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**FILED**

DEC 23 2009

DEPARTMENT OF REAL ESTATE

By [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

DAVID BRUCE CLAYTON;

Respondent.

No. H-28534 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 15, 2000, in Case No. H-28534 LA, a Decision was rendered revoking the real estate broker license of Respondent effective December 18, 2000, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on December 18, 2000, and Respondent has operated as a restricted licensee since that time.

On September 11, 2007, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license, and the Attorney General of the State of California has been given notice of the filing of the petition.

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

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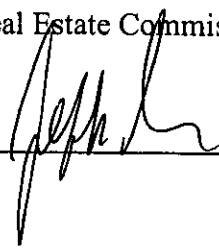
NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
reinstatement is granted and that a real estate broker license be issued to Respondent if  
Respondent satisfies the following conditions within twelve (12) months from the date of this  
order:

1. Submittal of a completed application and payment of the fee for a real  
estate broker license.
2. Submittal of evidence of having, 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.

This Order shall become effective immediately.

DATED: 11-17-09

JEFF DAVI  
Real Estate Commissioner

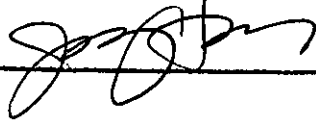
  
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**FILED**  
JAN 20 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-28534 LA  
 )  
SANDRA ANN SANDERS, )  
 )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 15, 2000, a Decision was rendered herein  
revoking Respondent's real estate broker license, but granting  
Respondent the right to the issuance of a restricted real estate  
broker license. A restricted real estate broker license was  
issued to Respondent or about December 18, 2000, and Respondent  
has operated as a restricted licensee without cause for  
disciplinary action against Respondent since that time.

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2 On or about February 6, 2003, Respondent petitioned  
3 for reinstatement of said real estate broker license and the  
4 Attorney General of the State of California has been given  
5 notice of the filing of said petition.

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

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

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

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

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This Order shall become effective immediately.

DATED: 1-6-05.

JEFF DAVI  
Real Estate Commissioner



---

cc: Sandra Ann Sanders  
69 Eastfield Drive  
Rolling Hills, CA 90274

63 Malaga Cove Plaza  
Palos Verdes Estates, CA 90274



1 10156.6 of said Code. Among those terms, conditions and  
2 restrictions, Respondent was required to submit, within 12  
3 months from the aforementioned effective date, evidence of  
4 having completed 45 hours of approved continuing education  
5 offerings as set forth in Section 10170, et seq. of the Real  
6 Estate Law. The Commissioner has determined that as of  
7 December 18, 2001, Respondent has failed to satisfy this  
8 condition, and as such, is in violation of Section 10177(k) of  
9 the Business and Professions Code. Respondent has no right to  
10 renew the restricted license if this condition isn't satisfied  
11 by the date of its expiration. (Section 10156.7 of the  
12 Business and Professions Code.)

13 NOW, THEREFORE, IT IS ORDERED under authority of  
14 Section 10156.7 of the Business and Professions Code of the  
15 State of California that the restricted real estate  
16 salesperson license heretofore issued to respondent and the  
17 exercise of any privileges thereunder is hereby suspended  
18 until such time as Respondent provides proof satisfactory to  
19 the Department of compliance with the "condition(s)" referred  
20 to above, or pending final determination made after hearing  
21 (see "Hearing Rights" set forth below)."

