that the following
21 Determination of Issues shall be made:

22 The conduct or omissions of Respondent CHARLES RAY
23 MANNING, as set forth in paragraphs one (1), eleven (11) and twenty
24 nine (29) through twenty nine (f) [29(f)], in the Accusation
25 constitute cause to suspend or revoke his real estate salesperson
26 license and/or license rights under the provisions of Code Sections
27 10177(f).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and license rights of Respondent CHARLES RAY MANNING under Part 1 of Division 4 of the Business and Professions Code are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent CHARLES RAY MANNING pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said licenses within ninety (90) days from the effective date of the Decision. The restricted license issued to Respondent CHARLES RAY MANNING shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

A. Any restricted real estate salesperson licenses issued to Respondent CHARLES RAY MANNING shall be suspended for sixty (60) days from the date of issuance of said restricted license.

1. Said sixty (60) day suspension provided in paragraph "A" shall be stayed for one (1) year upon the following terms and conditions;

(a) Respondent CHARLES RAY MANNING shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California;

(b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for

1 disciplinary action occurred within one (1) year of the effective
2 date of this Order.

3 2. If no further cause for disciplinary action
4 against the real estate license of Respondent, as finally
5 determined after hearing or stipulation, occurs within one (1)
6 year, the stay of the the sixty (60) day suspension granted shall
7 become permanent.

8 B. The restricted licenses issued to Respondent CHARLES
9 RAY MANNING shall be subject to all of the provisions of Section
10 10156.7 of the Business and Professions Code and to the following
11 limitations, conditions and restrictions imposed under authority of
12 Section 10156.6 of said Code:

13 (1) The restricted license may be suspended prior
14 to hearing by order of the Real Estate Commissioner in the event of
15 Respondent CHARLES RAY MANNING's conviction or plea of nolo
16 contendere to a crime which bears a significant relation to
17 Respondent's fitness or capacity as a real estate licensee.

18 (2) The restricted license may be suspended prior
19 to hearing by Order of the Real Estate Commissioner on evidence
20 satisfactory to the Commissioner that Respondent CHARLES RAY
21 MANNING has, during the time he holds a restricted license,
22 violated provisions of the California Real Estate Law, the
23 Subdivided Lands Law, Regulations of the Real Estate Commissioner,
24 or the conditions attaching to these restricted licenses.

25 (3) Respondent CHARLES RAY MANNING shall not be
26 eligible to apply for the issuance of an unrestricted real estate
27 license nor the removal of any of the conditions, limitations or

1 restrictions of a restricted license until one (1) year has elapsed
2 from the date of issuance of the restricted license to Respondent.

3 (4) Respondent CHARLES RAY MANNING shall submit
4 with any application for license under an employing broker, or any
5 application for transfer to a new employing broker, a statement
6 signed by the prospective employing real estate broker on a form
7 approved by the Department of Real Estate which shall certify:

8 (a) That the employing broker has read the
9 Accusation filed herein and the Decision of the
10 Commissioner which granted the right to a
11 restricted license; and

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

16 (5) Respondent CHARLES RAY MANNING shall, within
17 twelve months from the effective date of this Decision, present
18 evidence satisfactory to the Real Estate Commissioner that
19 Respondent has, since the most recent issuance of an original or
20 renewal real estate license, taken and successfully completed the
21 continuing education requirements of Article 2.5 of Chapter 3 of
22 the Real Estate Law for renewal of a real estate license. If
23 Respondent fails to satisfy this condition, the Commissioner may
24 order the suspension of the restricted license until the Respondent
25 presents such evidence. The Commissioner shall afford Respondent
26 the opportunity for a hearing pursuant to the Administrative
27 Procedure Act to present such evidence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(6) Respondent CHARLES RAY MANNING shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.


* * * * *

I have read the Stipulation And Agreement In Settlement And Order, 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.

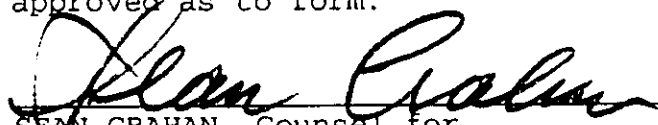
DATED: 4/12/1995


CHARLES RAY MANNING, Respondent.

DATED: 4/12/95


ROBERT J. REAMER, Esq. Counsel for Respondent Charles Ray Manning, approved as to form.

DATED: 4-12-95


SEAN CRAHAN, Counsel for Complainant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent CHARLES
RAY MANNING and shall become effective at 12 o'clock noon on
June 7, _____, 1995.

IT IS SO ORDERED May 11, 1995.

JOHN R. LIBERATOR
Interim Commissioner

By: Betty R. Ludeman
Betty R. Ludeman
Assistant Commissioner
Enforcement

*Sacto
flag*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

(213) 897-3937

FILED
MAY 17 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-25803 LA
ROBERT KENNETH TODD, dba	)	<u>STIPULATION AND AGREEMENT</u>
Re/Max Beach Cities Realty,	)	<u>IN SETTLEMENT AND ORDER</u>
Re/Max of Hermosa Beach,)	
Re/Max of Manhattan Beach,)	
Re/Max Professionals Realty,)	
Coastal Financial Real Estate)	
Loans, and RKT Realty;)	
JODI A. VOY; LOUIS WRIGHT)	
BOURGEOIS; DAVID ELLIS FREEMAN;)	
SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
THOMAS; RICK RAY THOMAS; JACK B.)	
THOMAS; PAUL J. FIGUEIREDO;)	
BARBARA MARY NICHOLS, dba)	
Meridian Properties; CHARLES RAY)	
MANNING; TOM GEORGE ROYDS; MARTI)	
MELILLO; TONY POTENTI and,)	
SHERI LYNNE SKULICK,)	
Respondents.)	

- It is hereby stipulated by and-between-BARBARA MARY NICHOLS (referred to as Respondent), acting by and through his attorney Robert J. Reamer, Esq. and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 12, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that she
17 understands that by withdrawing said Notice of Defense, she will
18 thereby waive her right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that she will waive
21 other rights afforded to her in connection with the hearing such as
22 ~~the right to present evidence~~ in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 one (1), ten (10) and twenty nine (29) through twenty nine (f)
27 [29(f)], in the Accusation filed in this proceeding. Respondent

1 chooses not to contest these factual allegations and to remain
2 silent and understands that, as a result thereof, these factual
3 allegations, without being admitted or denied, will serve as a
4 basis for the discipline stipulated to herein. This Stipulation
5 and Agreement in Settlement and Order and the findings based on
6 Respondent's decision not to contest the Accusation is hereby
7 expressly limited to this proceeding and made for the sole purpose
8 of reaching an agreed disposition of this proceeding, only.
9 Respondent's decision not to contest the factual allegations is
10 made solely for the purpose of effectuating this Stipulation and is
11 intended by Complainant and Respondent to be non-binding upon her
12 in any actions against Respondent by third parties and shall not be
13 deemed, used, or accepted as an acknowledgement or admission.
14 However, the results of this Stipulation may provide the basis for
15 establishing prior discipline, and the basis thereof, in any
16 subsequent proceeding by Complainant. The Real Estate Commissioner
17 shall not be required to provide further evidence to prove such
18 allegations.

19 5. It is understood by the parties that the Real Estate
20 Commissioner may adopt the Order in this Stipulation as his
21 decision and order in this matter thereby imposing the penalty and
22 sanctions on Respondent's real estate licenses and/or license
23 rights as set forth in the below Order. In the event that the
24 Commissioner in his discretion does not adopt the Stipulation, the
25 Stipulation And Agreement In Settlement shall be void and of no
26 effect, and Respondent shall retain the right to a hearing and
27 proceeding on the Accusation under all the provisions of the APA

1 and shall not be bound by any admission or waiver made herein.

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

8 7. A precondition to settling this matter with the
9 Department is that respondent BARBARA MARY NICHOLS give full and
10 truthful testimony in the above entitled proceedings. Upon
11 signing this stipulation, BARBARA MARY NICHOLS will be severed
12 from the hearing. The signed stipulation would not be submitted
13 to the Commissioner's office for its action until after
14 respondent NICHOLS testifies. If respondent NICHOLS fails to
15 testify, then the accusation will be reset for separate hearing
16 as to respondent NICHOLS.

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations and waivers, made
19 solely for the purpose of settlement of the pending Accusation
20 without a hearing, it is stipulated and agreed that the following
21 Determination of Issues shall be made:

22 The conduct or omissions of Respondent BARBARA MARY
23 NICHOLS, as set forth in paragraphs one (1), ten (10) and twenty
24 nine (29) through twenty nine (f) [29(f)], in the Accusation
25 constitute cause to suspend or revoke her real estate broker
26 license and/or license rights under the provisions of Code Sections
27 10177(f).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and license rights of Respondent BARBARA MARY NICHOLS under Part 1 of Division 4 of the Business and Professions Code are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent BARBARA MARY NICHOLS pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said licenses within ninety (90) days from the effective date of the Decision. The restricted license issued to Respondent BARBARA MARY NICHOLS shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

A. Any restricted real estate broker licenses issued to Respondent BARBARA MARY NICHOLS shall be suspended for sixty (60) days from the date of issuance of said restricted license.

1. Said sixty (60) day suspension provided in paragraph "A 1" shall be stayed for one (1) year upon the following terms and conditions;

(a) Respondent BARBARA MARY NICHOLS shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California;

(b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective

1 date of this Order.

2 2. If no further cause for disciplinary action
3 against the real estate license of Respondent, as finally
4 determined after hearing or stipulation, occurs within one (1)
5 year, the stay of the the sixty (60) day suspension granted shall
6 become permanent.

7 B. The restricted licenses issued to Respondent BARBARA
8 MARY NICHOLS shall be subject to all of the provisions of Section
9 10156.7 of the Business and Professions Code and to the following
10 limitations, conditions and restrictions imposed under authority of
11 Section 10156.6 of said Code:

12 (1) The restricted license may be suspended prior
13 to hearing by order of the Real Estate Commissioner in the event of
14 Respondent BARBARA MARY NICHOLS's conviction or plea of nolo
15 contendere to a crime which bears a significant relation to
16 Respondent's fitness or capacity as a real estate licensee.

17 (2) The restricted license may be suspended prior
18 to hearing by Order of the Real Estate Commissioner on evidence
19 satisfactory to the Commissioner that Respondent BARBARA MARY
20 NICHOLS has, during the time she holds a restricted license,
21 violated provisions of the California Real Estate Law, the
22 Subdivided Lands Law, Regulations of the Real Estate Commissioner,
23 or the conditions attaching to these restricted licenses.

24 (3) Respondent BARBARA MARY NICHOLS shall report in
25 writing to the Department of Real Estate as the Real Estate
26 Commissioner shall direct by his Order herein or by separate
27 written order issued while Respondent holds a restricted license,

1 such information concerning Respondent's activities for which a
2 real estate license is required as the Commissioner shall deem to
3 be appropriate to protect the public interest.

4 (4) Respondent BARBARA MARY NICHOLS shall not be
5 eligible to apply for the issuance of an unrestricted real estate
6 license nor the removal of any of the conditions, limitations or
7 restrictions of a restricted license until one (1) year has elapsed
8 from the date of issuance of the restricted license to Respondent.

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

21 (6) Respondent BARBARA MARY NICHOLS shall, within
22 six months from the effective date of this Decision, take and pass
23 the Professional Responsibility Examination administered by the
24 Department including the payment of the appropriate examination
25 fee. If Respondent fails to satisfy this condition, the
26 Commissioner may order suspension of Respondent's license until
27 Respondent passes the examination.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

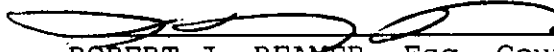
* * * * *

I have read the Stipulation And Agreement In Settlement
And Order, 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: 4-12-95


BARBARA MARY NICHOLS, Respondent.

DATED: 4/12/95


ROBERT J. REAMER, Esq. Counsel for
Respondent Barbara Mary Nichols,
approved as to form.

DATED: 4-12-95


SEAN CRAHAN, Counsel for
Complainant.

/
/
/
/
/
/
/

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent BARBARA
MARY NICHOLS and shall become effective at 12 o'clock noon on
June 7, 1995.

IT IS SO ORDERED May 11, 1995.

JOHN R. LIBERATOR
Interim Commissioner

By: Betty R. Ludeman
Betty R. Ludeman
Assistant Commissioner
Enforcement

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937
4
5
6
7

FILED
MAY 18 1995
DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-25803 LA
12)
12 ROBERT KENNETH TODD, dba) STIPULATION AND AGREEMENT
Re/Max Beach Cities Realty,) IN SETTLEMENT AND ORDER
13 Re/Max of Hermosa Beach,)
13 Re/Max of Manhattan Beach,)
14 Re/Max Professionals Realty,)
Coastal Financial Real Estate)
15 Loans, and RKT Realty;)
JODI A. VOY; LOUIS WRIGHT)
16 BOURGEOIS; DAVID ELLIS FREEMAN;)
SUSAN WRIGHT FREEMAN; DEAN ALLEN)
17 THOMAS; RICK RAY THOMAS; JACK B.)
THOMAS; PAUL J. FIGUEIREDO;)
18 BARBARA MARY NICHOLS, dba)
Meridian Properties; CHARLES RAY)
19 MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI and ,)
20 SHERI LYNNE SKULICK,)
Respondents.)
21

22 ----- It is hereby stipulated by and between PAUL FIGUEIREDO
23 (referred to as Respondent), acting by and through his attorney
24 Jeffrey L. Krivis, Esq. and the Complainant, acting by and through
25 Sean Crahan, Counsel for the Department of Real Estate, as follows
26 for the purpose of settling and disposing of the Accusation filed
27

1 on April 29, 1994, in this matter:

2 1. All issues which were to be contested and all
3 evidence which was to be presented by Complainant and Respondent at
4 a formal hearing on the Accusation, which hearing was to be held in
5 accordance with the provisions of the Administrative Procedure Act
6 (APA), shall instead and in place thereof be submitted solely on
7 the basis of the provisions of this Stipulation And Agreement In
8 Settlement And Order (hereafter Stipulation).

9 2. Respondent has received, read and understands the
10 Statement to Respondent, the Discovery Provisions of the APA and
11 the Accusation, filed by the Department of Real Estate in this
12 proceeding.

13 3. On June 20, 1994, Respondent filed a Notice of
14 Defense pursuant to Section 11505 of the Government Code for the
15 purpose of requesting a hearing on the allegations in the
16 Accusation. Respondent hereby freely and voluntarily withdraws
17 said Notice of Defense. Respondent acknowledges that he
18 understands that by withdrawing said Notice of Defense, he will
19 thereby waive his right to require the Commissioner to prove the
20 allegations in the Accusation at a contested hearing held in
21 accordance with the provisions of the APA and that he will waive
22 other rights afforded to him in connection with the hearing such as
23 the right to present evidence in defense of the allegations in the
24 Accusation and the right to cross-examine witnesses.

25 4. This Stipulation and Agreement in Settlement and
26 Order relates to the factual allegations contained in paragraphs
27 one (1), nine (9) and twenty two (22) through twenty two (g)

1 [22(g)], in the Accusation and Third Amended Accusation filed in
2 this proceeding. Respondent chooses not to contest these factual
3 allegations and to remain silent and understands that, as a result
4 thereof, these factual allegations, without being admitted or
5 denied, will serve as a basis for the discipline stipulated to
6 herein. This Stipulation and Agreement in Settlement and Order and
7 the findings based on Respondent's decision not to contest the
8 Accusation is hereby expressly limited to this proceeding and made
9 for the sole purpose of reaching an agreed disposition of this
10 proceeding, only. Respondent's decision not to contest the factual
11 allegations is made solely for the purpose of effectuating this
12 Stipulation and is intended by Complainant and Respondent to be
13 non-binding upon him in any actions against Respondent by third
14 parties and shall not be deemed, used, or accepted as an
15 acknowledgement or admission. However, the results of this
16 Stipulation may provide the basis for establishing prior
17 discipline, and the basis thereof, in any subsequent proceeding by
18 Complainant. The Real Estate Commissioner shall not be required to
19 provide further evidence to prove such allegations.

20 5. It is understood by the parties that the Real Estate
21 Commissioner may adopt the Order in this Stipulation as his
22 decision and order in this matter thereby imposing the penalty and
23 sanctions on Respondent's real estate licenses and/or license
24 rights as set forth in the below Order. In the event that the
25 Commissioner in his discretion does not adopt the Stipulation, the
26 Stipulation And Agreement In Settlement shall be void and of no
27 effect, and Respondent shall retain the right to a hearing and

1 proceeding on the Accusation under all the provisions of the APA
2 and shall not be bound by any admission or waiver made herein.

