

*Sucto Jay*

Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6911

**FILED**  
OCT 27 2000  
DEPARTMENT OF REAL ESTATE

*By Laura B. Stone*

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-28313 LA
LYNWOOD EARL FIELDS, )	
individually and as designated )	<u>STIPULATION AND AGREEMENT</u>
officer of McGann Enterprises, )	
Inc.; Churchill McGann, Inc.; )	
CFG Realty Advisors, )	
a California corporate Real )	
Estate Broker, )	
Respondent.. )	

It is hereby stipulated by and between LYNWOOD EARL FIELDS (sometimes referred to as Respondent), and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 2, 1999, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement (Stipulation).  
4

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

9 3. Respondent filed a Notice of Defense pursuant to  
10 Section 11506 of the Government Code for the purpose of requesting  
11 a hearing on the allegations in the Accusation. Respondent hereby  
12 freely and voluntarily withdraws the Notice of Defense.

13 Respondent acknowledges that he understands that by withdrawing  
14 the Notice of Defense he thereby waives his right to require the  
15 Commissioner to prove the allegations in the Accusation at a  
16 contested hearing held in accordance with the provisions of the  
17 APA and that he will waive other rights afforded to him in  
18 connection with the hearing such as the right to present evidence  
19 in his defense the right to cross-examine witnesses.

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



1  
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

5. This Stipulation is based on Respondent' decision not to contest the allegations set forth in the Accusation as a result of the agreement negotiated between the parties. This Stipulation is expressly limited to this proceeding and any further proceeding initiated by or brought before the Department of Real Estate based upon the facts and circumstances alleged in the Accusation and is made for the sole purpose of reaching an agreed disposition of this proceeding without a hearing. The decision of Respondent not to contest the allegations is made solely for the purpose of effectuating this Stipulation. It is the intent and understanding of the parties that this Stipulation shall not be binding or admissible against Respondent in any actions against Respondent by third parties.

6. It is understood by the parties that the Real Estate Commissioner may adopt this Stipulation as her Decision in this matter thereby imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the "Order" herein below. In the event that the Commissioner in her discretion does not adopt the Stipulation, it shall be void and of no effect and Respondent shall retain the right to a hearing and proceeding on the Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real

1 Estate with respect to any matters which were not specifically  
2 alleged to be causes for accusation in this proceeding.  
3

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, it is  
6 stipulated and agreed that the following determination of issues  
7 shall be made:

8 I

9 The conduct of LYNWOOD EARL FIELDS, as described in  
10 Paragraph 4, is in violation of Section 10162 of the Business and  
11 Professions Code (Code) and Section 2715 of Title 10, Chapter 6 of  
12 the California Code of Regulations and is a basis for the  
13 suspension or revocation of Respondent's license and license  
14 rights as a violation of the Real Estate Law pursuant to Section  
15 10177(d) of the Code.

16 ORDER

17 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT  
18 TO THE WRITTEN STIPULATION OF THE PARTIES:

19 I

20 All license and license rights of Respondent LYNWOOD  
21 EARL FIELDS under the Real Estate Law are suspended for a period  
22 of ninety (90) days from the effective date of this Decision.  
23 Provided, however, that if Respondent petitions, the initial  
24 thirty (30) days of said suspension (or a portion thereof) shall  
25 be permanently stayed upon condition that:  
26

27 1. Respondent pays a monetary penalty pursuant to  
Section 10175.2 of the Code at the rate of \$33.33 for each day



1  
2 of said suspension stayed, for a total monetary penalty of  
3 \$1,000.

4 2. Said payment shall be in the form of a cashier's  
5 check or certified check made payable to the Recovery Account  
6 of the Real Estate Fund. Said check must be delivered to the  
7 Department prior to the effective date of the Decision.

8 3. If Respondent fails to pay the monetary penalty in  
9 accordance with the terms of the Decision, the Commissioner,  
10 may, without a hearing, order the immediate execution of all or  
11 any part of the 30 day stayed suspension, in which event the  
12 Respondent shall not be entitled to any repayment nor credit,  
13 prorated or otherwise, for money paid to the Department under  
14 the terms of this Decision.