23 IT IS FURTHER ORDERED that all license certificates  
24 and identification cards issued by Department which are in the  
25 possession of respondent be immediately surrendered by  
26  
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1 personal delivery or by mailing in the enclosed, self-  
2 addressed envelope to:

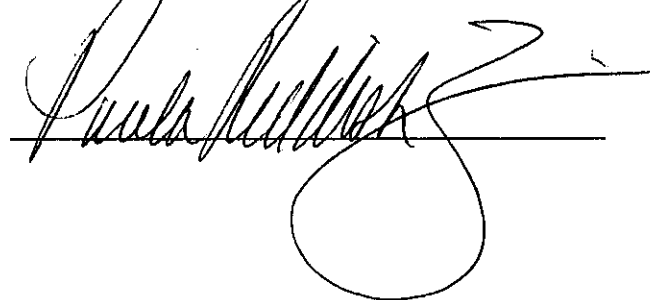
3 Department of Real Estate  
4 Attn: Flag Section  
5 P. O. Box 187000  
6 Sacramento, CA 95818-7000

7 HEARING RIGHTS: Pursuant to the provisions of  
8 Section 10156.7 of the Business and Professions Code, you have  
9 the right to a hearing to contest the Commissioner's  
10 determination that you are in violation of Section 10177(k).  
11 If you desire a hearing, you must submit a written request.  
12 The request may be in any form, as long as it is in writing  
13 and indicates that you want a hearing. Unless a written  
14 request for a hearing, signed by or on behalf of you, is  
15 delivered or mailed to the Department at 320 West Fourth  
16 Street, Suite 350, Los Angeles, California, 90013, within 20  
17 days after the date that this Order was mailed to or served on  
18 you, the Department will not be obligated or required to  
19 provide you with a hearing.

20 This Order shall be effective immediately.

21 DATED: March 18, 2002

22 PAULA REEDISH ZINNEMANN  
23 Real Estate Commissioner

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1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982  
5 (213) 576-6914

**FILED**  
NOV 28 2000  
DEPARTMENT OF REAL ESTATE

By Laura B. Orme

6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 EXECES VENTURE INC., dba, "RE/MAX )  
14 Execs-Redondo Beach," and )  
15 "RE/MAX Execs-South Bay;" SANDRA ANN )  
16 SANDERS, dba, "RE/MAX Palos Verdes )  
17 Realty," and "RE/MAX Spring Realty," )  
18 individually, & as designated broker )  
19 of EXECES VENTURE, INC.; CLARK )  
20 RICHARD MILLMAN; and DAVID BRUCE )  
21 CLAYTON. )  
22 Respondents. )

NO. H-28534 LA  
L- 2000050464

STIPULATION &  
AGREEMENT AS TO  
RESPONDENT CLARK  
RICHARD MILLMAN

23 It is hereby stipulated by and between CLARK RICHARD  
24 MILLMAN, (hereinafter, "Respondent MILLMAN"), acting by and  
25 through William Beverly, Esq., of Beverly Law Corp., and the  
26 Complainant, acting by and through Martha J. Rosett, Counsel for  
27 the Department of Real Estate, as follows for the purpose of  
settling and disposing of the Accusation filed on May 3, 2000 and  
the First Amended Accusation filed on August 31, 2000 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  
3 at a formal hearing on the Accusation, which hearing was to be  
4 held in accordance with the provisions of the Administrative  
5 Procedure Act (APA), shall instead and in place thereof be  
6 submitted solely on the basis of the provisions of this  
7 Stipulation and Agreement.

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 24, 2000, Respondent filed a Notice of  
13 Defense pursuant to Section 11506 of the Government Code for the  
14 purpose of requesting a hearing on the allegations in the  
15 Accusation. In order to effectuate this settlement, Respondent  
16 hereby freely and voluntarily withdraws said Notice of Defense.  
17 Respondent acknowledges that he understands that by withdrawing  
18 said Notice of Defense, he will thereby waive his rights to  
19 require the Commissioner to prove the allegations in the  
20 Accusation at a contested hearing held in accordance with the  
21 provisions of the APA and that he will waive other rights  
22 afforded to him in connection with the hearing such as the right  
23 to present evidence in defense of the allegations in the  
24 Accusation and the right to cross-examine witnesses.

25           4. Respondent, pursuant to the limitations set forth  
26 below, although not admitting or denying the truth of the  
27 allegations, will not contest the factual allegations contained



1 in the Accusation filed in this proceeding and the Real Estate  
2 Commissioner shall not be required to provide further evidence of  
3 such allegations.