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

9 8. A precondition to settling this matter with the
10 Department is that respondent PAUL J. FIGUEIREDO give full and
11 truthful testimony in the above entitled proceedings. Upon
12 signing this stipulation, PAUL J. FIGUEIREDO will be severed
13 from the hearing. The signed stipulation would not be submitted
14 to the Commissioner's office for its action until after
15 respondent FIGUERIEDO testifies. If respondent FIGUERIEDO fails
16 to testify, then the accusation will be reset for separate
17 hearing as to respondent FIGUEIREDO.

18 DETERMINATION OF ISSUES

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

23 The conduct or omissions of Respondent PAUL FIGUEIREDO;
24 as set forth in paragraphs one (1), nine (9) and twenty two (22)
25 through twenty two (g) [22(g)], in the Accusation and Third Amended
26 Accusation constitute cause to suspend or revoke his real estate
27 salesperson license and/or license rights under the provisions of

1 Code Sections 10177(f).

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 All licenses and license rights of Respondent PAUL
5 FIGUEIREDO under Part 1 of Division 4 of the Business and
6 Professions Code are revoked; provided, however, a restricted real
7 estate salesperson license shall be issued to Respondent PAUL
8 FIGUEIREDO pursuant to Section 10156.5 of the Code if Respondent
9 makes application therefor and pays to the Department of Real
10 Estate the appropriate fee for said licenses within ninety (90)
11 days from the effective date of the Decision. The restricted
12 license issued to Respondent PAUL FIGUEIREDO shall be subject to
13 all of the provisions of Section 10156.7 of the Business and
14 Professions Code and to the following limitations, conditions and
15 restrictions imposed under authority of Section 10156.6 of said
16 Code:

17 A. Any restricted real estate salesperson licenses
18 issued to Respondent PAUL J. FIGUEIREDO shall be suspended for
19 sixty (60) days from the date of issuance of said restricted
20 license.

21 B. The restricted licenses issued to Respondent PAUL J.
22 FIGUEIREDO shall be subject to all of the provisions of Section
23 10156.7 of the Business and Professions Code and to the following
24 limitations, conditions and restrictions imposed under authority of
25 Section 10156.6 of said Code:

26 (1) The restricted license may be suspended prior
27 to hearing by order of the Real Estate Commissioner in the event of

1 Respondent PAUL FIGUEIREDO's conviction or plea of nolo contendere
2 to a crime which bears a significant relation to Respondent's
3 fitness or capacity as a real estate licensee, except that the
4 restricted license may not be suspended prior to hearing in the
5 event of respondent PAUL FIGUEIREDO's conviction or plea of nolo
6 contendere to criminal accusations arising out of or relating to
7 the factual allegations contained in paragraph 22 through 22(g)
8 [involving 1932 Graham Avenue].

9 (2) The restricted license may be suspended prior
10 to hearing by Order of the Real Estate Commissioner on evidence
11 satisfactory to the Commissioner that Respondent PAUL FIGUEIREDO
12 has, during the time he holds a restricted license, violated
13 provisions of the California Real Estate Law, the Subdivided Lands
14 Law, Regulations of the Real Estate Commissioner, or the conditions
15 attaching to these restricted licenses.

16 (3) Respondent PAUL FIGUEIREDO shall not be
17 eligible to apply for the issuance of an unrestricted real estate
18 license nor the removal of any of the conditions, limitations or
19 restrictions of a restricted license until one (1) year has elapsed
20 from the date of issuance of the restricted license to Respondent.

21 (4) Respondent PAUL FIGUEIREDO shall submit with
22 any application for license under an employing broker, or any
23 application for transfer to a new employing broker, a statement
24 signed by the prospective employing real estate broker on a form
25 approved by the Department of Real Estate which shall certify:

26 (a) That the employing broker has read the
27 Accusation filed herein and the Decision of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Commissioner which granted the right to a restricted license; and

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

(5) Respondent PAUL FIGUEIREDO shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

(6) Respondent PAUL FIGUEIREDO shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

* * * * *

I have read the Stipulation And Agreement In Settlement

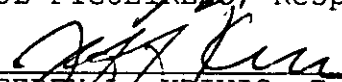
1 And Order, and its terms are understood by me and are agreeable and
2 acceptable to me. I understand that I am waiving rights given to
3 me by the California Administrative Procedure Act (including but
4 not limited to Sections 11506, 11508, 11509 and 11513 of the
5 Government Code), and I willingly, intelligently and voluntarily
6 waive those rights, including the right of requiring the
7 Commissioner to prove the allegations in the Accusation at a
8 hearing at which I would have the right to cross-examine witnesses
9 against me and to present evidence in defense and mitigation of the
10 charges.

11 DATED: 10 February 1995



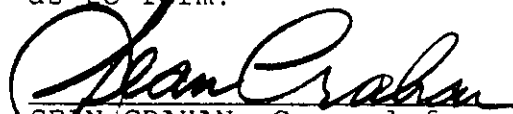
PAUL FIGUEIREDO, Respondent.

12 DATED: 3/7/95



JEFFREY L. KRIVIS, Esq. Counsel for
Respondent Paul Figueiredo, approved
as to form.

15 DATED: 5-1-95



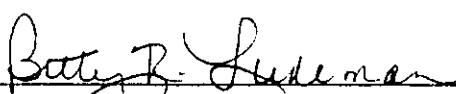
SEAN CRAHAN, Counsel for
Complainant.

18 * * * * *

19 The foregoing Stipulation And Agreement In Settlement is
20 hereby adopted as my Decision and Order as to Respondent PAUL
21 FIGUEIREDO and shall become effective at 12 o'clock noon on
22 June 7, 1995.

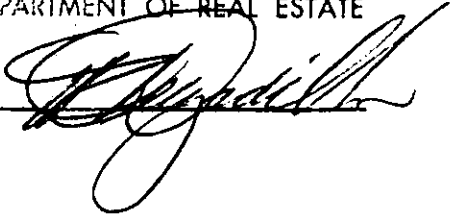
23 IT IS SO ORDERED May 11, 1995

24 JOHN R. LIBERATOR
25 Interim Commissioner

26 by: 
27 BETTY R. LUDEMAN
Assistant Commissioner,
Enforcement

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California, 90012
4
5 (213) 897-3937
6
7

FILED
MAY 15 1995
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-25803 LA
12)
13 ROBERT KENNETH TODD, dba) STIPULATION AND AGREEMENT
14 Re/Max Beach Cities Realty,) IN SETTLEMENT AND ORDER
15 Re/Max of Hermosa Beach,)
16 Re/Max of Manhattan Beach,)
17 Re/Max Professionals Realty,)
18 Coastal Financial Real Estate)
19 Loans, and RKT Realty;)
20 JODI A. VOY; LOUIS WRIGHT)
21 BOURGEOIS; DAVID ELLIS FREEMAN;)
22 SUSAN WRIGHT FREEMAN; DEAN ALLEN)
23 THOMAS; RICK RAY THOMAS; JACK B.)
24 THOMAS; PAUL J. FIGUEIREDO;)
25 BARBARA MARY NICHOLS, dba)
26 Meridian Properties; CHARLES RAY)
27 MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI and,)
SHERI LYNNE SKULICK,)
Respondents.)

22 It is hereby stipulated by and between DAVID ELLIS
23 FREEMAN (referred to as Respondent) and the Complainant, acting by
24 and through Sean Crahan, Counsel for the Department of Real Estate,
25 as follows for the purpose of settling and disposing of the
26 Accusation filed on April 29, 1994, in this matter:

27 1. All issues which were to be contested and all

1 denied, will serve as a basis for the discipline stipulated to
2 herein. This Stipulation and Agreement in Settlement and Order and
3 the findings based on Respondent's decision not to contest the
4 Accusation is hereby expressly limited to this proceeding and made
5 for the sole purpose of reaching an agreed disposition of this
6 proceeding, only. Respondent's decision not to contest the factual
7 allegations is made solely for the purpose of effectuating this
8 Stipulation and is intended by Complainant and Respondent to be
9 non-binding upon him in any actions against Respondent by third
10 parties and shall not be deemed, used, or accepted as an
11 acknowledgement or admission. However, the results of this
12 Stipulation may provide the basis for establishing prior
13 discipline, and the basis thereof, in any subsequent proceeding by
14 Complainant. The Real Estate Commissioner shall not be required to
15 provide further evidence to prove such allegations.

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

26 6. The Order or any subsequent Order of the Real Estate
27 Commissioner made pursuant to this Stipulation shall not constitute

1 an estoppel, merger or bar to any further administrative or civil
2 proceedings by the Department of Real Estate with respect to any
3 matters which were not specifically alleged to be causes for
4 accusation in this proceeding.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations and waivers, made
7 solely for the purpose of settlement of the pending Accusation
8 without a hearing, it is stipulated and agreed that the following
9 Determination of Issues shall be made:

10 The conduct or omissions of Respondent DAVID ELLIS
11 FREEMAN, as set forth in paragraphs one (1), five (5) and nineteen
12 (19), except nineteen (e) 19(e) in the Accusation constitute cause
13 to suspend or revoke his real estate salesperson license and/or
14 license rights under the provisions of Code Sections 10177(f).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 All licenses and license rights of Respondent DAVID ELLIS
18 FREEMAN under Part 1 of Division 4 of the Business and Professions
19 Code are revoked; provided, however, a restricted real estate
20 salesperson license shall be issued to Respondent DAVID ELLIS
21 FREEMAN pursuant to Section 10156.5 of the Code if Respondent makes
22 application therefor and pays to the Department of Real Estate the
23 appropriate fee for said licenses within ninety (90) days from the
24 effective date of the Decision. The restricted license issued to
25 Respondent DAVID ELLIS FREEMAN shall be subject to all of the
26 provisions of Section 10156.7 of the Business and Professions Code
27 and to the following limitations, conditions and restrictions

1 imposed under authority of Section 10156.6 of said Code:

2 A. Any restricted real estate salesperson licenses
3 issued to Respondent DAVID ELLIS FREEMAN shall be suspended for
4 ninety (90) days from the date of issuance of said restricted
5 license.

6 B. The restricted licenses issued to Respondent DAVID
7 ELLIS FREEMAN shall be subject to all of the provisions of Section
8 10156.7 of the Business and Professions Code and to the following
9 limitations, conditions and restrictions imposed under authority of
10 Section 10156.6 of said Code:

11 (1) The restricted license may be suspended prior
12 to hearing by order of the Real Estate Commissioner in the event of
13 Respondent DAVID ELLIS FREEMAN's conviction or plea of nolo
14 contendere to a crime which bears a significant relation to
15 Respondent's fitness or capacity as a real estate licensee.

16 (2) The restricted license may be suspended prior
17 to hearing by Order of the Real Estate Commissioner on evidence
18 satisfactory to the Commissioner that Respondent DAVID ELLIS
19 FREEMAN has, during the time he holds a restricted license,
20 violated provisions of the California Real Estate Law, the
21 Subdivided Lands Law, Regulations of the Real Estate Commissioner,
22 or the conditions attaching to these restricted licenses.

23 (3) Respondent DAVID ELLIS FREEMAN shall not be
24 eligible to apply for the issuance of an unrestricted real estate
25 license nor the removal of any of the conditions, limitations or
26 restrictions of a restricted license until one (1) year has elapsed
27 from the date of issuance of the restricted license to Respondent.

1 (4) Respondent DAVID ELLIS FREEMAN shall submit
2 with any application for license under an employing broker, or any
3 application for transfer to a new employing broker, a statement
4 signed by the prospective employing real estate broker on a form
5 approved by the Department of Real Estate which shall certify:

6 (a) That the employing broker has read the
7 Accusation and Third Amended Accusation filed
8 herein and the Decision of the Commissioner
9 which granted the right to a restricted license;
10 and,

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

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

27 (6) Respondent DAVID ELLIS FREEMAN shall, within

1 six months from the effective date of this Decision, take and pass
2 the Professional Responsibility Examination administered by the
3 Department including the payment of the appropriate examination
4 fee. If Respondent fails to satisfy this condition, the
5 Commissioner may order suspension of Respondent's license until
6 Respondent passes the examination.

7 * * * * *

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

19 DATED: 4/29/95

David E. Freeman
DAVID ELLIS FREEMAN, Respondent.

20 DATED: 4-29-95

Sean Crahan
SEAN CRAHAN, Counsel for
Complainant.

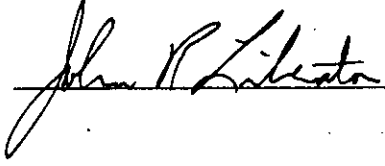
21 /
22 /
23 /
24 /
25 /
26 /
27 /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * * * *

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent DAVID
ELLIS FREEMAN and shall become effective at 12 o'clock noon on
June 5, 1995.

IT IS SO ORDERED May 10, 1995.

JOHN R. LIBERATOR
Interim Commissioner


Saito
flag

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California, 90012
4
5 (213) 897-3937

FILED
MAY 15 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12 ROBERT KENNETH TODD, dba)
13 Re/Max Beach Cities Realty,)
14 Re/Max of Hermosa Beach,)
15 Re/Max of Manhattan Beach,)
16 Re/Max Professionals Realty,)
17 Coastal Financial Real Estate)
18 Loans, and RKT Realty;)
19 JODI A. VOY; LOUIS WRIGHT)
20 BOURGEOIS; DAVID ELLIS FREEMAN;)
21 SUSAN WRIGHT FREEMAN; DEAN ALLEN)
22 THOMAS; RICK RAY THOMAS; JACK B.)
23 THOMAS; PAUL J. FIGUEIREDO;)
24 BARBARA MARY NICHOLS, dba)
25 Meridian Properties; CHARLES RAY)
26 MANNING; TOM GEORGE ROYDS; MARTI)
27 MELILLO; TONY POTENTI and,)
SHERI LYNNE SKULICK,)
Respondents.)

No. H-25803 LA

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

22 It is hereby stipulated by and between SHERI LYNNE
23 SKULICK (referred to as Respondent), acting by and through his
24 attorney Alvin S. Tobias, Esq. and the Complainant, acting by and
25 through Sean Crahan, Counsel for the Department of Real Estate, as
26 follows for the purpose of settling and disposing of the
27 Supplemental Accusation filed on May 11, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On June 3, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that she
17 understands that by withdrawing said Notice of Defense, she will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that she will waive
21 other rights afforded to her in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 thirty eight (38), thirty nine (39) and forty one (41) in the
27 Supplemental Accusation filed in this proceeding. Respondent

1 chooses not to contest these factual allegations and to remain
2 silent and understand that, as a result thereof, these factual
3 allegations, without being admitted or denied, will serve as a
4 basis for the discipline stipulated to herein. This Stipulation
5 and Agreement in Settlement and Order and the findings based on
6 Respondent's decision not to contest the Accusation is hereby
7 expressly limited to this proceeding and made for the sole purpose
8 of reaching an agreed disposition of this proceeding, only.
9 Respondent's decision not to contest the factual allegations is
10 made solely for the purpose of effectuating this Stipulation and is
11 intended by Complainant and Respondent to be non-binding upon him
12 in any actions against Respondent by third parties and shall not be
13 deemed, used, or accepted as an acknowledgement or admission.
14 However, the results of this Stipulation may provide the basis for
15 establishing prior discipline, and the basis thereof, in any
16 subsequent proceeding by Complainant. The Real Estate Commissioner
17 shall not be required to provide further evidence to prove such
18 allegations.

19 5. It is understood by the parties that the Real Estate
20 Commissioner may adopt the Order in this Stipulation as his
21 decision and order in this matter thereby imposing the penalty and
22 sanctions on Respondent's real estate licenses and/or license
23 rights as set forth in the below Order. In the event that the
24 Commissioner in his discretion does not adopt the Stipulation, the
25 Stipulation And Agreement In Settlement shall be void and of no
26 effect, and Respondent shall retain the right to a hearing and
27 proceeding on the Accusation under all the provisions of the APA

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and license rights of Respondent SHERI LYNNE SKULICK under Part 1 of Division 4 of the Business and Professions Code are suspended for sixty (60) days.

Said sixty (60) day suspension shall be stayed for two (2) years upon the following terms and conditions;

(a) Respondent SHERI LYNNE SKULICK shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California;

(b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the effective date of this Order.

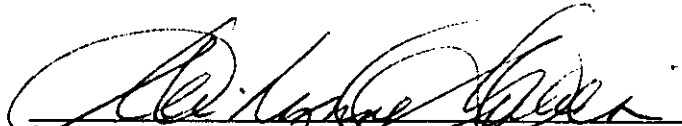
3. If no further cause for disciplinary action against the real estate license of Respondent, as finally determined after hearing or stipulation, occurs within two (2) years, the stay of the the sixty (60) day suspension granted shall become permanent.