15 4. The remaining sixty (60) days of the ninety (90) day  
16 suspension shall be stayed for two (2) years upon the following  
17 terms and conditions:

18 (a) Respondent shall obey all laws, rules and  
19 regulations governing the rights, duties and  
20 responsibilities of a real estate licensee in the State  
21 of California; and

22 (b) That no final subsequent determination be made  
23 after hearing or upon stipulation, that cause for  
24 disciplinary action occurred within two (2) years of the  
25 effective date of this Decision. Should such a  
26 determination be made, the Commissioner may, in his  
27 discretion, vacate and set aside the stay order and  
reimpose all or a portion of the stayed suspension.



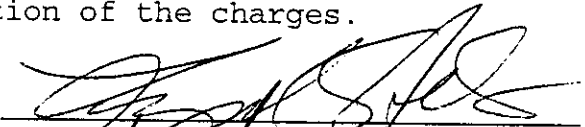
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Should no such determination be made, the stay imposed herein shall become permanent.

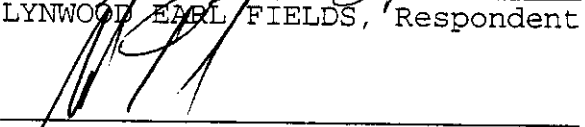
\* \* \* \* \*

I have read the Stipulation and Agreement 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: 9-9-00

  
LYNWOOD EARL FIELDS, Respondent

DATED: 9/13/00

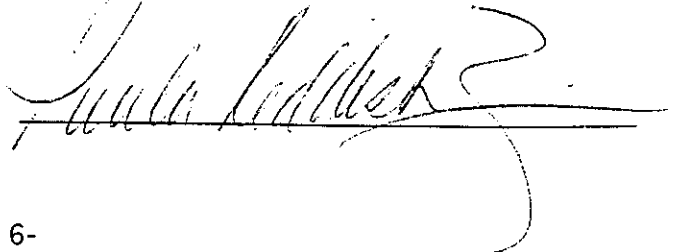
  
MICHAEL P. RIBONS, Esq.  
Attorney for Respondent

\* \* \* \* \*

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on November 17, 2000

IT IS SO ORDERED October 23, 2000

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner



*Sacto, Calif*

**FILED**  
OCT 27 2000

DEPARTMENT OF REAL ESTATE

Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6911

By *Laura B. Orme*

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-28313 LA
CHURCHILL MCGANN, INC., )	<u>STIPULATION AND AGREEMENT</u>
Respondent. )	

It is hereby stipulated by and between CHURCHILL MCGANN, INC., and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed in this matter on December 2, 1999:

1. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the Administrative Procedure Act (APA) and the Accusation filed by the Department of Real Estate in this proceeding.

2. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby

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

freely and voluntarily withdraws said Notice of Defense.  
Respondent acknowledges that it understands that by withdrawing  
said Notice of Defense it thereby waives its right to require the  
Commissioner to prove the allegations in the Accusation at a  
contested hearing held in accordance with the provisions of the  
APA and that it will waive other rights afforded to it in  
connection with the hearing such as the right to present evidence  
in its defense and the right to cross-examine witnesses.

3. This Stipulation and Agreement (Stipulation) is  
based on the allegations contained in the Accusation. In the  
interest of expedience and economy, respondent chooses not to  
contest these allegations, but to remain silent and understands  
that, as a result thereof, these allegations, without being  
admitted or denied, will serve as a prima facie basis for the  
disciplinary action stipulated to herein. The Real Estate  
Commissioner shall not be required to provide further evidence to  
prove said allegations.

4. This Stipulation is based on respondent's decision  
not to contest the allegations set forth in the Accusation as a  
result of the agreement negotiated between the parties. This  
Stipulation, based on respondent's decision not to contest the  
Accusation, is expressly limited to this proceeding and any  
further proceeding initiated by or brought before the Department  
of Real Estate based upon the facts and circumstances alleged in  
the Accusation, and made for the sole purpose of reaching an  
agreed disposition of this proceeding. The decision of respondent  
not to contest the allegations, as contained in the stipulated



1 Order, is made solely for the purpose of effectuating this  
2 Stipulation. It is the intent and understanding of the parties  
3 that this Stipulation shall not be binding or admissible against  
4 respondent in any actions against respondent by third parties.  
5

6 5. It is understood by the parties that the Real Estate  
7 Commissioner may adopt the Stipulation as her decision in this  
8 matter thereby imposing the penalty and sanctions on respondent's  
9 real estate license and license rights as set forth in the "Order"  
10 herein below. In the event that the Commissioner in her  
11 discretion does not adopt the Stipulation, the Stipulation shall  
12 be void and of no effect, and respondent shall retain the right to  
13 a hearing and proceeding on the Accusation under the provisions of  
14 the APA and shall not be bound by any admission or waiver made  
15 herein.