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

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

20 7. The Stipulation is entered into by each party with  
21 the express understanding and agreement that it is to be used for  
22 the purposes of settling these proceedings only and that this  
23 stipulation shall not be deemed, used, or accepted as an  
24 acknowledgment or stipulation in any other civil or  
25 administrative proceeding to which this Department is not a  
26 party. Said stipulation is expressly limited to these  
27 proceedings and to any further proceeding initiated by or brought

1 before the Department of Real Estate, and shall have no  
2 collateral estoppel or res judicata effect in any proceeding  
3 other than a proceeding brought by the Department of Real Estate.

4 DETERMINATION OF ISSUES

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

9 I

10 The conduct of Respondent MILLMAN, as alleged in the  
11 First Amended Accusation, in performing activities requiring a  
12 real estate license when his license had expired is in violation  
13 of Business and Professions Code Section 10130. As such, grounds  
14 exist to suspend or revoke the license and license rights of  
15 Respondent MILLMAN pursuant to Section 10177(d) of the Business  
16 and Professions Code (hereinafter "Code").

17 ORDER

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19 All licenses and licensing rights of Respondent CLARK  
20 RICHARD MILLMAN under the Real Estate Law are revoked; provided,  
21 however, a restricted real estate salesperson license shall be  
22 issued to Respondent pursuant to Section 10156.5 of the Business  
23 and Professions Code if Respondent makes application therefor and  
24 pays to the Department of Real Estate the appropriate fee for the  
25 restricted license within 90 days from the effective date of this  
26 Decision. The restricted license issued to Respondent shall be  
27 subject to all of the provisions of Section 10156.7 of the



1 Business and Professions Code and to the following limitations,  
2 conditions and restrictions imposed under authority of Section  
3 10156.6 of that Code:

4 1. The restricted license issued to Respondent may be  
5 suspended prior to hearing by Order of the Real Estate  
6 Commissioner in the event of Respondent's conviction or  
7 plea of nolo contendere to a crime which is  
8 substantially related to Respondent's fitness or  
9 capacity as a real estate licensee.

10 2. The restricted license issued to Respondent may be  
11 suspended prior to hearing by Order of the Real Estate  
12 Commissioner on evidence satisfactory to the  
13 Commissioner that Respondent has violated provisions of  
14 the California Real Estate Law, the Subdivided Lands  
15 Law, Regulations of the Real Estate Commissioner or  
16 conditions attaching to the restricted license.

17 3. Respondent shall not be eligible to apply for the  
18 issuance of an unrestricted real estate license nor for  
19 the removal of any of the conditions, limitations or  
20 restrictions of a restricted license until two years  
21 have elapsed from the effective date of this Decision.

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



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(a) That the employing broker has read 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 shall, within twelve 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 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

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Respondent's license until Respondent passes the examination.

//

DATED: 10/13/00

MARtha J. ROsett  
MARTHA J. ROSETT, Counsel for  
Department of Real Estate

\* \* \* \* \*

I have read the Stipulation and Agreement. 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.

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

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DATED: 9-18-2000

*Clark Richard Millman*  
CLARK RICHARD MILLMAN  
Respondent

DATED: 9-18-2000

*William Beverly*  
WILLIAM BEVERLY, ESQ.  
Attorney for CLARK  
RICHARD MILLMAN

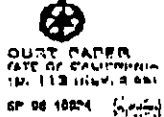
\* \* \* \*

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent MILLMAN and shall become effective at 12 o'clock noon on \_\_\_\_\_.