* * * * *

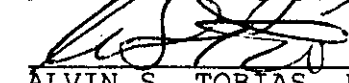
I have read the Stipulation And Agreement In Settlement And Order, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily

1 waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusation at a
3 hearing at which I would have the right to cross-examine witnesses
4 against me and to present evidence in defense and mitigation of the
5 charges.

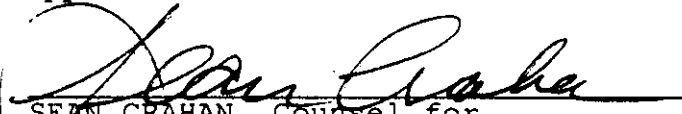
6 DATED: 3/27/95


SHERI LYNNE SKULICK, Respondent.

7 DATED: 3/27/95


ALVIN S. TOBIAS, Esq. Counsel for
Respondent Sheri Lynne Skulick,
approved as to form.

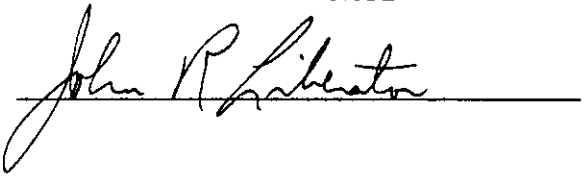
8 DATED: 3-27-95


SEAN CRAHAN, Counsel for
Complainant.

13 * * * * *

14
15 The foregoing Stipulation And Agreement In Settlement is
16 hereby adopted as my Decision and Order as to Respondent SHERI
17 LYNNE SKULICK and shall become effective at 12 o'clock noon on
18 June 5, 1995.

19 IT IS SO ORDERED May 10, 1995.

20 JOHN R. LIBERATOR
21 Interim Commissioner
22 

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California, 90012
4
5 (213) 897-3937
6
7

FILED
MAY 15 1995
DEPARTMENT OF REAL ESTATE
[Signature]

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-25803 LA
12)
13 ROBERT KENNETH TODD, dba) STIPULATION AND AGREEMENT
14 Re/Max Beach Cities Realty,) IN SETTLEMENT AND ORDER
15 Re/Max of Hermosa Beach,)
16 Re/Max of Manhattan Beach,)
17 Re/Max Professionals Realty,)
18 Coastal Financial Real Estate)
19 Loans, and RKT Realty;)
20 JODI A. VOY; LOUIS WRIGHT)
21 BOURGEOIS; DAVID ELLIS FREEMAN;)
22 SUSAN WRIGHT FREEMAN; DEAN ALLEN)
23 THOMAS; RICK RAY THOMAS; JACK B.)
24 THOMAS; PAUL J. FIGUEIREDO;)
25 BARBARA MARY NICHOLS, dba)
26 Meridian Properties; CHARLES RAY)
27 MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI and,)
SHERI LYNNE SKULICK,)
Respondents.)

22 _____ It is hereby stipulated by and between RICK RAY THOMAS
23 (referred to as Respondent) and the Complainant, acting by and
24 through Sean Crahan, Counsel for the Department of Real Estate, as
25 follows for the purpose of settling and disposing of the Accusation
26 filed on April 29, 1994, in this matter:

27 1. All issues which were to be contested and all

1 evidence which was to be presented by Complainant and Respondent at
2 a formal hearing on the Accusation, which hearing was to be held in
3 accordance with the provisions of the Administrative Procedure Act
4 (APA), shall instead and in place thereof be submitted solely on
5 the basis of the provisions of this Stipulation And Agreement In
6 Settlement And Order (hereafter Stipulation).

7 2. Respondent has received, read and understands the
8 Statement to Respondent, the Discovery Provisions of the APA and
9 the Accusation, filed by the Department of Real Estate in this
10 proceeding.

11 3. On May 24, 1994, Respondent filed a Notice of
12 Defense pursuant to Section 11505 of the Government Code for the
13 purpose of requesting a hearing on the allegations in the
14 Accusation. Respondent hereby freely and voluntarily withdraws
15 said Notice of Defense. Respondent acknowledges that he
16 understands that by withdrawing said Notice of Defense, he will
17 thereby waive his right to require the Commissioner to prove the
18 allegations in the Accusation at a contested hearing held in
19 accordance with the provisions of the APA and that he will waive
20 other rights afforded to him in connection with the hearing such as
21 the right to present evidence in defense of the allegations in the
22 Accusation and the right to cross-examine witnesses.

23 4. This Stipulation and Agreement in Settlement and
24 Order relates to the factual allegations contained in paragraphs
25 one (1), seven (7) and twenty six (26) through twenty six (g)
26 [26(g)], in the Accusation and Third Amended Accusation filed in
27 this proceeding. Respondent chooses not to contest these factual

1 allegations and to remain silent and understand that, as a result
2 thereof, these factual allegations, without being admitted or
3 denied, will serve as a basis for the discipline stipulated to
4 herein. This Stipulation and Agreement in Settlement and Order and
5 the findings based on Respondent's decision not to contest the
6 Accusation is hereby expressly limited to this proceeding and made
7 for the sole purpose of reaching an agreed disposition of this
8 proceeding, only. Respondent's decision not to contest the factual
9 allegations is made solely for the purpose of effectuating this
10 Stipulation and is intended by Complainant and Respondent to be
11 non-binding upon him in any actions against Respondent by third
12 parties and shall not be deemed, used, or accepted as an
13 acknowledgement or admission. However, the results of this
14 Stipulation may provide the basis for establishing prior
15 discipline, and the basis thereof, in any subsequent proceeding by
16 Complainant. The Real Estate Commissioner shall not be required to
17 provide further evidence to prove such allegations.

18 5. It is understood by the parties that the Real Estate
19 Commissioner may adopt the Order in this Stipulation as his
20 decision and order in this matter thereby imposing the penalty and
21 sanctions on Respondent's real estate licenses and/or license
22 rights as set forth in the below Order.
23 Commissioner in his discretion does not adopt the Stipulation, the
24 Stipulation And Agreement In Settlement shall be void and of no
25 effect, and Respondent shall retain the right to a hearing and
26 proceeding on the Accusation under all the provisions of the APA
27 and shall not be bound by any admission or waiver made herein.

1 Code Sections 10177(f).

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 All licenses and license rights of Respondent RICK RAY
5 THOMAS under Part 1 of Division 4 of the Business and Professions
6 Code shall be suspended for ninety (90) days from the effective
7 date of this Order.

8 1. Respondent shall serve the first 30 days of said 90
9 day suspension commencing on the effective date of this Order.

10 2. The last sixty (60) days of the 90 day suspension
11 shall be stayed for one (1) year upon the following terms and
12 conditions;

13 (a) Respondent RICK RAY THOMAS shall obey all laws,
14 rules and regulations governing the rights, duties and
15 responsibilities of a real estate licensee in the State of
16 California;

17 (b) That no final subsequent determination be made,
18 after hearing or upon stipulation, that cause for disciplinary
19 action occurred within one (1) year of the effective date of this
20 Order.

21 3. Respondent RICK RAY THOMAS shall, within three months
22 from the effective date of this Decision, take and pass the
23 Professional Responsibility Examination administered by the
24 Department including the payment of the appropriate examination
25 fee. If Respondent fails to satisfy this condition, the
26 Commissioner may order suspension of Respondent's license until
27 Respondent passes the examination.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

4. If respondent (1), timely takes and passes the Professional Responsibility examination and, (2), if no further cause for disciplinary action against the real estate license of Respondent, as finally determined after hearing or stipulation, occurs within one (1) year, the stay of the the sixty (60) days of the 90 day suspension shall become permanent.

* * * * *

I have read the Stipulation And Agreement In Settlement And Order, 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: 3-1-95

Rick Ray Thomas
RICK RAY THOMAS, Respondent.

DATED: 5-2-95

Sean Crahan
SEAN CRAHAN, Counsel for Complainant.

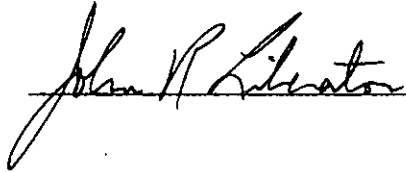
/
/
/
/
/

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation And Agreement In Settlement is
hereby adopted as my Decision and Order as to Respondent RICK RAY
THOMAS and shall become effective at 12 o'clock noon on
June 5, 1995.

IT IS SO ORDERED May 10, 1995

JOHN R. LIBERATOR
Interim Commissioner



1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937

FILED
MAY 2 1995
DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12 ROBERT KENNETH TODD, dba)
Re/Max Beach Cities Realty,)
13 Re/Max of Hermosa Beach,)
Re/Max of Manhattan Beach,)
14 Re/Max Professionals Realty,)
Coastal Financial Real Estate)
15 Loans, and RKT Realty;)
JODI A. VOY; LOUIS WRIGHT)
16 BOURGEOIS; DAVID ELLIS FREEMAN;)
SUSAN WRIGHT FREEMAN; DEAN ALLEN)
17 THOMAS; RICK RAY THOMAS; JACK B.)
THOMAS; PAUL J. FIGUEIREDO;)
18 BARBARA MARY NICHOLS, dba)
Meridian Properties; CHARLES RAY)
19 MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI and,)
20 SHERI LYNNE SKULICK,)
Respondents.)
21

No. H-25803 LA
STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

22 It is hereby stipulated by and between TONY POTENTI
23 (referred to as Respondent), acting by and through his attorney
24 Joseph T. Vodnoy, Esq. and the Complainant, acting by and through
25 Sean Crahan, Counsel for the Department of Real Estate, as follows
26 for the purpose of settling and disposing of the Accusation filed
27 on April 29, 1994, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent at
3 a formal hearing on the Accusation, which hearing was to be held in
4 accordance with the provisions of the Administrative Procedure Act
5 (APA), shall instead and in place thereof be submitted solely on
6 the basis of the provisions of this Stipulation And Agreement In
7 Settlement And Order (hereafter Stipulation).

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation, filed by the Department of Real Estate in this
11 proceeding.

12 3. On May 10, 1994, Respondent filed a Notice of
13 Defense pursuant to Section 11505 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense, he will
18 thereby waive his right to require the Commissioner to prove the
19 allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such as
22 the right to present evidence in defense of the allegations in the
23 Accusation and the right to cross-examine witnesses.

24 4. This Stipulation and Agreement in Settlement and
25 Order relates to the factual allegations contained in paragraphs
26 one (1), fourteen (14) and thirty one (31) through thirty one (e)
27 [31(e)], in the Accusation and 36 as modified by the Second Amended

1 Accusation filed in this proceeding. Respondent chooses not to
2 contest these factual allegations and to remain silent and
3 understand that, as a result thereof, these factual allegations,
4 without being admitted or denied, will serve as a basis for the
5 discipline stipulated to herein, only. This Stipulation and
6 Agreement in Settlement and Order and the findings based on
7 Respondent's decision not to contest the Accusation is hereby
8 expressly limited to these administrative proceedings only and
9 made for the sole purpose of reaching an agreed disposition of this
10 proceeding, only. Respondent's decision not to contest the factual
11 allegations is made solely for the purpose of effectuating this
12 Stipulation and is intended by Complainant and Respondent to be
13 non-binding upon him in any actions against Respondent by any third
14 parties, governmental or otherwise, and shall not be deemed, used,
15 or accepted as an acknowledgement or admission. However, the
16 results of this Stipulation may provide the basis for establishing
17 prior discipline, and the basis thereof, in any subsequent
18 proceeding by Complainant. The Real Estate Commissioner shall not
19 be required to provide further evidence to prove such allegations.

20 5. It is understood by the parties that the Real Estate
21 Commissioner may adopt the Order in this Stipulation as his
22 decision and order in this matter thereby imposing the penalty and
23 sanctions on Respondent's real estate licenses and/or license
24 rights as set forth in the below Order. In the event that the
25 Commissioner in his discretion does not adopt the Stipulation, the
26 Stipulation And Agreement In Settlement shall be void and of no
27 effect, and Respondent shall retain the right to a hearing and

1 proceeding on the Accusation under all the provisions of the APA
2 and shall not be bound by any admission or waiver made herein.

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

9 DETERMINATION OF ISSUES

10 By reason of the foregoing stipulations and waivers, made
11 solely for the purpose of settlement of the pending Accusation
12 without a hearing, it is stipulated and agreed that the following
13 Determination of Issues shall be made:

14 The conduct or omissions of Respondent TONY POTENTI, as
15 set forth in paragraphs one (1), fourteen (14) and thirty one (31)
16 through thirty one (e) [31(e)], in the Accusation and 36 as
17 modified by the Second Amended Accusation, constitute cause to
18 suspend or revoke his real estate salesperson license and/or
19 license rights under the provisions of Code Sections 10177(f).

20 ORDER

21 WHEREFORE, THE FOLLOWING ORDER is hereby made:

22 All licenses and license rights of Respondent TONY
23 POTENTI under Part 1 of Division 4 of the Business and Professions
24 Code are revoked; provided, however, a restricted real estate
25 salesperson license shall be issued to Respondent TONY POTENTI
26 pursuant to Section 10156.5 of the Code if Respondent makes
27 application therefor and pays to the Department of Real Estate the

1 appropriate fee for said licenses within ninety (90) days from the
2 effective date of the Decision. The restricted license issued to
3 Respondent TONY POTENTI shall be subject to all of the provisions
4 of Section 10156.7 of the Business and Professions Code and to the
5 following limitations, conditions and restrictions imposed under
6 authority of Section 10156.6 of said Code:

7 A. Any restricted real estate salesperson licenses
8 issued to Respondent TONY POTENTI shall be suspended for thirty
9 (30) days from the date of issuance of said restricted license;
10 provided, however, that if Respondent petitions, the suspension
11 shall be stayed upon compliance with all the terms and conditions
12 hereinbelow:

13 (1) Respondent TONY POTENTI pays a monetary penalty
14 pursuant to Section 10175.2 of the Business and Professions Code
15 of \$1,000;

16 (2) Said payment shall be in the form of a
17 cashier's check or certified check made payable to the Recovery
18 Account of the Real Estate Fund. Said check must be delivered to
19 the Department prior to the effective date of the Order in this
20 matter;

21 (3) If Respondent fails to pay the monetary penalty
22 in accordance with the terms of this paragraph or this Order, the
23 Commissioner may, without a hearing, order the immediate execution
24 of all or any part of the thirty (30) days stayed suspension, in
25 which event the Respondent shall not be entitled to any repayment
26 nor credit, prorated or otherwise, for money paid to the Department
27 under the terms of this Order.

1 B. The restricted licenses issued to Respondent TONY
2 POTENTI shall be subject to all of the provisions of Section
3 10156.7 of the Business and Professions Code and to the following
4 limitations, conditions and restrictions imposed under authority of
5 Section 10156.6 of said Code:

6 (1) The restricted license may be suspended prior to
7 hearing by order of the Real Estate Commissioner in the event of
8 Respondent TONY POTENTI's conviction or plea of nolo contendere to
9 a crime which bears a significant relation to Respondent's fitness
10 or capacity as a real estate licensee.

11 (2) The restricted license may be suspended prior to
12 hearing by Order of the Real Estate Commissioner on evidence
13 satisfactory to the Commissioner that Respondent TONY POTENTI has,
14 during the time he holds a restricted license, violated provisions
15 of the California Real Estate Law, the Subdivided Lands Law,
16 Regulations of the Real Estate Commissioner, or the conditions
17 attaching to these restricted licenses.

18 (3) Respondent TONY POTENTI shall not be eligible to
19 apply for the issuance of an unrestricted real estate license nor
20 the removal of any of the conditions, limitations or restrictions
21 of a restricted license until one (1) year has elapsed from the
22 date of issuance of the restricted license to Respondent.

23 (4) Respondent TONY POTENTI shall submit with any
24 application for license under an employing broker, or any
25 application for transfer to a new employing broker, a statement
26 signed by the prospective employing real estate broker on a form
27 approved by the Department of Real Estate which shall certify:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

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

(5) Respondent TONY POTENTI shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.


(6) Respondent TONY POTENTI shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

* * * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

I have read the Stipulation And Agreement In Settlement And Order, 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: 3-29-95


TONY POTENTI, Respondent.

DATED: 4-10-95

JOSEPH T. VODNOY, Esq. Counsel for Respondent Tony Potenti, approved as to form.

DATED: 4-11-95


SEAN CRAHAN, Counsel for Complainant.

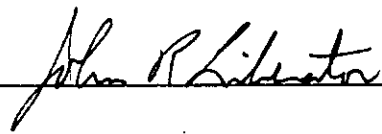
* * * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation And Agreement In Settlement is hereby adopted as my Decision and Order as to Respondent TONY POTENTI and shall become effective at 12 o'clock noon on July 1, 1995.

IT IS SO ORDERED April 29, 1995.