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

22 DETERMINATION OF ISSUES

23 By reason of the foregoing stipulation and solely for  
24 the purpose of settlement of the pending Accusation without a  
25 hearing, it is stipulated and agreed that the following  
26 determination of issues shall be made:  
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

I

The conduct of respondent CHURCHILL MCGANN, INC., as described in Paragraph 3, above, is in violation of Section 10162 of the Business and Professions Code (Code) and Section 2715 of Title 10, Chapter 6 of the California Code of Regulations, and is a basis for the suspension or revocation of respondent's license and license rights pursuant to Section 10177(d) of the Code.

ORDER

WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE WRITTEN STIPULATION OF THE PARTIES:

I

The real estate broker license and license rights of respondent CHURCHILL MCGANN, INC. under the Real Estate Law (Part 1 of Division 4 of the Code) are hereby revoked.

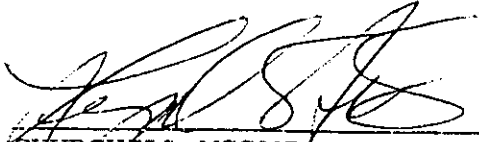
DATED: 9-18-00 ELIOTT  
ELLIOTT MAC LENNAN  
Counsel for Complainant

\* \* \* \* \*

I have read the Stipulation and Agreement 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

1 the right to cross-examine witnesses against me and to present  
2 evidence in defense and mitigation of the charges.

3 DATED: 9-9-00

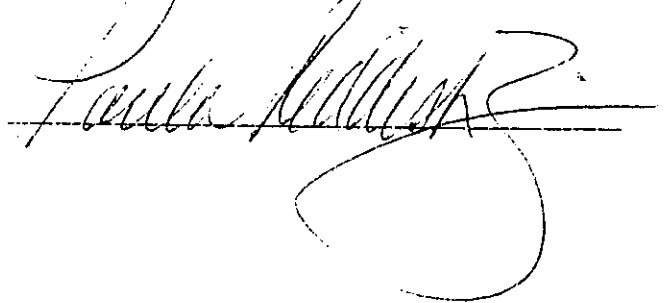
4   
5 CHURCHILL MCGANN, INC.  
6 Respondent

7 \* \* \* \* \*

8 The foregoing Stipulation and Agreement is hereby adopted  
9 as my Decision and Order and shall become effective at 12 o'clock  
10 noon on November 17, 2000

11  
12 IT IS SO ORDERED October 23, 2000

13  
14 PAULA REDDISH ZINNEMANN  
15 Real Estate Commissioner

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



*Sect. 110  
LAW*

Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6911

**FILED**  
OCT 27 2000  
DEPARTMENT OF REAL ESTATE

By *Paula B. Dow*

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-28313 LA
CFG REALTY ADVISORS, )	<u>STIPULATION AND AGREEMENT</u>
a California Real Estate )	
Broker, )	
Respondent. )	

It is hereby stipulated by and between CFG REALTY ADVISORS (sometimes referred to as Respondent), and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 2, 1999, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement (Stipulation).

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

7 3. Respondent filed a Notice of Defense pursuant to  
8 Section 11506 of the Government Code for the purpose of requesting  
9 a hearing on the allegations in the Accusation. Respondent hereby  
10 freely and voluntarily withdraws said Notice of Defense.  
11 Respondent acknowledges that it understands that by withdrawing  
12 the Notice of Defense it thereby waives its right to require the  
13 Commissioner to prove the allegations in the Accusation at a  
14 contested hearing held in accordance with the provisions of the  
15 APA and that it will waive other rights afforded to it in  
16 connection with the hearing such as the right to present evidence  
17 in its defense the right to cross-examine witnesses.

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

26 5. This Stipulation is based on Respondent' decision  
27 not to contest the allegations set forth in the Accusation as a



1 result of the agreement negotiated between the parties. This  
2 Stipulation is expressly limited to this proceeding and any  
3 further proceeding initiated by or brought before the Department  
4 of Real Estate based upon the facts and circumstances alleged in  
5 the Accusation and is made for the sole purpose of reaching an  
6 agreed disposition of this proceeding without a hearing. The  
7 decision of Respondent not to contest the allegations is made  
8 solely for the purpose of effectuating this Stipulation. It is  
9 the intent and understanding of the parties that this Stipulation  
10 shall not be binding or admissible against Respondent in any  
11 actions against Respondent by third parties.