IT IS SO ORDERED \_\_\_\_\_.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

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DATED: \_\_\_\_\_

CLARK RICHARD MILLMAN,  
Respondent

DATED: \_\_\_\_\_

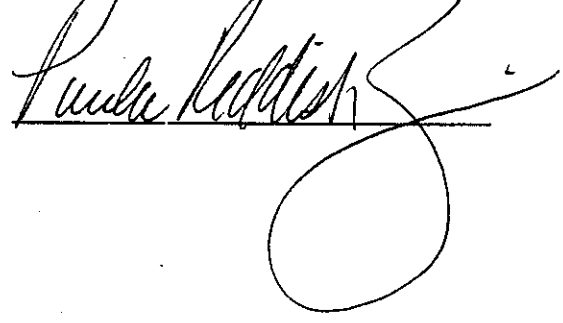
WILLIAM BEVERLY, ESQ.  
Attorney for CLARK  
RICHARD MILLMAN

\* \* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondent MILLMAN and shall become  
effective at 12 o'clock noon on December 18, 2000.

IT IS SO ORDERED November 15, 2000.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner



1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982  
5 (213) 576-6914

**FILED**  
NOV 28 2000  
DEPARTMENT OF REAL ESTATE

By Laura B. Cron

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11	In the Matter of the Accusation of	)	
12	EXECS VENTURE INC., dba, "RE/MAX	)	NO. H-28534 LA
13	Execs-Redondo Beach," and	)	L- 2000050464
14	"RE/MAX Execs-South Bay;" SANDRA ANN	)	<u>STIPULATION &amp;</u>
15	SANDERS, dba, "RE/MAX Palos Verdes	)	<u>AGREEMENT AS TO</u>
16	Realty," and "RE/MAX Spring Realty,"	)	<u>RESPONDENTS EXECS</u>
17	individually, & as designated broker	)	<u>VENTURE, INC. AND</u>
18	of EXECS VENTURE, INC.; CLARK	)	<u>SANDRA ANN SANDERS</u>
19	RICHARD MILLMAN; and DAVID BRUCE	)	
20	CLAYTON,	)	
21	Respondents.	)	

22 It is hereby stipulated by and between EXECS VENTURE,  
23 INC., dba, "RE/MAX Execs-Redondo Beach," and "RE/MAX Execs-South  
24 Bay," (hereinafter, "Respondent EVI.") and SANDRA ANN SANDERS,  
25 dba, "RE/MAX Palos Verdes Realty," and "RE/MAX Spring Realty,"  
26 individually, and as designated broker of EXECS VENTURE, INC.  
27 (hereinafter, "Respondent SANDERS"), each acting by and through  
Steven F. Spierer, Esq., of SPIERER, WOODWARD, CORBALIS &  
GOLDBERG, and the Complainant, acting by and through Martha J.  
Rosett, Counsel for the Department of Real Estate, as follows for

1 the purpose of settling and disposing of the Accusation filed on  
2 May 3, 2000 and the First Amended Accusation filed on August 31,  
3 2000 in this matter:

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

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

15 3. On May 11, 2000, Respondents filed Notices of  
16 Defense pursuant to Section 11506 of the Government Code for the  
17 purpose of requesting a hearing on the allegations in the  
18 Accusation. In order to effectuate this settlement, Respondents  
19 hereby freely and voluntarily withdraw said Notices of Defense.  
20 Respondents acknowledge that they understand that by withdrawing  
21 said Notices of Defense, they will thereby waive their rights to  
22 require the Commissioner to prove the allegations in the  
23 Accusation at a contested hearing held in accordance with the  
24 provisions of the APA and that they will waive other rights  
25 afforded to them in connection with the hearing such as the right  
26 to present evidence in defense of the allegations in the  
27 Accusation and the right to cross-examine witnesses.



1           4. Respondents, pursuant to the limitations set forth  
2 below, although not admitting or denying the truth of the  
3 allegations, will not contest the factual allegations contained  
4 in the Accusations filed in this proceeding and the Real Estate  
5 Commissioner shall not be required to provide further evidence of  
6 such allegations.