JOHN R. LIBERATOR
Intrim Commissioner



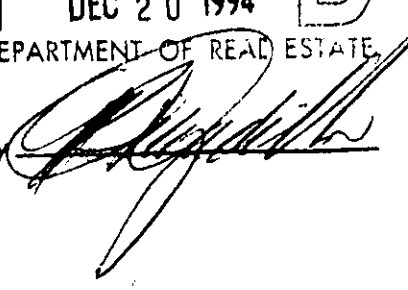
SACTO
Flag

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Sean Crahan, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
DEC 20 1994
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25803 LA
ROBERT KENNETH TODD, dba)	THIRD
Re/Max Beach Cities Realty,)	
Re/Max of Hermosa Beach,)	AMENDED
Re/Max of Manhattan Beach,)	
Re/Max Professionals Realty,)	ACCUSATION
Coastal Financial Real Estate)	
Loans, and RKT Realty;)	
JODI A. VOY; LOUIS WRIGHT)	
BOURGEOIS; DAVID ELLIS FREEMAN;)	
SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
THOMAS; RICK RAY THOMAS; JACK B.)	
THOMAS; PAUL J. FIGUEIREDO;)	
BARBARA MARY NICHOLS, dba)	
Meridian Properties; CHARLES RAY)	
MANNING; TOM GEORGE ROYDS; MARTI)	
MELILLO; TONY POTENTI and)	
SHERI LYNNE SKULICK,)	
Respondents.)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against ROBERT KENNETH TODD, dba Re/Max Beach Cities Realty, Re/Max of Hermosa Beach, Re/Max of Manhattan Beach, Re/Max Professionals Realty, Coastal Financial Real Estate Loans, and RKT

1 Realty; JODI A. VOY; LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN;
2 SUSAN WRIGHT FREEMAN; DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B.
3 THOMAS; PAUL J. FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian
4 Properties; CHARLES RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO,
5 TONY POTENTI and SHERI LYNNE SKULICK makes the following
6 amendments to the accusation filed April 29, 1994

7 1.

8 Complainant amends paragraph 17 (commencing on page 7)
9 by adding sub paragraph (h).

10 "(h) Respondent MELILLO, Karen Lalor and Shirley
11 Kenney of BCE conspired with respondent BOURGEOIS to conceal from
12 Citibank the fact that respondent BOURGEOIS placed substantially
13 no money down on his purchase of the Avenue "C" Property.

14 (i) On or about October 31, 1990, Karen Lalor and
15 Shirley Kenney of Beach Cities Escrow, Inc. (hereafter BCE) issued
16 a check from the BCE escrow trust account for \$181,000 payable to
17 respondent MELILLO. Said funds from the escrow trust account were
18 not the funds of respondents BOURGEOIS, MELILLO or of sellers.
19 Respondent MELILLO used said escrow trust account check to
20 purchase a cashier's check for \$152,500 which respondent MELILLO
21 delivered to BCE which BCE credited to respondent BOURGEOIS as a
22 deposit by him toward his purchase of the Avenue "C" Property. To
23 further conceal the fictitious nature of respondent BOURGEOIS'
24 deposit, BCE backdated its escrow receipt to October 30, 1990.

25 (iii) Respondent MELILLO used the balance of the
26 proceeds of the escrow trust account check to purchase cashier's
27 checks: \$14,250 payable to respondent BOURGEOIS; \$9,000 payable to

1 Citibank and \$5,235 payable to respondent Melillo.

2 (iv) Respondent MELILLO'S and BOURGEOIS'S conduct
3 herein constitutes fraud or dishonest dealing which subjects their
4 real estate licenses and license rights to suspension or
5 revocation under the provisions of Code Sections 10176(a),
6 10176(i) or 10177(j)."

7 2.

8 Complainant amends paragraph 20 (commencing on page 12)
9 by adding sub-paragraph (f).

10 "(f) On or about January 5, 1990, BCE, through Karen
11 Lalor and Shirley Kenney, issued a BCE escrow trust account check
12 to Tory Blazek, then secretary to respndent S. FREEMAN, in the
13 amount of \$42,000. Said funds from the escrow trust account were
14 not the funds of Blazek, respondent S. FREEMAN, the buyers or of
15 sellers. Blazek then purchased a cashier's check in that amount
16 and delivered it to Karen Lalor who credited that amount to the
17 buyers as the buyers' deposit toward the purchase of the 167th
18 Street Property. To further conceal the fictitious nature of
19 buyer's deposit, BCE backdated the receipt to January 4, 1990."

20 3.

21 Complainant amends paragraph 22 (commencing on page 21)
22 by adding sub-paragraph (g).

23 "(g) On or about October 2, 1990, BCE, through Karen
24 Lalor and Shirley Kenney, issued a BCE escrow trust account check
25 to respondent BOURGEOIS in the amount of \$38,250. Said funds from
26 the escrow trust account were not the funds of Respondents
27 BOURGEOIS, FIGUEIREDO or of sellers. Respondent BOURGEOIS then

1 purchased a cashier's check in that amount and delivered it to
2 Karen Lalor who credited that amount to the respondent FIGUEIREDO
3 as the his deposit toward the purchase of the 1932 Graham
4 Property. To further conceal the fictitious nature of buyer's
5 deposit, BCE and Lalor backdated the receipt to October 1, 1990.

6 4.

7 Complainant amends paragraph 26 (commencing on page 21)
8 by adding sub-paragraph (g).

9 "(g) On or about October 23, 1989, BCE, through Karen
10 Lalor and Shirley Kenney, issued a BCE escrow trust account check
11 in the amount of \$22,300 payable to Lisa D'Amore, then secretary
12 to respondent D. THOMAS. Said funds from the escrow trust account
13 were not the funds of D'Amore, respondent D. THOMAS, buyers or
14 seller. D'Amore then purchased a cashier's check in that amount
15 and delivered it to BCE which credited that amount to the buyer as
16 the buyer's deposit toward the purchase of the 135th Street
17 Property."

18 5.

19 Complainant amends paragraph 28 (commencing on page 25)
20 by adding sub-paragraph (f).

21 "(f) On or about January 5, 1990, BCE, through Karen
22 Lalor and Shirley Kenney, issued a BCE escrow trust account check,
23 in the amount of \$36,150 payable to Lisa D'Amore, then secretary
24 to respondent D. THOMAS. Said funds from the escrow trust account
25 were not the funds of D'Amore, respondent D. THOMAS, buyers or
26 sellers. D'Amore then purchased a cashier's check in that amount
27 and delivered it to BCE which credited that amount to the buyer as

1 the buyer's deposit toward the purchase of the Denker Property."

2 6.

3 Complainant amends paragraph 30 (commencing on page 28)
4 by adding sub-paragraph (g).

5 "(g) On or about November 27, 1989, BCE, through Karen
6 Lalor and Shirley Kenney, issued a BCE escrow trust account check
7 in the amount of \$25,400 payable to Respondent ROYDS. Said funds
8 from the escrow trust account were not the funds of respondent
9 ROYDS, buyers or seller. Respondent ROYDS then purchased a
10 cashier's check in that amount and delivered it to BCE which
11 credited that amount to the buyer as the buyer's deposit toward
12 the purchase of the 187th Street Property."

13 7.

14 The facts set forth above constitute further grounds to
15 suspend or revoke the real estate licenses and license rights of
16 respondents BOURGOEIS, MELILLO. S. FREEMAN, D. THOMAS and ROYDS
17 under the provisions of Code Sections 10176(a), 10176(i) and
18 10177(j).

19 8.

20 The facts set forth in this Third Amended Accusation
21 were not discovered until on and after May 18, 1994.

22 WHEREFORE, Complainant prays that a hearing be conducted
23 on the allegations of the Accusation filed April 29, 1994, the
24 Supplemental Accusation filed May 11, 1994, the Amended Accusation
25 filed June 16, 1994, The Second Amended Accusation filed September
26 8, 1994 and on this Third Amended Accusation and that upon proof
27 thereof, a decision be rendered imposing disciplinary action

1 against all licenses and license rights of respondents ROBERT
2 KENNETH TODD, dba Re/Max Beach Cities Realty, Re/Max of Hermosa
3 Beach, Re/Max of Manhattan Beach, Re/Max Professionals Realty,
4 Coastal Financial Real Estate Loans, and RKT Realty; JODI A. VOY;
5 LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN; SUSAN WRIGHT FREEMAN;
6 DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B. THOMAS; PAUL J.
7 FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian Properties; CHARLES
8 RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO; TONY POTENTI and
9 SHERI LYNNE SKULICK, under the Real Estate Law (Part 1 of Division
10 4 of the Business and Professions Code) and for such other and
11 further relief as may be proper under other applicable provisions
12 of law.

13 Dated at Los Angeles, California,
14 this 20 th day of December, 1994.


15 STEVEN J. ELLIS
16 Deputy Real Estate Commissioner
17
18

19 cc: Robert Kenneth Todd
20 Jodi A. Voy
21 Louis Wright Bourgeois
22 David Ellis Freeman
23 Susan Wright Freeman
24 Dean Allen Thomas
25 Rick Ray Thomas
26 Jack B. Thomas
27 Paul J. Figueiredo
Barbara Mary Nichols
Charles Ray Manning
Tom George Royds
Marti Melillo
Tony Potenti
Sheri Lynne Skulick
Stuart-Wright Mortgage Inc.
Mark Shelton
Seaside Financial Corporation

Walter Urban, Esq.
Dale Eleniak, Esq.
Scott S. Furstman, Esq.
Frank E. Di Giacomo, Esq.
H. Andrew Wasmund, Esq.
Jeffrey L. Krivis, Esq.
Robert J. Reamer, Esq.
Alvin S. Tobias, Esq.

Sacto./AS

1 Sean Crahan, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

FILED
SEP - 8 1994
DEPARTMENT OF REAL ESTATE
By *[Signature]*

6
7
8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11	In the Matter of the Accusation of)	No. H-25803 LA
12	ROBERT KENNETH TODD, dba)	<u>SECOND AMENDED</u>
13	Re/Max Beach Cities Realty,)	<u>ACCUSATION</u>
14	Re/Max of Hermosa Beach,)	
15	Re/Max of Manhattan Beach,)	
16	Re/Max Professionals Realty,)	
17	Coastal Financial Real Estate)	
18	Loans, and RKT Realty;)	
19	JODI A. VOY; LOUIS WRIGHT)	
20	BOURGEOIS; DAVID ELLIS FREEMAN;)	
21	SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
22	THOMAS; RICK RAY THOMAS; JACK B.)	
23	THOMAS; PAUL J. FIGUEIREDO;)	
24	BARBARA MARY NICHOLS, dba)	
25	Meridian Properties; CHARLES RAY)	
26	MANNING; TOM GEORGE ROYDS; MARTI)	
27	MELILLO; TONY POTENTI; and)	
	SHERI LYNNE SKULICK,)	
)	
	Respondents.)	

23 The Complainant, Steven J. Ellis, a Deputy Real Estate
24 Commissioner of the State of California, for cause of accusation
25 against ROBERT KENNETH TODD, dba Re/Max Beach Cities Realty,
26 Re/Max of Hermosa Beach, Re/Max of Manhattan Beach, Re/Max
27 Professionals Realty, Coastal Financial Real Estate Loans, and RKT

1 Realty; JODI A. VOY; LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN;
2 SUSAN WRIGHT FREEMAN; DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B.
3 THOMAS; PAUL J. FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian
4 Properties; CHARLES RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO;
5 TONY POTENTI; and SHERI LYNNE SKULICK amends paragraph 36 (on page
6 34) of the Accusation filed April 29, 1994, by including the name
7 of respondent TONY POTENTI on line 18 in said paragraph so that
8 line 18 now reads "ROYDS, MELILLO and POTENTI,..."
9

10 WHEREFORE, Complainant prays that a hearing be conducted
11 on the allegations of the Accusation filed April 29, 1994, the
12 Supplemental Accusation filed May 11, 1994, the Amended Accusation
13 filed June 16, 1994, and on this Second Amended Accusation and
14 that upon proof thereof, a decision be rendered imposing
15 disciplinary action against all licenses and license rights of
16 respondents ROBERT KENNETH TODD, dba Re/Max Beach Cities Realty,
17 Re/Max of Hermosa Beach, Re/Max of Manhattan Beach, Re/Max
18 Professionals Realty, Coastal Financial Real Estate Loans, and RKT
19 Realty; JODI A. VOY; LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN;
20 SUSAN WRIGHT FREEMAN; DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B.
21 THOMAS; PAUL J. FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian
22 Properties; CHARLES RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO;
23 TONY POTENTI; and SHERI LYNNE SKULICK under the Real Estate Law

24 /


25 /

26 /

27 /

1 (Part 1 of Division 4 of the Business and Professions Code) and
2 for such other and further relief as may be proper under other
3 applicable provisions of law.

4 Dated at Los Angeles, California,
5 this 8th day of September, 1994.

6
7 
8 STEVEN J. ELLIS
9 Deputy Real Estate Commissioner

10
11
12 cc: Robert Kenneth Todd
13 Jodi A. Voy
14 Louis Wright Bourgeois
15 David Ellis Freeman
16 Susan Wright Freeman
17 Dean Allen Thomas
18 Rick Ray Thomas
19 Jack B. Thomas
20 Paul J. Figueiredo
21 Barbara Mary Nichols
22 Charles Ray Manning
23 Tom George Royds
24 Marti Melillo
25 Tony Potenti
26 Sheri L. Skulick
27 Walter R. Urban, Esq.
Dale A. Eleniak, Esq.
Scott S. Furstman, Esq.
Frank E. DiGiacomo, Esq.
H. Andrew Wasmund, Esq.
Jeffrey L. Krivis, Esq.
Robert J. Reamer, Esq.
Alvin S. Tobias, Esq.
Stuart-Wright Mortgage Inc.
Real Estate Collection
Mark Shelton
Seaside Financial Corporation
Sacto.
AS

1 Sean Crahan, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

JUN 16 1994

DEPARTMENT OF REAL ESTATE
[Signature]

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-25803 LA
12)
13 ROBERT KENNETH TODD, dba) AMENDED
14 Re/Max Beach Cities Realty,)
15 Re/Max of Hermosa Beach,) ACCUSATION
16 Re/Max of Manhattan Beach,)
17 Re/Max Professionals Realty,)
18 Coastal Financial Real Estate)
19 Loans, and RKT Realty;)
20 JODI A. VOY; LOUIS WRIGHT)
21 BOURGEOIS; DAVID ELLIS FREEMAN;)
22 SUSAN WRIGHT FREEMAN; DEAN ALLEN)
23 THOMAS; RICK RAY THOMAS; JACK B.)
24 THOMAS; PAUL J. FIGUEIREDO;)
25 BARBARA MARY NICHOLS, dba)
26 Meridian Properties; CHARLES RAY)
27 MANNING; TOM GEORGE ROYDS; MARTI)
MELILLO; TONY POTENTI; and)
SHERI LYNNE SKULICK,)
Respondents.)

23 The Complainant, Steven J. Ellis, a Deputy Real Estate
24 Commissioner of the State of California, for cause of accusation
25 against ROBERT KENNETH TODD, dba Re/Max Beach Cities Realty,
26 Re/Max of Hermosa Beach, Re/Max of Manhattan Beach, Re/Max
27 Professionals Realty, Coastal Financial Real Estate Loans, and RKT

1 Realty; JODI A. VOY; LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN;
2 SUSAN WRIGHT FREEMAN; DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B.
3 THOMAS; PAUL J. FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian
4 Properties; CHARLES RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO;
5 TONY POTENTI; and SHERI LYNNE SKULICK, amends paragraph 21
6 (commencing at page 13) of the Accusation filed April 29, 1994, as
7 follows:

8 1.

9 Respondent BOURGEOIS is deleted from line 21, page 13.

10 2.

11 Paragraph 21(c) is amended as follows:

12 (a) On page 14, line 12, the figure \$500,000 is
13 deleted and the figure \$297,000 is substituted thereat.

14 (b) On page 14, line 14, the figure \$140,000 is
15 deleted and the figure \$39,500 is substituted thereat.

16 3.

17 ~~Paragraph 21(d) as filed on April 29, 1994, is stricken.~~

18 4.

19 ~~A new paragraph 21(d) is added and alleges as follows:~~

20 21(d) In fact, buyer borrowed \$34,300 for the down
21 payment for deposit to escrow, pursuant to an agreement entered
22 into prior to the close of escrow. The Jukes Construction
23 Company deposited \$34,300 into escrow on or about September 14,
24 1989. This fact was not known to Citibank nor to the Department
25 prior to June 2, 1994. Buyer thus purchased the Mathews Avenue
26 Property with virtually no down payment and respondent MELILLO
27 knew this.