12           6. It is understood by the parties that the Real Estate  
13 Commissioner may adopt this Stipulation as her Decision in this  
14 matter thereby imposing the penalty and sanctions on Respondent's  
15 real estate licenses and license rights as set forth in the  
16 "Order" herein below. In the event that the Commissioner in her  
17 discretion does not adopt the Stipulation, it shall be void and of  
18 no effect and Respondent shall retain the right to a hearing and  
19 proceeding on the Accusation under the provisions of the APA and  
20 shall not be bound by any stipulation or waiver made herein.

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

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

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, it is stipulated and agreed that the following determination of issues shall be made:

I

The conduct of CFG REALTY ADVISORS, as described in Paragraph 4, is in violation of Section 10162 of the Business and Professions Code (Code) and Section 2715 of Title 10, Chapter 6 of the California Code of Regulations and is a basis for the suspension or revocation of Respondent's license and license rights as a violation of the Real Estate Law pursuant to Section 10177(d) of the Code.

ORDER

WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE WRITTEN STIPULATION OF THE PARTIES:

I

The Accusation of December 2, 1999, is terminated without imposition of discipline.

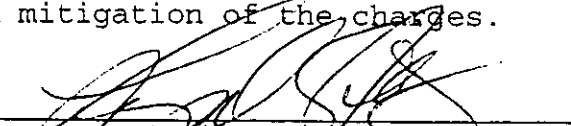
\* \* \* \*

We have read the Stipulation and Agreement and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove

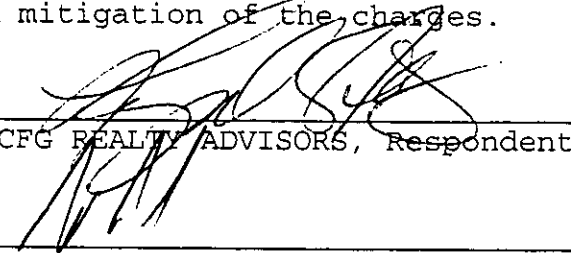
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

DATED: 9-9-00

  
CFG REALTY ADVISORS, Respondent

DATED: 9-13-00


  
MICHAEL P. RIBONS, Esq.  
Attorney for Respondent

\* \* \* \* \*

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on October 23, 2000

IT IS SO ORDERED October 23, 2000

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

  
\_\_\_\_\_



*Sacto  
Stan*

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**  
JUN 21 2000  
DEPARTMENT OF REAL ESTATE

By *Sana B. Oram*

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )  
MCGANN ENTERPRISES, INC., )  
CHURCHILL MCGANN, INC., )  
CFG REALTY ADVISORS, )  
California corporate )  
real estate brokers; and, )  
LYNWOOD EARL FIELDS, )  
individually and as designated )  
officer of McGann Enterprises, )  
Inc., Churchill McGann, Inc., )  
and CFG Realty Advisors, )  
Respondents. )

No. H-28313 LA

DISMISSAL

The Accusation herein filed against MCGANN  
ENTERPRISES, INC. on December 2, 1999, is DISMISSED.

IT IS SO ORDERED this 5<sup>th</sup> day of June 2000.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

*Paula Reddish Zinnemann*

*Sacto*

ELLIOTT MAC LENNAN, Counsel SBN 66674  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105  
  
Telephone (213) 576-6911

**FILED**  
DEC 2 1999  
DEPARTMENT OF REAL ESTATE  
By *Laura B. Lion*

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 DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )  
MCGANN ENTERPRISES, INC., )  
CHURCHILL MCGANN, INC., )  
CFG REALTY ADVISORS, )  
California corporate )  
real estate brokers; and, )  
LYNWOOD EARL FIELDS, )  
individually and as designated )  
officer of McGann Enterprises, )  
Inc., Churchill McGann, Inc., )  
and CFG Realty Advisors, )  
Respondents. )