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

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

23           7. The Stipulation is entered into by each party with  
24 the express understanding and agreement that it is to be used for  
25 the purposes of settling these proceedings only and that this  
26 stipulation shall not be deemed, used, or accepted as an  
27 acknowledgment or stipulation in any other civil or



1 administrative proceeding to which this Department is not a  
2 party. Said stipulation is expressly limited to these  
3 proceedings and to any further proceeding initiated by or brought  
4 before the Department of Real Estate, and shall have no  
5 collateral estoppel or res judicata effect in any proceeding  
6 other than a proceeding brought by the Department of Real Estate.

7 DETERMINATION OF ISSUES

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

12 I

13 The acts and/or omissions of Respondents EVI and  
14 SANDERS, as alleged in the First Amended Accusation, in employing  
15 and compensating Respondent CLARK RICHARD MILLMAN for activities  
16 requiring a real estate license when his license had expired is  
17 reason to suspend or revoke the licenses and license rights of  
18 Respondents EVI and SANDERS, pursuant to Section 10137 of the  
19 Business and Professions Code (hereinafter "Code").

20 II

21 The acts and/or omissions of Respondents EVI and  
22 SANDERS in employing and compensating Respondent DAVID BRUCE  
23 CLAYTON for activities requiring a real estate license when his  
24 license had expired is reason to suspend or revoke their licenses  
25 and license rights pursuant to Section 10137 of the Code.

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III

The acts and/or omissions of Respondent SANDERS, as the officer designated by Respondent EVI, pursuant to Section 10211 of the Code, responsible for the supervision and control of the activities conducted on behalf of EVI by its officers and employees as necessary to secure full compliance with the Real Estate Law, as set forth in Section 10159.2 of the Code, in failing to supervise the activities of Respondent EVI constitute reason to suspend or revoke the license and license rights of Respondent SANDERS pursuant to Section 10177(h) of the Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

AS TO RESPONDENT SANDRA ANN SANDERS:

All licenses and licensing rights of Respondent SANDRA ANN SANDERS under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent 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 that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate

1 Commissioner in the event of Respondent's conviction or  
2 plea of nolo contendere to a crime which is  
3 substantially related to Respondent's fitness or  
4 capacity as a real estate licensee.

5 2. The restricted license issued to Respondent may be  
6 suspended prior to hearing by Order of the Real Estate  
7 Commissioner on evidence satisfactory to the  
8 Commissioner that Respondent has violated provisions of  
9 the California Real Estate Law, the Subdivided Lands  
10 Law, Regulations of the Real Estate Commissioner or  
11 conditions attaching to the restricted license.

12 3. Respondent shall not be eligible to apply for the  
13 issuance of an unrestricted real estate license nor for  
14 the removal of any of the conditions, limitations or  
15 restrictions of a restricted license until two years  
16 have elapsed from the effective date of this Decision.

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

25 5. Respondent shall, within twelve months from the  
26 effective date of this Decision, present evidence  
27 satisfactory to the Real Estate Commissioner that



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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.

AS TO RESPONDENT EXECS VENTURE, INC.:

All licenses and licensing rights of Respondent EXECS VENTURE, INC. under the Real Estate Law are revoked; provided, however, a restricted corporate real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent 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 that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the



1 Commissioner that Respondent has violated provisions of  
2 the California Real Estate Law, the Subdivided Lands  
3 Law, Regulations of the Real Estate Commissioner or  
4 conditions attaching to the restricted license.

5 2. Respondent shall not be eligible to apply for the  
6 issuance of an unrestricted real estate license nor for  
7 the removal of any of the conditions, limitations or  
8 restrictions of a restricted license until two years  
9 have elapsed from the effective date of this Decision.