1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of the Accusation filed April 29, 1994, the
3 Supplemental Accusation filed May 11, 1994 and on this Amended
4 Accusation and that upon proof thereof, a decision be rendered
5 imposing disciplinary action against all licenses and license
6 rights of respondents ROBERT KENNETH TODD, dba Re/Max Beach Cities
7 Realty, Re/Max of Hermosa Beach, Re/Max of Manhattan Beach, Re/Max
8 Professionals Realty, Coastal Financial Real Estate Loans, and RKT
9 Realty; JODI A. VOY; LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN;
10 SUSAN WRIGHT FREEMAN; DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B.
11 THOMAS; PAUL J. FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian
12 Properties; CHARLES RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO;

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

/

/

/

/

/

/

/

/

/

/

/

/

/

/

/

1 and TONY POTENTI, under the Real Estate Law (Part 1 of Division 4
2 of the Business and Professions Code) and for such other and
3 further relief as may be proper under other applicable provisions
4 of law.

5 Dated at Los Angeles, California,
6 this 16th day of June, 1994.

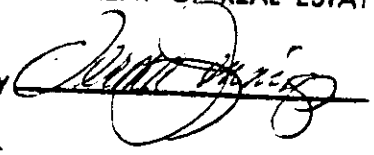
7
8 
9 STEVEN J. ELLIS
Deputy Real Estate Commissioner

10 cc: Robert Kenneth Todd
11 Jodi A. Voy
12 Louis Wright Bourgeois
13 David Ellis Freeman
14 Susan Wright Freeman
15 Dean Allen Thomas
16 Rick Ray Thomas
17 Jack B. Thomas
18 Paul J. Figueiredo
19 Barbara Mary Nichols
20 Charles Ray Manning
21 Tom George Royds
22 Marti Melillo
23 Tony Potenti
24 Sheri-Lynne Skulick
25 Walter R. Urban, Esq.
26 Dale A. Eleniak, Esq.
27 Scott S. Furstman, Esq.
Frank E. DiGiacomo, Esq.
Robert J. Reamer, Esq.
Alvin S. Tobias, Esq.
Stuart-Wright Mortgage Inc.
Mark Shelton
Seaside Financial Corporation
Sacto.
AS

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
SEP - 7 1994
DEPARTMENT OF REAL ESTATE

* * * *

By 

In the Matter of the Accusation of	)	Case Nos. H-25579 LA
	)	H-25803 LA
ROBERT KENNETH TODD, et al.,)	
	)	OAH Nos. L-62450
Respondents.	)	L-63715
)	

NOTICE OF COMBINED HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a combined hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 314 West First Street, Los Angeles, California, on

May 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24,
25, 26, 30, 31; June 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19,
20, 21, 22, 23, 26, 27, 28, 29, and 30, 1995,

all at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone

Notice of Combined Hearing
on Accusation


Page Two

Case Nos. H-25579 LA, OAH L-62450
H-25803 LA, OAH L-63715

who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: September 7, 1994.

DEPARTMENT OF REAL ESTATE


SEAN CRAHAN, Counsel

cc: Robert Kenneth Todd
Jodi A. Voy
Louis Wright Bourgeois
David Ellis Freeman
Susan Wright Freeman
Dean Allen Thomas
Rick Ray Thomas
Jack B. Thomas
Paul J. Figueiredo
Barbara Mary Nichols
Charles Ray Manning
Tom George Royds
Marti Melillo
Tony Potenti
Sheri Lynne Skulick
Walter R. Urban, Esq.
Dale A. Eleniak, Esq.
Scott S. Furstman, Esq.
Frank E. DiGiacomo, Esq.
Jeffrey L. Krivis, Esq.
Robert J. Reamer, Esq.
Alvin S. Tobias, Esq.
H. Andrew Wasmund, Esq.
Stuart-Wright Mortgage Inc.
Mark Shelton
Seaside Financial Corporation
Sacto.
OAH
AS
The Real Estate Collection

RE 501 (Mac 8/92v)

*SWID
Ray*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Sean Crahan, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

MAY 11 1994

DEPARTMENT OF REAL ESTATE
[Signature]

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25803-LA
ROBERT KENNETH TODD, dba)	
Re/Max Beach Cities Realty,)	S U P P L E M E N T A L
Re/Max of Hermosa Beach,)	
Re/Max of Manhattan Beach,)	A C C U S A T I O N
Re/Max Professionals Realty,)	
Coastal Financial Real Estate)	
Loans, and RKT Realty;)	
JODI A. VOY; LOUIS WRIGHT)	
BOURGEOIS; DAVID ELLIS FREEMAN;)	
SUSAN WRIGHT FREEMAN; DEAN ALLEN)	
THOMAS; RICK RAY THOMAS; JACK B.)	
THOMAS; PAUL J. FIGUEIREDO;)	
BARBARA MARY NICHOLS, dba)	
Meridian Properties; CHARLES RAY)	
MANNING; TOM GEORGE ROYDS; MARTI)	
MELILLO; TONY POTENTI; and)	
SHERI LYNNE SKULICK,)	
Respondents.)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against ROBERT KENNETH TODD, dba Re/Max Beach Cities Realty, Re/Max of Hermosa Beach, Re/Max of Manhattan Beach, Re/Max Professionals Realty, Coastal Financial Real Estate Loans, and RKT

1 Realty; JODI A. VOY; LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN;
2 SUSAN WRIGHT FREEMAN; DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B.
3 THOMAS; PAUL J. FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian
4 Properties; CHARLES RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO;
5 and TONY POTENTI, supplements the Accusation filed April 29, 1994,
6 by adding SHERI LYNNE SKULICK as a respondent and alleging as
7 follows:

8 38.

9 The Complainant, Steven J. Ellis, a Deputy Real Estate
10 Commissioner of the State of California, makes this Supplemental
11 Accusation in his official capacity.

12 LICENSING

13 39.

14 SHERI LYNNE SKULICK (hereafter respondent SKULICK) is
15 ~~presently licensed and/or has license rights under the Real Estate~~
16 ~~Law. At all times mentioned herein, respondent SKULICK was and~~
17 ~~now is licensed by the Department of Real Estate of the State of~~
18 California (hereafter the Department) as a real estate
19 salesperson, licensed at all times herein mentioned to respondent
20 TODD.

21 CONSPIRACY

22 40.

23 Respondents TODD, VOY, BOURGEOIS, S. FREEMAN, D.
24 FREEMAN, D. A. THOMAS, R. R. THOMAS, J. THOMAS, FIGUEIREDO,
25 NICHOLS, MANNING, ROYDS, MELILLO, POTENTI and SKULICK agreed
26 ~~amongst themselves, and others, including but not limited to Beach~~
27 ~~Cities Escrow, Inc. (BCE), solely owned by respondent TODD, its~~

1 escrow officers, Karen Lalor and Shirley Kenney, and Manhattan
2 Escrow, to engage in the business of buying or selling real
3 properties, as principals or agents for or in expectation of
4 compensation, whereby buyers of real properties would borrow part
5 or all of the down payments to purchase the properties and
6 concealing from Citibank that the down payments were borrowed,
7 contrary to statements on buyers' loan applications to Citibank
8 that no part of their down payments were borrowed. In fact, down
9 payments were borrowed from third parties, sellers, or from funds
10 in BCE or Re/Max Beach Cities Realty (RMBCR) bank accounts.
11 ~~Pursuant to this agreement, respondents TODD, VOY, BOURGEOIS, D.~~
12 ~~FREEMAN, S. FREEMAN, D. A. THOMAS, R. R. THOMAS, FIGUEIREDO,~~
13 ~~NICHOLS, MANNING, ROYDS, MELILLO, POTENTI and SKULICK, in~~
14 ~~cooperation with other members of RMBCR, BCE, Manhattan Escrow,~~
15 ~~and others, jointly and severally, engaged in the below~~
16 ~~transactions.~~

17 41.

18 The 2605 Mathews Avenue Property

19 Respondents SKULICK, VOY and TODD

20 (a) On or about March 16, 1989, respondent SKULICK,
21 acting on behalf of respondent TODD, for or in expectation of
22 compensation, negotiated the sale of real property located at
23 2605 Mathews Avenue, #B, Redondo Beach, California (hereafter the
24 2605 Mathews Avenue Property), from Craig R. Casner to Mark and
25 Barbara Brunn, buyers, for a purchase price of \$315,000, paid for
26 by \$63,000 cash through escrow at Manhattan Escrow, a loan of
27 \$252,000 secured by a first trust deed on the 2605 Mathews Avenue

1 Property. On or about May 3, 1989, escrow closed on the sale of
2 the 2605 Mathews Avenue Property. At the close of escrow, there
3 was no second trust deed on the 2605 Mathews Avenue Property.

4 (b) To purchase the 2605 Mathews Avenue Property, on or
5 about March 27, 1989, buyers applied to Citibank for a loan of
6 \$252,000 secured by a first trust deed on the 2605 Mathews Avenue
7 Property. Buyers represented they were going to provide \$57,500
8 as a down payment, provided from savings, sale of equity and a
9 company buy-out of borrowers home and that none of the down
10 payment was borrowed. Buyers failed to disclose to Citibank that
11 buyers were going to record a second trust deed secured by the
12 2605 Mathews Avenue Property. Respondent VOY took the loan
13 application.

14 (c) In fact, buyers borrowed a substantial portion of
15 the down payment for deposit to escrow, including \$31,500 from the
16 C. R. Casner Construction Co.; or the amount of the down payment
17 was later lent back to buyers pursuant to an agreement entered
18 into prior to the close of escrow, with the consequent reduction
19 in buyers' equity. Respondent SKULICK knew the down payment was
20 borrowed and knew the borrowing of down payments was inconsistent
21 with Citibank loan policy.

22 (d) After escrow closed on May 3, 1989, respondent
23 SKULICK caused, allowed or permitted the recordation of a second
24 trust deed on the 2605 Mathews Avenue Property in the amount of
25 \$31,500 in favor of seller. Buyers, by this amount, thus reduced
26 their equity in the 2605 Mathews Avenue Property. The note and
27

1 second trust deed were signed by buyers on or about April 29,
2 1989, and recorded on May 25, 1989.

3 (e) Respondent TODD was to receive a commission in
4 connection with the purchase of the 2605 Mathews Avenue Property
5 by buyers. Respondents TODD and SKULICK contributed half the
6 commission toward buyers' down payment. Respondent TODD knew or
7 should have known of the conduct of respondent SKULICK set forth
8 above. Respondent TODD failed to exercise reasonable supervision
9 over respondent SKULICK.

10 (f) Citibank made a loan on the 2605 Mathews Avenue
11 ~~Property in reasonable reliance on the representations of the~~
12 ~~borrowers and that there would be no junior financing in~~
13 ~~connection with the above transaction.~~

14 42.

15 Citibank

16 (a) In the transaction set forth above, Citibank made
17 ~~loans in reasonable reliance on the representations of the~~
18 ~~borrowers and that there would be no junior financing in~~
19 ~~connection with the 2605 Mathews Avenue Property transaction.~~

20 (b) ~~Had Citibank known the down payment was borrowed,~~
21 ~~the reduction in equity or about the second trust deed in the~~
22 ~~above transaction, Citibank would not have made the loan on the~~
23 ~~2605 Mathews Avenue Property.~~

24 (c) Citibank did not discover these facts prior to
25 June 1, 1993, and could not have discovered these facts in the
26 exercise of reasonable care prior to June 1, 1993.

27

CAUSES FOR DISCIPLINARY ACTION

43.

The conduct or omissions of respondent TODD, as set forth above, subjects his real estate license to suspension or revocation under the provisions of Code Sections:

(a) 10176(a) for causing or allowing substantial misrepresentations.

(b) 10176(i) for fraud or dishonest dealing.

(c) 10177(f) for conduct which would have warranted the denial of a real estate license if the conduct is not in connection with a transaction for which a real estate license is required.

(d) 10177(h) for failure to supervise his licensee employees in the conduct of acts requiring a license.

(e) 10177(j) for fraud or dishonest dealing if the conduct is not in connection with a transaction for which a real estate license is required.

44.

The conduct or omissions of respondent VOY, as set forth above, subjects her real estate license and license rights to suspension or revocation under the provisions of Code Section 10177(f) for conduct which would have warranted the denial of a real estate license and/or 10177(j) for fraud or dishonest dealing.

/

/

/

The conduct or omissions of respondent SKULICK, as set forth above, while acting on behalf of others, subjects her real estate license and license rights to suspension or revocation under the provisions of Code Sections:

(a) 10176(a) for causing or allowing substantial misrepresentations.

(b) 10176(i) for fraud or dishonest dealing.

(c) 10177(f) for conduct which would have warranted the denial of a real estate license.

(d) 10177(j) for fraud or dishonest dealing if the conduct is not in connection with a transaction for which a real estate license is required.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of the Accusation and this Supplemental Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of respondents ROBERT KENNETH TODD, dba Re/Max Beach Cities Realty, Re/Max of Hermosa Beach, Re/Max of Manhattan Beach, Re/Max Professionals Realty, Coastal Financial Real Estate Loans, and RKT Realty; JODI A. VOY; LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN;

/

/

/

/

/

1 SUSAN WRIGHT FREEMAN; DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B.
2 THOMAS; PAUL J. FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian
3 Properties; CHARLES RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO;
4 TONY POTENTI; and SHERI LYNNE SKULICK under the Real Estate Law
5 (Part 1 of Division 4 of the Business and Professions Code) and
6 for such other and further relief as may be proper under other
7 applicable provisions of law.

8 Dated at Los Angeles, California
9 this 11th day of May, 1994.

10
11
12 
13 STEVEN J. ELLIS
14 Deputy Real Estate Commissioner
15
16
17

18 cc: Robert Kenneth Todd
19 Jodi A. Voy
20 Louis Wright Bourgeois
21 David Ellis Freeman
22 Susan Wright Freeman
23 Dean Allen Thomas
24 Rick Ray Thomas
25 Jack B. Thomas
26 Paul J. Figueiredo
27 Barbara Mary Nichols
Charles Ray Manning
Tom George Royds
Marti Melillo
Tony Potenti
Sheri Lynne Skulick
Stuart-Wright Mortgage Inc.
Mark Shelton
Seaside Financial Corporation
Sacto.
AS

1 Sean Crahan, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

APR 29 1994

DEPARTMENT OF REAL ESTATE

BY *William J. ...*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA.

10 * * * * *

11 In the Matter of the Accusation of)
12 ROBERT KENNETH TODD, dba)
13 Re/Max Beach Cities Realty,)
14 Re/Max of Hermosa Beach,)
15 Re/Max of Manhattan Beach,)
16 Re/Max Professionals Realty,)
17 Coastal Financial Real Estate)
18 Loans, and RKT Realty;)
19 JODI A. VOY; LOUIS WRIGHT)
20 BOURGEOIS; DAVID ELLIS FREEMAN;)
21 SUSAN WRIGHT FREEMAN; DEAN ALLEN)
22 THOMAS; RICK RAY THOMAS; JACK B.)
23 THOMAS; PAUL J. FIGUEIREDO;)
24 BARBARA MARY NICHOLS, dba)
25 Meridian Properties; CHARLES RAY)
26 MANNING; TOM GEORGE ROYDS; MARTI)
27 MELILLO; and TONY POTENTI,)
Respondents.)

No. H-25803 LA

A C C U S A T I O N

22 The Complainant, Steven J. Ellis, a Deputy Real Estate
23 Commissioner of the State of California, for cause of accusation
24 against ROBERT KENNETH TODD, dba Re/Max Beach Cities Realty,
25 Re/Max of Hermosa Beach, Re/Max of Manhattan Beach, Re/Max
26 Professionals Realty, Coastal Financial Real Estate Loans, and RKT
27 Realty; JODI A. VOY; LOUIS WRIGHT BOURGEOIS; DAVID ELLIS FREEMAN;

1 SUSAN WRIGHT FREEMAN; DEAN ALLEN THOMAS; RICK RAY THOMAS; JACK B.
2 THOMAS; PAUL J. FIGUEIREDO; BARBARA MARY NICHOLS, dba Meridian
3 Properties; CHARLES RAY MANNING; TOM GEORGE ROYDS; MARTI MELILLO;
4 and TONY POTENTI, alleges as follows:

5 1.

6 The Complainant, Steven J. Ellis, a Deputy Real Estate
7 Commissioner of the State of California, makes this Accusation in
8 his official capacity.

9 LICENSING

10 2.

11 ROBERT KENNETH TODD (hereafter respondent TODD) is
12 presently licensed and/or has license rights under the Real Estate
13 Law, Part 1 of Division 4 of the Business and Professions Code
14 (herein "the Code"). At all times mentioned herein, respondent
15 TODD was and now is licensed by the Department of Real Estate of
16 the State of California (herein "the Department") as a real estate
17 broker, individually and doing business as Re/Max Beach Cities
18 Realty (hereafter RMBCR), Re/Max of Hermosa Beach, Re/Max of
19 Manhattan Beach, Re/Max Professionals Realty, Coastal Financial
20 Real Estate Loans, and RKT Realty.