No. H-28313 LA

A C C U S A T I O N

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MCGANN ENTERPRISES, INC., CHURCHILL MCGANN, INC., CFG REALTY ADVISORS, California corporate real estate brokers, and LYNWOOD EARL FIELDS, individually and as designated officer of McGann Enterprises, Inc., Churchill McGann, Inc., and CFG Realty Advisors is informed and alleges in his official capacity as follows:

MCGANN ENTERPRISES, INC., CHURCHILL MCGANN, INC., CFG ADVISORS, and LYNWOOD EARL FIELDS (FIELDS), as designated officer of FIELDS Hill Enterprises, Inc., and collectively referred to as Respondents, are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

At all times mentioned MCGANN ENTERPRISES, INC., CHURCHILL MCGANN, INC., and CFG REALTY ADVISORS, were licensed by the Department of Real Estate of the State of California (Department) as corporate real estate brokers.

At all times mentioned, FIELDS was licensed by the Department as designated officer of MCGANN ENTERPRISES, INC., CHURCHILL MCGANN, INC., and CFG REALTY ADVISORS to qualify these corporations and to act for them as a real estate broker and, as provided by Section 10159.2 of the Code, was responsible for the supervision and control of the activities conducted on their behalf by their officers, managers and employees as necessary to secure full compliance with the provisions of the Real Estate Law including the supervision of the salespersons licensed to these corporations in the performance of acts for which a real estate

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



1 license is required. FIELDS was originally licensed on September  
2 19, 1986.

3  
4  
5 5

6 Whenever reference is made in an allegation in the  
7 Accusation to an act or omission of MCGANN ENTERPRISES, INC.,  
8 CHURCHILL MCGANN, INC., and CFG REALTY ADVISORS, such allegation  
9 shall be deemed to mean that the officers, directors, managers,  
10 employees, agents and real estate licensees employed by or  
11 associated with these corporations committed such act or omission  
12 while engaged in the furtherance of their business operations and  
13 while acting within the course and scope of their corporate  
14 authority, agency and employment.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
CFG REALTY ADVISORS AUDIT

6

14 At all times mentioned, in the Cities and Agoura and Los  
15 Angeles, Los Angeles County, California, CFG REALTY ADVISORS,  
16 acted as a real estate broker within the meaning of Section  
17 10131(b) of the Code including the operation and conduct of a  
18 property management business for residential and commercial real  
19 estate. CFG REALTY ADVISORS operated from the city of Agoura, Los  
20 Angeles County, California, did not per se act as a real estate  
21 broker but rather was formed by FIELDS to receive real estate  
22 commissions from real estate broker Bob Safai where he is employed  
23 as a salesperson. Two salespersons were employed by CFG REALTY  
24 ADVISORS.

25 /

26 /



Audit Report No. 980207

On October 29, 1998, the Department completed a field audit examination of the books and records of CFG REALTY ADVISORS pertaining to the activities described in Paragraph 6. The audit examination covered the period of time beginning on October 1, 1997 and ending on September 30, 1998. The audit examination revealed the following violations of the Code and the Regulations.

8

During the audit period CFG REALTY ADVISORS did not maintain a trust account.

9

The audit examination revealed that CFG REALTY ADVISORS failed to notify the Department of the change of its branch office on 12121 Wilshire Blvd., from suite 559 to suite 259 or suite 959. This conduct constitutes a violation of Section 10162 of the Code and Section 2715 of the Regulations and is cause to suspend or revoke the real estate license and license rights of CFG REALTY ADVISORS under Sections 10165 and 10177(d) of the Code.

10

The audit examination revealed that FIELD's failed to initiate and maintain a written Broker-Salesperson agreement with CFG REALTY ADVISORS' salesperson Jana Jean Fields, in violation of Regulation 2726. This conduct and violation are also cause to suspend or revoke CFG REALTY ADVISORS and FIELDS licenses and license rights under Sections 10177(d) and 10177(h) of the Code.

/

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



CHURCHILL MCGANN, INC. AUDIT

11

At all times mentioned, in the City and County of Los Angeles, California, CHURCHILL MCGANN, INC., acted as a real estate broker within the meaning of Section 10131(b) of the Code including the operation and conduct of a property management business for residential and commercial real estate.

12

Audit Report No. 980204

On November 23, 1998, the Department completed a field audit examination of the books and records of CHURCHILL MCGANN, INC., pertaining to the activities described in Paragraph 11. The audit examination covered the period of time beginning on October 1, 1997 and ending on September 30, 1998. The audit examination revealed the following violations of the Code and the Regulations.