21 3.

22 JODI A. VOY (hereafter respondent VOY) is presently
23 licensed and/or has license rights under the Real Estate Law.
24 Respondent VOY became licensed by the Department on or about
25 October 27, 1993, as a real estate salesperson. During the times
26 herein below mentioned, respondent VOY was employed by Citibank
27 Savings, Federal Savings Bank (hereafter Citibank) as a loan

1 officer.

2 4.

3 LOUIS WRIGHT BOURGEOIS (hereafter respondent BOURGEOIS)
4 is presently licensed and/or has license rights under the Real
5 Estate Law. At all times mentioned herein, respondent BOURGEOIS
6 was and now is licensed by the Department as a real estate
7 salesperson, licensed at all times herein mentioned to respondent
8 TODD.

9 5.

10 DAVID ELLIS FREEMAN and SUSAN WRIGHT FREEMAN (hereafter
11 respondent D. FREEMAN and S. FREEMAN, respectively, in the
12 singular, or respondents FREEMAN in the plural) are presently
13 licensed and/or have license rights under the Real Estate Law. At
14 all times mentioned herein, respondents FREEMAN were and now are
15 licensed by the Department as real estate salespersons.
16 Respondent S. FREEMAN was and is licensed at all times herein
17 mentioned to respondent TODD.

18 6.

19 DEAN ALLEN THOMAS (hereafter respondent D. A. THOMAS) is
20 presently licensed and/or has license rights under the Real Estate
21 Law. At all times mentioned herein, respondent D. A. THOMAS was
22 and now is licensed by the Department as a real estate
23 salesperson, licensed at all times herein mentioned to respondent
24 TODD.

25 7.

26 RICK RAY THOMAS (hereafter respondent R. R. THOMAS) is
27 presently licensed and/or has license rights under the Real Estate

1 Law. At all times mentioned herein, respondent R. R. THOMAS was
2 and now is licensed by the Department as a real estate
3 salesperson.

4 8.

5 JACK B. THOMAS (hereafter respondent J. THOMAS) is
6 presently licensed and/or have license rights under the Real
7 Estate Law. At all times mentioned herein, respondent J. THOMAS
8 was and now is licensed by the Department as a real estate broker,
9 dba Jack "B" Thomas Real Estate Investments.

10 9.

11 PAUL J. FIGUEIREDO (hereafter respondent FIGUEIREDO) is
12 presently licensed and/or has license rights under the Real Estate
13 Law. At all times mentioned herein, respondent FIGUEIREDO was and
14 now is licensed by the Department as a real estate salesperson,
15 licensed at all times herein mentioned to respondent TODD.

16 10.

17 BARBARA MARY NICHOLS (hereafter respondent NICHOLS) is
18 presently licensed and/or have license rights under the Real
19 Estate Law. At all times mentioned herein, respondent NICHOLS was
20 and now is licensed by the Department as a real estate broker,
21 individually and dba Meridian Properties.

22 11.

23 CHARLES RAY MANNING (hereafter respondent MANNING) is
24 presently licensed and/or have license rights under the Real
25 Estate Law. At all times mentioned herein, respondent MANNING was
26 and now is licensed by the Department as a real estate
27 salesperson. From March 28, 1986, through March 27, 1990,

1 respondent MANNING was employed by and licensed to respondent
2 TODD. Thereafter, respondent MANNING was and is employed by and
3 licensed to respondent NICHOLS until December 26, 1993, after
4 which he became licensed to Seaside Financial Corporation.

5 12.

6 TOM GEORGE ROYDS (hereafter respondent ROYDS) is
7 presently licensed and/or has license rights under the Real Estate
8 Law. At all times mentioned herein, respondent ROYDS was and now
9 is licensed by the Department as a real estate salesperson,
10 licensed at all times herein mentioned to respondent TODD.

11 13.

12 MARTI MELILLO (hereafter respondent MELILLO) is
13 presently licensed and/or has license rights under the Real Estate
14 Law. At all times mentioned herein, respondent MELILLO was and
15 now is licensed by the Department as a real estate salesperson,
16 licensed at all times herein mentioned to respondent TODD.

17 14.

18 TONY POTENTI (hereafter respondent POTENTI) is presently
19 licensed and/or has license rights under the Real Estate Law. At
20 all times mentioned herein, respondent POTENTI was and now is
21 licensed by the Department as a real estate salesperson, licensed
22 at all times herein mentioned to respondent TODD until August 2,
23 1993.

24 CONSPIRACY

25 15.

26 Respondents TODD, VOY, BOURGEOIS, S. FREEMAN, D.
27 FREEMAN, D. A. THOMAS, R. R. THOMAS, J. THOMAS, FIGUEIREDO,

1 NICHOLS, MANNING, ROYDS, MELILLO and POTENTI agreed amongst
2 themselves, and others, including but not limited to Beach Cities
3 Escrow, Inc. (hereafter BCE), solely owned by respondent TODD, its
4 escrow officers, Karen Lalor and Shirley Kenney, to engage in the
5 business of buying or selling real properties, as principals or
6 agents for or in expectation of compensation, whereby buyers of
7 real properties would borrow part or all of the down payments to
8 purchase the properties and concealing from Citibank that the down
9 payments were borrowed, contrary to statements on buyers' loan
10 applications to Citibank that no part of their down payments were
11 borrowed. In fact, down payments were borrowed from third
12 parties, sellers, or from funds in BCE or RMBCR bank accounts.
13 Pursuant to this agreement, respondents TODD, VOY, BOURGEOIS, D.
14 FREEMAN, S. FREEMAN, D. A. THOMAS, R. R. THOMAS, FIGUEIREDO,
15 NICHOLS, MANNING, ROYDS, MELILLO and POTENTI, in cooperation with
16 other members of RMBCR and BCE, jointly and severally, engaged in
17 the below transactions.

18 16.

19 Respondent VOY engaged in advising licensees associated
20 with respondent TODD, at RMBCR, that Citibank did not care where
21 down payments came from and on how to structure transactions using
22 a second trust deed with the object of allowing borrowers to
23 borrow the down payments, which second trust deed was to be
24 recorded after the close of escrow. This advice was contrary to
25 and in derogation of Citibank's lending policies. Respondent VOY
26 well knew this was contrary to and in derogation of Citibank's
27 lending policies. Respondent VOY took most of the loan

1 applications of the buyer/borrowers identified below.

2 TRANSACTIONS

3 17.

4 The Avenue "C" Property

5 Respondents BOURGEOIS, VOY and TODD

6 (a) On or about October 31, 1990, escrow closed on the
7 sale of real property located at 1032 Avenue "C", Redondo Beach,
8 California (hereafter the Avenue "C" Property), from the Fabiano
9 Corporation and the Bayoun Corporation, sellers, to respondent
10 BOURGEOIS, buyer, for a purchase price of \$710,000, paid for by
11 \$142,000 cash down payment and a loan of \$568,000 secured by a
12 first trust deed on the Avenue "C" Property. At the close of
13 escrow, there was no second trust deed on the Avenue "C" Property.

14 (b) To purchase the Avenue "C" Property, on or about
15 October 9, 1990, respondent BOURGEOIS applied to Citibank for a
16 loan of \$568,000 secured by a first trust deed on the Avenue "C"
17 Property. Respondent BOURGEOIS represented he was going to
18 provide approximately \$156,000 as a down payment, from savings,
19 and that none of the down payment was borrowed.

20 (c) Respondent BOURGEOIS falsely represented to
21 Citibank he intended to reside at the Avenue "C" Property as his
22 primary residence when, in fact, he intended to purchase it for
23 resale at a profit.

24 (d) Respondent BOURGEOIS failed to disclose to, and
25 concealed from, Citibank that he was going to record a second
26 trust deed secured by the Avenue "C" Property. This conduct
27 constitutes dishonest conduct by respondent BOURGEOIS.

1 (e) In fact, respondent BOURGEOIS borrowed a
2 substantial portion of the down payment for deposit to escrow, or
3 the amount of the down payment was later lent back to him pursuant
4 to an agreement entered into prior to the close of escrow, with
5 the consequent reduction in his equity.

6 (f) After escrow closed on October 31, 1990, respondent
7 BOURGEOIS caused, allowed or permitted the recordation of a second
8 trust deed on the Avenue "C" Property in the amount of \$71,000 in
9 favor of sellers. Respondent BOURGEOIS by this amount thus
10 reduced his equity in the Avenue "C" Property. The note and
11 second trust deed were prepared on October 29, 1990, and signed by
12 respondent BOURGEOIS in favor of sellers on October 31, 1990,
13 prior to the close of escrow and funding of the loan.

14 (g) Citibank made a loan on the Avenue "C" Property in
15 reasonable reliance on the representations of the borrowers and
16 that there would be no junior financing.

17 18.

18 The Vanderbilt Property

19 Respondents BOURGEOIS, VOY and TODD

20 (a) On or about June 16, 1988, escrow closed on the
21 sale of real property located at 2002 Vanderbilt Lane, Redondo
22 Beach, California (hereafter the Vanderbilt Property), from
23 Maynard J. Klein, seller, to respondent BOURGEOIS, buyer, for a
24 purchase price of \$527,500, paid for by \$87,775 cash down payment
25 plus a commission credit of \$23,375, and a loan of \$422,000
26 secured by a first trust deed on the Vanderbilt Property. At the
27 close of escrow, there was no second trust deed on the Vanderbilt

1 Property.

2 (b) To purchase the Vanderbilt Property, on or about
3 April 8, 1988, respondent BOURGEOIS applied to Citibank for a loan
4 of \$422,000 secured by a first trust deed on the Vanderbilt
5 Property. Respondent BOURGEOIS represented he was going to
6 provide approximately \$109,500 as a down payment, from savings,
7 and that none of the down payment was borrowed. Respondent
8 BOURGEOIS failed to disclose to, and concealed from, Citibank that
9 he was going to record a second trust deed secured by the
10 Vanderbilt Property. This conduct constitutes dishonest conduct
11 by respondent BOURGEOIS.

12 (c) In fact, respondent BOURGEOIS borrowed a
13 substantial portion of the down payment for deposit to escrow, or
14 the amount of the down payment was later lent back to him pursuant
15 to an agreement entered into prior to the close of escrow, with
16 the consequent reduction in his equity.

17 (d) After escrow closed on June 16, 1988, respondent
18 BOURGEOIS caused, allowed or permitted the recordation of a second
19 trust deed on the Vanderbilt Property in the amount of \$100,000 in
20 favor of seller, Klein. Respondent BOURGEOIS by this amount thus
21 reduced his equity in the Vanderbilt Property. The note and
22 second trust deed were signed by respondent BOURGEOIS in favor of
23 seller, Klein, on June 14, 1988, prior to the close of escrow and
24 funding of the loan.

25 (e) Respondent TODD received a commission in connection
26 with the purchase of the Vanderbilt Property by respondent
27 BOURGEOIS. Respondent TODD contributed that commission toward

1 BOURGEOIS' down payment. Respondent TODD knew or should have
2 known of the conduct of respondent BOURGEOIS set forth above.
3 Respondent TODD failed to exercise reasonable supervision over
4 respondent BOURGEOIS.

5 (f) Citibank made a loan on the Vanderbilt Property in
6 reasonable reliance on the representations of the borrower and
7 that there would be no junior financing in connection with the
8 above transactions.

9 19.

10 The Voorhees Property

11 Respondents FREEMAN, VOY and TODD

12 (a) On or about January 17, 1990, escrow closed on the
13 sale of real property located at 2003 Voorhees, Unit A, Redondo
14 Beach, California (hereafter the Voorhees Property), from Craig
15 Casner, seller, to respondents FREEMAN, buyers, for a purchase
16 price of \$389,000, paid for by \$38,900 cash down payment, and a
17 loan of \$350,100 secured by a first trust deed on the Voorhees
18 Property. At the close of escrow, there was no second trust deed
19 on the Voorhees Property.

20 (b) To purchase the Voorhees Property, on or about
21 November 21, 1989, respondents FREEMAN applied to Citibank for a
22 loan of \$350,100 secured by a first trust deed on the Voorhees
23 Property. Respondents FREEMAN represented they were going to
24 provide approximately \$33,800 as a down payment, from the sale of
25 an existing property, and that none of the down payment was
26 borrowed. Respondents FREEMAN failed to disclose to, and
27 concealed from, Citibank that they were going to record a second

1 trust deed secured by the Voorhees Property. This conduct
2 constitutes dishonest conduct by respondents FREEMAN.

3 (c) In fact, a substantial part of the down payment was
4 provided by an \$18,477 commission credit by respondent TODD, and a
5 loan of \$15,000 from Casner pursuant to an agreement entered into
6 before the close of escrow. Respondents FREEMAN did not disclose
7 to the lender the commission credit or the loan. By said loan,
8 respondents FREEMAN, by that amount, reduced their equity in the
9 Voorhees Property.

10 (d) After escrow closed on January 17, 1990,
11 respondents FREEMAN caused, allowed or permitted the recordation
12 of a second trust deed on the Voorhees Property in the amount of
13 \$15,000 in favor of seller, Casner. Respondents FREEMAN, by this
14 amount, thus reduced their equity in the Voorhees Property. The
15 note and second trust deed were signed by respondents FREEMAN on
16 or about January 6, 1990, prior to the close of escrow and the
17 funding of the Citibank loan.

18 (e) Respondent TODD received a commission in connection
19 with the purchase of the Voorhees Property by respondents FREEMAN.
20 Respondent TODD contributed that commission toward the FREEMANS'
21 down payment. Respondent TODD knew or should have known of the
22 conduct of respondents FREEMAN set forth above. Respondent TODD
23 failed to exercise reasonable supervision over respondents
24 FREEMAN.

25 (f) Citibank made a loan on the Voorhees Property in
26 reasonable reliance on the representations of the borrowers and
27 that there would be no junior financing in connection with the

1 above transactions.

2 20.

3 The 167th Street Property

4 Respondents S. FREEMAN, VOY and TODD

5 (a) On or about November 21, 1989, respondent
 6 S. FREEMAN, acting on behalf of respondent TODD, for or in
 7 expectation of compensation, negotiated the sale of real property
 8 located at 4229 West 167th Street, Lawndale, California (hereafter
 9 the 167th Street Property), from Debra J. Barnes, Paul L. Barnes
 10 and Barbara J. Barnes to Joseph Oliver Lindsey Wright and Jennifer
 11 L. Davies, buyers, for a purchase price of \$210,000, paid for by
 12 \$42,000 cash through escrow, a loan of \$168,000 secured by a first
 13 trust deed on the 167th Street Property. At the close of escrow,
 14 there was no second trust deed on the 167th Street Property. On
 15 or about January 4, 1990, escrow closed on the sale of the 167th
 16 Street Property.

17 (b) To purchase the 167th Street Property, on or about
 18 December 4, 1989, buyers applied to Citibank for a loan of
 19 \$168,000 secured by a first trust deed on the 167th Street
 20 Property. Buyers represented they were going to provide \$48,300
 21 as a down payment and that none of the down payment was borrowed.
 22 Buyers failed to disclose to Citibank that buyers were going to
 23 record a third trust deed secured by the 167th Street Property.

24
25
26
27

1 (c) In fact, buyers borrowed a substantial portion of
2 the down payment for deposit to escrow, or the amount of the down
3 payment was later lent back to buyers pursuant to an agreement
4 entered into prior to the close of escrow, with the consequent
5 reduction in buyers' equity. Respondent S. FREEMAN knew the down
6 payment was borrowed. Tory Blazek, secretary to respondent TODD,
7 delivered \$42,000 to escrow prior to close of escrow and at close
8 of escrow received back that amount.

9 (d) After escrow closed on January 4, 1990, respondent
10 S. FREEMAN caused, allowed or permitted the recordation of a
11 second trust deed on the 167th Street Property in the amount of
12 \$42,000 in favor of seller. Buyers, by this amount, thus reduced
13 their equity in the 167th Street Property. The note and second
14 trust deed were signed by buyers on or about December 29, 1989,
15 and recorded on October 9, 1991.

16 (e) Citibank made a loan on the 167th Street Property
17 in reasonable reliance on the representations of the borrowers and
18 that there would be no junior financing.

19 21.

20 The Mathews Avenue Property

21 Respondents BOURGEOIS, MELILLO, VOY and TODD

22 (a) On or about July 25, 1989, respondent MELILLO,
23 acting for or in expectation of compensation, as agent for
24 respondent TODD, prepared a purchase contract for and negotiated
25 the sale of real property at 1906 Mathews Avenue #A, Redondo
26 Beach, California (hereafter the Mathews Avenue Property), from
27 Debra Lynn Jukes (seller) to Kathryn L. Ketchum (buyer). The

1 purchase contract provided for a purchase price of \$330,000, with
2 \$33,000 cash down, and a loan of \$297,000 secured by a first trust
3 deed on the Mathews Avenue Property. There was to be no second
4 trust deed. At the close of escrow, there was no second trust
5 deed on the Mathews Avenue Property.

6 (b) Respondent MELILLO knew the terms by which Ketchum
7 was to purchase the Mathews Avenue Property. Respondent MELILLO
8 knew there was to be no second trust deed secured by the Mathews
9 Property.

10 (c) To purchase the Mathews Avenue Property, on or
11 about August 7, 1989, buyer applied to Citibank for a loan of
12 \$500,000 secured by a first trust deed on the Mathews Avenue
13 Property. Buyer represented that she would put approximately
14 \$140,000 as a down payment and that none of the down payment was
15 borrowed.

16 (d) Respondent BOURGEOIS loaned \$38,250 toward the down
17 payment toward the purchase of the Mathews Avenue Property and
18 received said sum back at the close of that escrow.

19 (e) After escrow closed on October 2, 1990, respondent
20 MELILLO, with knowledge of the terms of the transaction, caused,
21 allowed or permitted the recordation of a second trust deed on the
22 Mathews Avenue Property in the amount of \$31,500 in favor of the
23 Juckes Family Trust. The note and second trust deed were signed
24 on or about September 7, 1989, by Ketchum and the trust deed was
25 on that date notarized by respondent MELILLO.

26 (f) Citibank made a loan on the Mathews Avenue Property
27 in reasonable reliance on the representations of the borrowers and

1 that there would be no junior financing in connection with the
2 above transactions.

3 22.

4 The 1932 Graham Property

5 Respondents BOURGEOIS, FIGUEIREDO, MELILLO, VOY and TODD

6 (a) On or about October 2, 1990, escrow closed on the
7 sale of real property located at 1932 Graham Avenue #A, Redondo
8 Beach, California (hereafter the 1932 Graham Property), from
9 Rodger D. Lewis, seller, to respondent FIGUEIREDO, buyer, for a
10 purchase price of \$382,500, paid for by \$40,750 cash down payment
11 including a commission credit of \$6,311.25, and a loan of \$344,250
12 secured by a first trust deed on the 1932 Graham Property. At the
13 close of escrow, there was no second trust deed on the 1932 Graham
14 Property.

15 (b) To purchase the 1932 Graham Property, on or about
16 September 12, 1990, respondent FIGUEIREDO applied to Citibank for
17 a loan of \$344,250 secured by a first trust deed on the 1932
18 Graham Property. Respondent FIGUEIREDO falsely represented he was
19 going to provide \$36,250 as a down payment, provided by savings,
20 and falsely represented that none of the down payment was
21 borrowed. Respondent FIGUEIREDO intended to occupy the property.
22 Respondent FIGUEIREDO failed to disclose to, and concealed from,
23 Citibank that he was going to record a second trust deed secured
24 by the 1932 Graham Property. This conduct constitutes dishonest
25 conduct by respondent FIGUEIREDO.

26 (c) Respondent BOURGEOIS loaned \$38,250 to respondent
27 FIGUEIREDO as part of the down payment before the close of escrow,

1 or as a loan on respondent FIGUEIREDO's equity in the 1932 Graham
2 Property pursuant to an agreement entered into prior to the close
3 of escrow. At close of escrow, respondent BOURGEOIS was repaid
4 this amount. This repayment was concealed by BCE to Citibank.

5 (d) After escrow closed on October 2, 1990, respondents
6 FIGUEIREDO and MELILLO, with knowledge of the false statements to
7 Citibank, caused, allowed or permitted the recordation of a second
8 trust deed on the 1932 Graham Property in the amount of \$38,250 in
9 favor of seller, Rodger D. Lewis. Respondent FIGUEIREDO, by this
10 amount, thus reduced his equity in the 1932 Graham Property. The
11 note and second trust deed were signed by respondent FIGUEIREDO
12 and notarized by respondent MELILLO on or about September 26,
13 1990, prior to the close of escrow and funding of the loan.

14 (e) Respondent TODD received a commission in connection
15 with the purchase of the 1932 Graham Property by respondent
16 FIGUEIREDO. Respondent TODD contributed that commission toward
17 FIGUEIREDO's down payment. Respondent TODD knew or should have
18 known of the conduct of respondent FIGUEIREDO set forth above.
19 Respondent TODD failed to exercise reasonable supervision over
20 respondent FIGUEIREDO.

21 (f) Citibank made a loan on the 1932 Graham Property in
22 reasonable reliance on the representations of the borrowers and
23 that there would be no junior financing in connection with the
24 above transaction.

The Miller Avenue PropertyRespondents D. A. THOMAS, VOY and TODD

(a) On or about February 21, 1989, respondent D. A. THOMAS, acting on behalf of respondent TODD, for or in expectation of compensation, negotiated the sale of real property located at 14701 Miller Avenue, Gardena, California (hereafter the Miller Avenue Property), from Mario Sanchez, seller, to Michael Thomas Worden and Jay Santi Saekhow and Jan Lim Saekhow, buyers, for a purchase price of \$229,000, paid for by \$22,900 cash through escrow, a loan of \$206,100 secured by a first trust deed on the Miller Avenue Property. At the close of escrow, there was no second trust deed on the Miller Avenue Property. On or about April 21, 1989, escrow closed on the sale of the Miller Avenue Property.

(b) To purchase the Miller Avenue Property, on or about February 15, 1989, buyers applied to Citibank for a loan of \$206,100 secured by a first trust deed on the Miller Avenue Property. Buyers represented they were going to provide \$28,700 as a down payment and that none of the down payment was borrowed. Buyers failed to disclose to Citibank that buyers, and respondent THOMAS, were going to record a third trust deed secured by the Miller Avenue Property.

(c) In fact, buyers borrowed a substantial portion of the down payment for deposit to escrow, or the amount of the down payment was later lent back to buyers pursuant to an agreement entered into prior to the close of escrow, with the consequent

1 reduction in buyers' equity. Respondent D. A. THOMAS knew the
2 down payment was borrowed.

3 (d) After escrow closed on April 21, 1989, respondent
4 D. A. THOMAS caused, allowed or permitted the recordation of a
5 second trust deed on the Miller Avenue Property in the amount of
6 \$10,104 in favor of seller and respondent D. A. THOMAS. Buyers,
7 by this amount, thus reduced their equity in the Miller Avenue
8 Property. The note and second trust deed were signed by buyers on
9 or about April 20, 1989.

10 (e) Respondent VOY learned from respondent THOMAS that
11 buyers had to borrow part of their down payment and advised
12 respondent THOMAS that he and the seller could loan buyers part
13 of the down payment. This advice was in derogation of Citibank's
14 lending policies. Respondent VOY's conduct constitutes dishonest
15 dealing.

16 (f) Citibank made a loan on the Miller Avenue Property
17 in reasonable reliance on the representations of the borrowers and
18 that there would be no junior financing.

19 24.

20 The 172nd Street Property

21 Respondents D. A. THOMAS, VOY and TODD

22 (a) On or about July 30, 1990, respondent D. A. THOMAS,
23 acting on behalf of respondent TODD, for or in expectation of
24 compensation, negotiated the sale of real property located at
25 4613 and 4615 West 172nd Street, Lawndale, California (hereafter
26 the 172nd Street Property), from William and Sandra Yadin,
27 sellers, to Alan Everette Moore and Linda Milton, buyers, for a

1 purchase price of \$288,000, paid for by \$60,400 cash through
2 escrow, a loan of \$230,400 secured by a first trust deed on the
3 172nd Street Property. On or about August 31, 1990, escrow closed
4 on the sale of the 172nd Street Property. At the close of escrow,
5 there was no second trust deed on the 172nd Street Property.

6 (b) To purchase the 172nd Street Property, on or about
7 August 6, 1990, buyers applied to Citibank for a loan of \$230,400
8 secured by a first trust deed on the 172nd Street Property.
9 Buyers represented they were going to provide \$55,600 as a down
10 payment and that none of the down payment was borrowed. Buyers
11 failed to disclose to Citibank that Buyers were going to record a
12 second trust deed secured by the 172nd Street Property.

13 (c) In fact, buyers borrowed a substantial portion of
14 the down payment for deposit to escrow, or the amount of the down
15 payment was later lent back to buyers pursuant to an agreement
16 entered into prior to the close of escrow, with the consequent
17 reduction in buyers' equity. Respondent D. A. THOMAS knew the
18 down payment was borrowed and buyers had represented to Citibank
19 none of the payment was borrowed; \$57,600 was paid at the close of
20 escrow to Julie Thomas, wife of respondent D. A. THOMAS. This
21 payment was reported by BCE to Citibank as a "Payoff Per
22 Instructions" without identifying the payee, thus concealing the
23 fact that the down payment was borrowed.

24 (d) After escrow closed on August 31, 1990, respondent
25 D. A. THOMAS caused, allowed or permitted the recordation of a
26 second trust deed on the 172nd Street Property in the amount of
27 \$57,600 in favor of sellers. Buyers, by this amount, thus reduced

1 their equity in the 172nd Street Property. The note and second
2 trust deed were signed by buyers on or about August 28, 1990.

3 (e) Citibank made a loan on the 172nd Street Property
4 in reasonable reliance on the representations of the borrowers and
5 that there would be no junior financing in connection with the
6 above transaction.

7 25.

8 Cranbrook Property

9 Respondents D. A. THOMAS, VOY and TODD

10 (a) On or about September 14, 1989, escrow closed on
11 the sale of real property located at 15123 Cranbrook, Lawndale,
12 California (hereafter the Cranbrook Property), from respondent D.
13 A. THOMAS, et al., sellers, to Dana A. Roberts and Deborah A.
14 Howard, buyers, for a purchase price of \$266,000, paid for by
15 \$26,600 cash through escrow, a loan of \$207,200 secured by a first
16 trust deed on the Cranbrook Property, a loan of \$32,200 secured by
17 a second trust deed in favor of seller. At the close of escrow,
18 there was no third trust deed on the Cranbrook Property.

19 (b) To purchase the Cranbrook Property, on or about
20 August 21 and 22, 1989, buyers applied to Citibank for a loan of
21 \$207,200 secured by a first trust deed on the Cranbrook Property.
22 Buyers represented they were going to provide \$28,600 as a down
23 payment and that none of the down payment was borrowed. Buyers
24 failed to disclose to Citibank that buyers, and respondent D. A.
25 THOMAS, were going to record a third trust deed secured by the
26 Cranbrook Property.

27 /

1 (c) In fact, buyers borrowed a substantial portion of
2 the down payment for deposit to escrow, or the amount of the down
3 payment was later lent back to buyers pursuant to an agreement
4 entered into prior to the close of escrow, with the consequent
5 reduction in buyers' equity.

6 (d) After escrow closed on June 16, 1988, respondent D.
7 A. THOMAS caused, allowed or permitted the recordation of a third
8 trust deed on the Cranbrook Property in the amount of \$14,300 in
9 favor of seller, respondent D. A. THOMAS, et al. The note and
10 third trust deed were signed by buyers on or about September 12,
11 1989, prior to the close of escrow and the funding of the loan.

12 (e) Citibank made a loan on the Cranbrook Property in
13 reasonable reliance on the representations of the borrowers and
14 that there would be no junior financing in connection with the
15 above transaction.

16 26.

17 135th Street Property

18 Respondents D. A. THOMAS, R. R. THOMAS, VOY and TODD

19 (a) On or about September 19, 1989, respondent D. A.
20 THOMAS, acting for or in expectation of compensation on behalf of
21 respondent TODD, negotiated the sale of real property located at
22 4821 West 135th Street, Hawthorne, California (hereafter the 135th
23 Street Property), from respondent R. R. THOMAS, seller, to Thomas
24 Richard Phillips and Melissa Wise, buyers, for a purchase price of
25 \$239,500, paid for by \$47,900 cash through escrow, a loan of
26 \$191,600 secured by a first trust deed on the 135th Street
27 Property. No second or third trust deed was part of the written

1 agreement. On or about October 23, 1989, escrow closed on the
2 sale of the 135th Street Property. At the close of escrow, there
3 was no second or third trust deed on the 135th Street Property.

4 (b) To purchase the 135th Street Property, on or about
5 September 18, 1989, buyers applied to Citibank for a loan of
6 \$188,000, later increased to \$191,000, secured by a first trust
7 deed on the 135th Street Property. Buyers represented they were
8 going to provide \$46,400 as a down payment and that none of the
9 down payment was borrowed. Buyers failed to disclose to Citibank
10 that buyers, and respondents R. R. THOMAS and D. A. THOMAS, were
11 going to record second and third trust deeds secured by the 135th
12 Street Property.

13 (c) In fact, buyers borrowed a substantial portion of
14 the down payment for deposit to escrow, or the amount of the down
15 payment was later lent back to buyers pursuant to an agreement
16 entered into prior to the close of escrow, with the consequent
17 reduction in buyers' equity. The transfer of funds went through
18 respondent D. A. THOMAS. Respondent D. A. THOMAS knew that a
19 substantial part of the down payment was borrowed.

20 (d) After escrow closed on October 23, 1989,
21 respondents R. R. THOMAS and D. A. THOMAS caused, allowed or
22 permitted the recordation of second and third trust deeds on the
23 135th Street Property, (a) the second trust deed in favor of Louis
24 and Bonnie Bourgeois for \$29,937.50, and (b) the third trust deed
25 in the amount of \$23,950 in favor of seller, respondents R. R.
26 THOMAS, D. A. THOMAS, et al. Buyers, by this amount, thus
27 reduced their equity in the 135th Street Property. Both notes and

1 the second and third trust deeds were dated and signed by buyers
2 on October 13, 1989, ten days prior to the close of escrow and the
3 funding of the loan.

4 (e) Respondent TODD anticipated the receipt of a
5 commission in connection with the sale of the 135th Street
6 Property by respondent R. R. THOMAS. Respondent TODD waived that
7 commission to the benefit of respondent R. R. THOMAS. Respondent
8 TODD knew or should have known of the conduct of respondent D. A.
9 THOMAS set forth above. Respondent TODD failed to exercise
10 reasonable supervision over respondents R. R. THOMAS and D. A.
11 THOMAS.

12 (f) Citibank made a loan on the 135th Street Property
13 in reasonable reliance on the representations of the borrowers and
14 that there would be no junior financing in connection with the
15 above transaction.

16 27.

17 The 224th Street Property

18 Respondents D. A. THOMAS, R. R. THOMAS, VOY and TODD

19 (a) On or about September 19, 1989, respondent D. A.
20 THOMAS, acting for or in expectation of compensation on behalf of
21 respondent TODD, negotiated the sale of real property located at
22 1517 West 224th Street, Torrance, California (hereafter the 224th
23 Street Property), from respondent R. R. THOMAS, seller, to Jeff
24 Michael McPherson and Misty Manist, buyers, for a purchase price
25 of \$210,000, paid for by \$42,000 cash through escrow, a loan of
26 \$168,600 secured by a first trust deed on the 224th Street
27 Property. No second trust deed was part of the written agreement.

1 On or about October 6, 1989, escrow closed on the sale of the
2 224th Street Property. At the close of escrow, there was no
3 second trust deed on the 224th Street Property.

4 (b) To purchase the 224th Street Property, on or about
5 September 7, 1989, buyers applied to Citibank for a loan of
6 \$168,000 secured by a first trust deed on the 224th Street
7 Property. Buyers represented they were going to provide \$43,000
8 as a down payment from savings and checking and that none of the
9 down payment was borrowed. Buyers failed to disclose to Citibank
10 that buyers, and respondents D. A. THOMAS and BOURGEOIS, were
11 going to record a second trust deeds secured by the 224th Street
12 Property.

13 (c) In fact, buyers borrowed a substantial portion of
14 the down payment for deposit to escrow, or the amount of the down
15 payment was later lent back to buyers pursuant to an agreement
16 entered into prior to the close of escrow, with the consequent
17 reduction in buyers' equity. The transfer of funds went through
18 respondent BOURGEOIS. Respondents BOURGEOIS and D. A. THOMAS knew
19 that a substantial part of the down payment was borrowed.

20 (d) After escrow closed on October 6, 1989, respondents
21 D. A. THOMAS and BOURGEOIS caused, allowed or permitted the
22 recordation of a second trust deed on the 224th Street Property in
23 favor of Louis and Bonnie Bourgeois for \$29,937.50 Buyers, by
24 this amount, thus reduced their equity in the 224th Street
25 Property. The notes and the second trust deed was dated and
26 signed by buyers on October 6, 1989.

27

1 (e) Citibank made a loan on the 224th Street Property
2 in reasonable reliance on the representations of the borrowers and
3 that there would be no junior financing.

4 28.