13

During the audit period the property management trust accounts were transferred to McGann Enterprises, Inc., below and did not reflect any activity.

14

The audit examination revealed that CHURCHILL MCGANN, INC., failed to notify the Department that it had been out of business since November 1997 and no longer operated from 10351 Santa Monica Blvd, #410, Los Angeles, California. This conduct constitutes a violation of Section 10162 of the Code and Section 2715 of the Regulations and is cause to suspend or revoke the real estate license and license rights of CHURCHILL MCGANN, INC. under



1 Sections 10165 and 10177(d) of the Code.

2 MCGANN ENTERPRISES, INC. AUDIT

3 15

4 At all times mentioned, in the City of Long Beach,  
5 County of Los Angeles, California, MCGANN ENTERPRISES, INC., acted  
6 as a real estate broker within the meaning of Section 10131(b) of  
7 the Code including the operation and conduct of a property  
8 management business for commercial real estate.

9 16

10 Audit Report No. 980208

11 On December 31, 1998, the Department completed a field  
12 audit examination of the books and records of MCGANN ENTERPRISES,  
13 INC., pertaining to the activities described in Paragraph 15. The  
14 audit examination covered the period of time beginning on October  
15 1, 1997 and ending on September 30, 1998. The audit examination  
16 revealed the following violations of the Code and the Regulations.

17 17

18 At all times mentioned, in connection with the property  
19 management activities described in Paragraph 16, MCGANN  
20 ENTERPRISES, INC., accepted or received funds in trust (trust  
21 funds) from or on behalf of actual or prospective tenants, lessors  
22 and lessees, and thereafter made disposition of such funds.  
23 MCGANN ENTERPRISES, INC. maintained the following trust accounts  
24 as the depository of said funds at the Union Bank of California,  
25 P.O. Box 51380, Los Angeles, California:

26 "Churchill-McGann, Inc. ATF Sheng & Lee & Assoc.  
27 Account Number 2110060400"

T/A #1



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

"Churchill-McGann, Inc. ATF Pemba Properties  
Account Number 2110063213" (Money Market) T/A #2

"Churchill-McGann, Inc. ATF Pemba Properties  
Account Number 2110049458" T/A #3

18

With respect to the trust funds referred to in Paragraph 17, it is alleged that MCGANN ENTERPRISES, INC.:

(a) Failed to maintain the property management trust accounts, T/A #1-3 in the name of the broker, as required by Section 10145 of the Code and 2832 of the Regulations; and

(b) Permitted licensed and unlicensed persons who were not bonded including John McGann, a real estate salesperson non-broker affiliated, and Sara Stern, Christine Dales and Jackie Wolf, unlicensed persons, to be authorized signatories on the trust accounts, in violation of Section 2834 of the Regulations.

19

The conduct of MCGANN ENTERPRISES, INC., described in Paragraph 18, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
18(a)	Section 10145 of the Code and Section 2832 of the Regulations, and
18(b)	Section 10145 of the Code and Section 2834 of the Regulations

Each of the foregoing violations separately constitutes cause for the suspension or revocation of the real estate license and



1 license rights of MCGANN ENTERPRISES, INC. under Section 10177(d)  
2 of the Code.

3 20

4 The audit examination moreover revealed that MCGANN  
5 ENTERPRISES, INC. engaged in licensed acts for which a real estate  
6 license is required without an officer for the corporation  
7 licensed under either Section 10158 or Section 10211 of the Code.  
8 During the period of time beginning on April 16, 1998 and ending  
9 September 30, 1998,, wherein MCGANN ENTERPRISES, INC. operated  
10 without a designated officer. This conduct is in violation of  
11 Section 2740 of the Regulations and is cause to suspend or revoke  
12 Respondent MCGANN ENTERPRISES, INC.'s real estate license and  
13 license rights under Section 10177(d) of the Code.

14 21

15 The audit examination also revealed that Respondent  
16 MCGANN ENTERPRISES, INC. used the fictitious name of "Churchill  
17 McGann" to conduct licensed activities on behalf of MCGANN  
18 ENTERPRISES, INC., without holding a license bearing said  
19 fictitious business name. The conduct of MCGANN ENTERPRISES,  
20 INC., in failing to obtain a license for use of the aforesaid  
21 name, is in violation of Section 2731 of the Regulations and is  
22 cause to suspend or revoke Respondent's MCGANN ENTERPRISES, INC.,  
23 real estate license and license rights under Section 10177(d) of  
24 the Code.