5 The Denker Property

6 Respondents D. A. THOMAS, J. THOMAS, VOY and TODD

7 (a) On or about November 14, 1989, respondents
8 J. THOMAS and D. A. THOMAS acting for or in expectation of
9 compensation on behalf of respondent TODD, negotiated the sale of
10 real property located at 21522 Denker, Torrance, California
11 (hereafter the Denker Property), from Michael McPherson, seller,
12 to Louis Simpson, buyer, for a purchase price of \$235,350, paid
13 for by \$82,150 cash through escrow, a loan of \$168,600 secured by
14 a first trust deed on the Denker Property. No second trust deed
15 was part of the written agreement. On or about January 8, 1990,
16 escrow closed on the sale of the Denker Property. At the close of
17 escrow, there was no second trust deed on the Denker Property.

18 (b) To purchase the Denker Property, on or about
19 September 7, 1989, buyers applied to Citibank for a loan of
20 \$168,000 secured by a first trust deed on the Denker Property.
21 Buyers represented they were going to provide \$43,000 as a down
22 payment from savings and checking and that none of the down
23 payment was borrowed. Buyers failed to disclose to Citibank that
24 buyers were going to record a second trust deed secured by the
25 224th Street Property.

1 (c) In fact, buyers borrowed a substantial portion of
2 the down payment for deposit to escrow, or the amount of the down
3 payment was later lent back to buyers pursuant to an agreement
4 entered into prior to the close of escrow, with the consequent
5 reduction in buyers' equity. Partial down payment was provided by
6 Lisa D'Amore, secretary to respondent D. A. THOMAS. At close of
7 escrow, D'Amore received back that same amount. Respondent
8 D. A. THOMAS knew that a substantial part of the down payment was
9 borrowed.

10 (d) After escrow closed on January 8, 1990, respondents
11 D. A. THOMAS and J. THOMAS caused, allowed or permitted the
12 recordation of a second trust deed on the Denker Property in favor
13 of seller for \$81,150. Buyers, by this amount, thus reduced
14 their equity in the Denker Property. The note and second trust
15 deed were dated and signed by buyers on January 3, 1990. Both the
16 first and second trust deeds were notarized by respondent
17 J. THOMAS.

18 (e) Citibank made a loan on the Denker Property in
19 reasonable reliance on the representations of the borrowers and
20 that there would be no junior financing.

21 29.

22 The Speyer Lane Property

23 Respondents NICHOLS, MANNING, VOY and TODD

24 (a) On or about March 7, 1990, escrow closed on the
25 sale of real property located at 2009 Speyer Lane, Unit A, Redondo
26 Beach, California (hereafter the Speyer Lane Property), from
27 Patricia Galione, seller, to respondents NICHOLS and MANNING,

1 buyers, for a purchase price of \$349,000, paid for by \$69,800 cash
2 down payment, and a loan of \$279,200 secured by a first trust deed
3 on the Speyer Lane Property. At the close of escrow, there was no
4 second trust deed on the Speyer Lane Property.

5 (b) To purchase the Speyer Lane Property, on or about
6 January 24, 1990, respondents NICHOLS and MANNING applied to
7 Citibank for a loan of \$279,200 secured by a first trust deed on
8 the Speyer Lane Property. Respondents NICHOLS and MANNING
9 represented they were going to provide approximately \$71,900 as a
10 down payment, from savings, checking and commission, and that none
11 of the down payment was borrowed. Respondents NICHOLS and MANNING
12 would occupy the property. Respondents NICHOLS and MANNING failed
13 to disclose to, and concealed from, Citibank that they were going
14 to record a second trust deed secured by the Speyer Lane Property.
15 This conduct constitutes dishonest conduct by respondents NICHOLS
16 and MANNING. After the filing of the loan application, respondent
17 MANNING informed respondent VOY buyers did not want to place their
18 money down. Respondent VOY advised them to negotiate with the
19 seller and to record a trust deed in favor of seller after the
20 close of escrow.

21 (c) In fact, buyers borrowed a substantial portion of
22 the down payment for deposit to escrow, or the amount of the down
23 payment was later lent back to buyer pursuant to an agreement
24 entered into prior to the close of escrow, with the consequent
25 reduction in buyers' equity. In fact, \$34,900 of the down payment
26 was provided by the Fabiano Corporation as a loan to respondents
27 NICHOLS and MANNING pursuant to an agreement entered into before

1 the close of escrow.

2 (d) After escrow closed on January 17, 1990,
3 respondents NICHOLS, MANNING and VOY caused, allowed or permitted
4 the recordation of a second trust deed on the Speyer Lane Property
5 in the amount of \$34,900 in favor of the Bayoun Corporation and
6 the Fabiano Corporation. Respondents NICHOLS and MANNING, by this
7 amount, thus reduced their equity in the Speyer Lane Property.
8 The note and second trust deed were signed by respondents NICHOLS
9 and MANNING on March 2, 1990, prior to the close of escrow or the
10 funding of the Citibank loan. Respondent VOY knew of but
11 concealed this second trust deed from her employer, Citibank.

12 (e) Respondent TODD received a commission in connection
13 with the purchase of the Speyer Lane Property by respondent
14 NICHOLS. Respondent TODD contributed that commission toward
15 respondent NICHOLS' down payment. Respondent TODD knew or should
16 have known of the conduct of respondent MANNING set forth above.
17 Respondent TODD failed to exercise reasonable supervision over
18 respondent MANNING.

19 (f) Citibank made a loan on the Speyer Lane Property in
20 reasonable reliance on the representations of the borrowers and
21 that there would be no junior financing.

22 30.

23 The 187th Street Property

24 Respondents ROYDS, VOY and TODD

25 (a) On or about September 20, 1989, respondent ROYDS,
26 for or in expectation of compensation, acting on behalf of
27 respondent TODD, negotiated the sale of real property at 3232 West

1 187th Street, Torrance, California (the 187th Street Property),
2 between Knobby Yoshida, seller, and Jose Luis Rodriguez, buyer,
3 for a purchase price of \$254,000, financed by a first trust deed
4 of \$226,800 and a cash deposit of \$29,200 by buyer.

5 (b) To purchase the 187th Street Property, on or about
6 October 23, 1989, Rodriguez applied to Citibank for a loan of
7 \$228,000 secured by a first trust deed on the Vanderbilt Property.
8 Rodriguez represented that he would put approximately \$34,300 as a
9 down payment and that none of the down payment was borrowed.

10 (c) In fact, buyer borrowed a substantial portion of
11 the down payment for deposit to escrow, or the amount of the down
12 payment was later lent back to buyer pursuant to an agreement
13 entered into prior to the close of escrow, with the consequent
14 reduction in buyer's equity. Respondent ROYDS knew of the
15 borrowing or withdrawal of the down payment from escrow with the
16 consequent reduction in buyer's equity.

17 (d) BCE provided copies of escrow instructions and
18 closing statement to Citibank, representing that Rodriguez had
19 deposited \$29,200 when, in fact, Rodriguez had not deposited that
20 amount. BCE concealed from Citibank that respondent ROYDS was
21 paid \$25,400 as reimbursement for funds respondent ROYDS supplied
22 or caused to be supplied to escrow as part of the down payment.

23 (e) After escrow closed on November 28, 1989,
24 respondent ROYDS caused, allowed or permitted the recordation of a
25 second trust deed on the 187th Street Property in the amount of
26 \$25,400 in favor of seller, Yoshida. The note and second trust
27 deed were signed by Rodriguez on November 21, 1989, prior to the

1 close of escrow and the funding of the loan. Respondent ROYDS
2 advised seller to accept the second trust deed as a substitute for
3 buyer's down payment. This was dishonest dealing by respondent
4 ROYDS.

5 (f) Citibank made a loan on the 187th Street Property
6 in reasonable reliance on the representations of the borrowers and
7 that there would be no junior financing.

8 31.

9 The 2007 Graham Avenue Property

10 Respondents POTENTI, VOY and TODD

11 (a) Between on or about May 8, 1989, through on or
12 about July 26, 1989, respondent POTENTI, for or in expectation of
13 compensation, acting on behalf of respondent TODD, dba RMBCR,
14 negotiated the sale of real property at 2007 Graham Avenue,
15 Redondo Beach, California (hereafter the 2007 Graham Avenue
16 Property), by the Fabiano Corporation and the Bayoun Corporation,
17 sellers, to the Cisneros Family Trust, buyer, by Larry J. and
18 Maria Cisneros, trustees, for a purchase price of \$635,000,
19 financed by a first trust deed of \$500,000 and a cash deposit of
20 \$135,000 by buyer.

21 (b) To purchase the 2007 Graham Avenue Property, on or
22 about May 15, 1989, buyer applied to Citibank for a loan of
23 \$500,000 secured by a first trust deed on the 2007 Graham Avenue
24 Property. Buyer represented that it would put approximately
25 \$140,000 as a down payment and that none of the down payment was
26 borrowed.

1 (c) In fact, buyer borrowed a substantial portion of
2 the down payment for deposit to escrow, or the amount of the down
3 payment was later lent back to buyer pursuant to an agreement
4 entered into prior to the close of escrow, with the consequent
5 reduction in buyer's equity.

6 (d) Escrow for the sale of the 2007 Graham Avenue
7 Property closed on July 26, 1989. Respondent POTENTI caused,
8 allowed or permitted the recordation of a second trust deed on the
9 2007 Graham Avenue Property in the amount of \$62,000 in favor of
10 respondent POTENTI. The note and second trust deed were signed by
11 buyer on July 14, 1989, prior to the close of escrow and the
12 funding of the loan. Respondent POTENTI advised buyer to execute
13 the second trust deed as a substitute for buyer's down payment.
14 This was dishonest dealing by respondent POTENTI.

15 (e) Citibank made a loan on the 2007 Graham Avenue
16 Property in reasonable reliance on the representations of the
17 borrowers and that there would be no junior financing.

18 32.

19 The 21st Place Property

20 Respondent TODD

21 (a) On or about March 30, 1990, escrow closed on the
22 sale of real property located at 405 21st Place, Manhattan Beach,
23 California (hereafter the 21st Place Property), from Allan H.
24 Juckes and Joan C. Juckes, Marlon G. Hubbard and Raphaele F.
25 Hubbard, sellers, to respondent TODD, buyer, for a purchase price
26 of \$595,000, paid for by \$119,000 cash down payment and a loan of
27 \$476,000 secured by a first trust deed on the 21st Place Property.

1 At the close of escrow, there was no second trust deed on the 21st
2 Place Property.

3 (b) To purchase the 21st Place Property, on or about
4 March 6, 1990, respondent TODD applied to Citibank for a loan of
5 \$476,000 secured by a first trust deed on the 21st Place Property.
6 Respondent TODD represented he was going to provide approximately
7 \$126,000 as a down payment, from savings, and that none of the
8 down payment was borrowed. Respondent TODD failed to disclose to,
9 and concealed from, Citibank that he was going to record a second
10 trust deed secured by the 21st Place Property. This conduct
11 constitutes dishonest conduct.

12 (c) In fact, respondent TODD borrowed a substantial
13 portion of the down payment for deposit to escrow, or the amount
14 of the down payment was later lent back to respondent pursuant to
15 an agreement entered into prior to the close of escrow, with the
16 consequent reduction in buyer's equity.

17 (d) After escrow closed on March 30, 1990, respondent
18 TODD caused, allowed or permitted the recordation of a second
19 trust deed on the 21st Place Property in the amount of \$59,000 in
20 favor of sellers. Respondent TODD, by this amount, thus reduced
21 his equity in the 21st Place Property. The note and second trust
22 deed were signed by respondent TODD on March 30, 1990, prior to
23 the close of escrow and funding of the loan.

24 (e) Had Citibank known the down payment was borrowed,
25 the reduction in equity, or about the second trust deed, Citibank
26 would not have made the loan. Citibank did not discover the fraud
27 in this transaction alone prior to July 22, 1992. [This

1 transaction is also alleged in an Accusation against respondent
2 TODD, H-25579 LA, filed October 6, 1993.]

3 33.

4 Citibank

5 (a) In each transaction set forth above, Citibank made
6 loans in reasonable reliance on the representations of the
7 borrowers and that there would be no junior financing in
8 connection with the above transactions.

9 (b) Had Citibank known the down payments were borrowed,
10 the reductions in equity or about the second trust deeds in the
11 above transactions, Citibank would not have made the loans.

12 (c) Citibank did not discover these facts prior to
13 May 1, 1993, and could not have discovered these facts in the
14 exercise of reasonable care prior to May 1, 1993, except for the
15 transaction described in paragraph 32 above. The conspiracy and
16 respondent VOY's involvement was not discovered until after May 1,
17 1993.

18 CAUSES FOR DISCIPLINARY ACTION

19 34.

20 The conduct or omissions of respondent TODD, as set
21 forth above, subjects his real estate license to suspension or
22 revocation under the provisions of Code Sections:

23 (a) 10176(a) for causing or allowing substantial
24 misrepresentations.

25 (b) 10176(i) for fraud or dishonest dealing.

26 (c) 10177(f) for conduct which would have warranted the
27 denial of a real estate license if the conduct is not in

1 connection with a transaction for which a real estate license is
2 required.

3 (d) 10177(h) for failure to supervise his licensee
4 employees in the conduct of acts requiring a license.

5 (e) 10177(j) for fraud or dishonest dealing if the
6 conduct is not in connection with a transaction for which a real
7 estate license is required.

8 35.

9 The conduct or omissions of respondent VOY, as set forth
10 above, subjects her real estate license and license rights to
11 suspension or revocation under the provisions of Code Section
12 10177(f) for conduct which would have warranted the denial of a
13 real estate license and/or 10177(j) for fraud or dishonest
14 dealing.

15 36.

16 The conduct or omissions of respondents BOURGEOIS,
17 D. A. THOMAS, J. B. THOMAS, D. FREEMAN, S. FREEMAN, FIGUEIREDO,
18 ROYDS and MELILLO, as set forth above, while acting on behalf of
19 others, subject their real estate licenses and license rights to
20 suspension or revocation under the provisions of Code Sections:

21 (a) 10176(a) for causing or allowing substantial
22 misrepresentations.

23 (b) 10176(i) for fraud or dishonest dealing.

24 (c) 10177(f) for conduct which would have warranted the
25 denial of a real estate license.

26 (d) 10177(j) for fraud or dishonest dealing if the
27 conduct is not in connection with a transaction for which a real

1 estate license is required.

2 37.

3 The conduct or omissions of respondents BOURGEOIS,
4 D. FREEMAN, S. FREEMAN, D. A. THOMAS, R. R. THOMAS, FIGUEIREDO,
5 NICHOLS, individually and dba Meridian Properties, MANNING and
6 MELILLO, as set forth above, while acting as principals, subject
7 their real estate licenses and license rights to suspension or
8 revocation under the provisions of Code Sections:


9 (a) 10177(f) for conduct which would have warranted the
10 denial of a real estate license.

11 (b) 10177(j) for fraud or dishonest dealing if the
12 conduct is not in connection with a transaction for which a real
13 estate license is required.

14 /
15 /
16 /
17 /
18 /
19 /
20 /
21 /
22 /
23 /
24 /
25 /
26 /
27 /

1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against all
4 licenses and license rights of respondents ROBERT KENNETH TODD,
5 dba Re/Max Beach Cities Realty, Re/Max of Hermosa Beach, Re/Max of
6 Manhattan Beach, Re/Max Professionals Realty, Coastal Financial
7 Real Estate Loans, and RKT Realty; JODI A. VOY; LOUIS WRIGHT
8 BOURGEOIS; DAVID ELLIS FREEMAN; SUSAN WRIGHT FREEMAN; DEAN ALLEN
9 THOMAS; RICK RAY THOMAS; JACK B. THOMAS; PAUL J. FIGUEIREDO;
10 BARBARA MARY NICHOLS, dba Meridian Properties; CHARLES RAY
11 MANNING; TOM GEORGE ROYDS; MARTI MELILLO; and TONY POTENTI, under
12 the Real Estate Law (Part 1 of Division 4 of the Business and
13 Professions Code) and for such other and further relief as may be
14 proper under other applicable provisions of law.

15 Dated at Los Angeles, California,
16 this 29th day of April, 1994.


17 _____
18 STEVEN J. ELLIS
Deputy Real Estate Commissioner

19 cc: Robert Kenneth Todd
20 Jodi A. Voy
Louis Wright Bourgeois
21 David Ellis Freeman
Susan Wright Freeman
22 Dean Allen Thomas
Rick Ray Thomas
23 Jack B. Thomas
Paul J. Figueiredo
24 Barbara Mary Nichols
Charles Ray Manning
25 Tom George Royds
Marti Melillo
26 Tony Potenti
Stuart-Wright Mortgage Inc.
27 Mark Shelton
Seaside Financial Corporation
Sacto./AS