25 22

26 The audit examination revealed that FIELD's failed to  
27 initiate and maintain a written Broker-Salesperson agreement with



1 MCGANN ENTERPRISES, INC.'s salesperson John McGann, in violation  
2 of Regulation 2726. This conduct and violation are also cause to  
3 suspend or revoke MCGANN ENTERPRISES, INC. license and license  
4 rights under Sections 10177(d) and 10177(h) of the Code

5 23

6 The audit examination revealed that Respondent MCGANN  
7 ENTERPRISES, INC. employed and compensated John McGann as a real  
8 estate salesperson without notifying the Department of his  
9 employment, as required by Section 10161.8 of the Code.

10 LYNWOOD EARL FIELDS AUDIT

11 24

12 At all times mentioned, in the City of Oxnard, Ventura  
13 County, California, FIELDS, acted as a real estate broker within  
14 the meaning of Section 10131(b) of the Code including the  
15 operation and conduct of a property management business for  
16 residential and commercial real estate.

17 25

18 Audit Report No. 980203

19 On October 29, 1998, the Department completed a field  
20 audit examination of the books and records of FIELDS pertaining to  
21 the activities described in Paragraph 6. The audit examination  
22 covered the period of time beginning on October 1, 1997 and ending  
23 on September 30, 1998. The audit examination revealed the  
24 following violations of the Code and the Regulations.

25 26

26 During the audit period FIELDS did not maintain a trust  
27 account.



1           The audit examination revealed that FIELDS failed to  
2 notify the Department of his move from his main office at 4246  
3 Harbour Island Ln., Oxnard, California. This conduct constitutes  
4 a violation of Section 10162 of the Code and Section 2715 of the  
5 Regulations and is cause to suspend or revoke the real estate  
6 license and license rights of FIELDS under Sections 10165 and  
7 10177(d) of the Code.  
8

9  
10           The overall conduct of FIELDS, constitutes a failure on  
11 his part, as officer designated by corporate broker licensees,  
12 responsible for the supervision and control over the activities  
13 conducted on behalf of MCGANN ENTERPRISES, INC., CHURCHILL MCGANN,  
14 INC., CFG REALTY ADVISORS by its officers, managers and employees  
15 as necessary to secure full compliance with the provisions of the  
16 Real Estate Law. This conduct is cause for the suspension or  
17 revocation of the real estate license and license rights of FIELDS  
18 pursuant to the provisions of Sections 10159.2, 10177(g) and  
19 10177(h) of the Code.  
20

21           The conduct of respondent FIELDS, constitutes a failure  
22 on the part of FIELDS, as officer designated by a corporate broker  
23 licensee, to exercise the reasonable supervision and control over  
24 the licensed activities of MCGANN ENTERPRISES, INC., CHURCHILL  
25 MCGANN, INC., CFG REALTY ADVISORS, as required by Section 10159.2  
26 of the Code, and to keep them in compliance with the Real Estate  
27



1 Law, is cause for the suspension or revocation of the real estate  
2 licenses and license rights of FIELDS pursuant to the provisions  
3 of Sections 10159.2 and 10177(h) of the Code.

4 WHEREFORE, Complainant prays that a hearing be conducted  
5 on the allegations of this accusation and that upon proof thereof,  
6 a decision be rendered imposing disciplinary action against the  
7 license and license rights of MCGANN ENTERPRISES, INC., CHURCHILL  
8 MCGANN, INC., CFG REALTY ADVISORS and LYNWOOD EARL FIELDS as  
9 designated officer of McGann Enterprises, Inc., Churchill McGann,  
10 Inc., and CFG Realty Advisors under the Real Estate Law (Part 1 of  
11 Division 4 of the Business and Professions Code) and for such  
12 other and further relief as may be proper under other applicable  
13 provisions of law.

14 Dated at Los Angeles, California

15 this November 30, 1999

16 Thomas McCready by  
17 Deputy Real Estate Commissioner  
18 Edward Grant

19  
20  
21  
22  
23  
24 cc: McGann Enterprises, Inc.,  
25 Churchill McGann, Inc.,  
26 CFG Realty Advisors  
27 c/o Lynwood Earl Fields.  
Sacto  
MA