10  
11 DATED:

10/13/00

11 "

*MARtha J. ROSETT*

MARTHA J. ROSETT, Counsel for  
Department of Real Estate

12 \* \* \* \* \*

13  
14 We have read the Stipulation and Agreement. Its terms  
15 are understood by us and are agreeable and acceptable to us. We  
16 understand that we are waiving rights given to us by the  
17 California Administrative Procedure Act (including but not  
18 limited to Sections 11506, 11508, 11509 and 11513 of the  
19 Government Code), and we 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 we would have the right to cross-examine  
23 witnesses against us and to present evidence in defense and  
24 mitigation of the charges.

25 Respondents can signify acceptance and approval of the  
26 terms and conditions of this Stipulation and Agreement by faxing  
27 a copy of its signature page, as actually signed by Respondent,



1 to the Department at the following telephone/fax number: (213)  
 2 576-6917. Respondents agree, acknowledge and understand that by  
 3 electronically sending to the Department a fax copy of their  
 4 actual signature as it appears on the Stipulation and Agreement,  
 5 that receipt of the faxed copy by the Department shall be as  
 6 binding on Respondents as if the Department had received the  
 7 original signed Stipulation and Agreement.

8 DATED: 9-18-00

*Sandra Ann Sanders*  
 SANDRA ANN SANDERS,  
 Respondent, individually

9  
10 DATED: 9-18-00

*Sandra Ann Sanders*  
 SANDRA ANN SANDERS,  
 Respondent, on behalf of  
 Respondent EXECS  
 VENTURES, INC.

11  
12  
13  
14 DATED: \_\_\_\_\_

STEVEN SPEIRER, ESQ.  
 Attorney for SANDRA ANN  
 SANDERS and EXECS  
 VENTURE, INC.

15  
16  
17 \* \* \* \*

18 The foregoing Stipulation and Agreement is hereby  
 19 adopted as my Decision as to Respondents SANDRA ANN SANDERS and  
 20 EXECS VENTURES, INC., and shall become effective at 12 o'clock  
 21 noon on \_\_\_\_\_.

22  
23 IT IS SO ORDERED \_\_\_\_\_

PAULA REDDISH ZINNEMANN  
 Real Estate Commissioner

24  
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26  
27 \_\_\_\_\_

1 to the Department at the following telephone/fax number: (213)  
 2 576-6917. Respondents agree, acknowledge and understand that by  
 3 electronically sending to the Department a fax copy of their  
 4 actual signature as it appears on the Stipulation and Agreement,  
 5 that receipt of the faxed copy by the Department shall be as  
 6 binding on Respondents as if the Department had received the  
 7 original signed Stipulation and Agreement.

8 DATED: 9-18-00

*Sandra Ann Sanders*  
 SANDRA ANN SANDERS,  
 Respondent, individually

9  
 10 DATED: 9-18-00

*Sandra Ann Sanders*  
 SANDRA ANN SANDERS,  
 Respondent, on behalf of  
 Respondent EXEC'S  
 VENTURES, INC.

11  
 12  
 13  
 14 DATED: 9/18/00

*Steven Speirer*  
 STEVEN SPEIRER, ESQ.  
 Attorney for SANDRA ANN  
 SANDERS and EXEC'S  
 VENTURE, INC.

\* \* \* \*

17 The foregoing Stipulation and Agreement is hereby  
 18 adopted as my Decision as to Respondents SANDRA ANN SANDERS and  
 19 EXEC'S VENTURES, INC., and shall become effective at 12 o'clock  
 20 noon on \_\_\_\_\_  
 21

22 IT IS SO ORDERED \_\_\_\_\_

23  
 24 PAULA REDDISH ZINNEMANN  
 Real Estate Commissioner



1 to the Department at the following telephone/fax number: (213)  
2 576-6917. Respondents agree, acknowledge and understand that by  
3 electronically sending to the Department a fax copy of their  
4 actual signature as it appears on the Stipulation and Agreement,  
5 that receipt of the faxed copy by the Department shall be as  
6 binding on Respondents as if the Department had received the  
7 original signed Stipulation and Agreement.

8 DATED: \_\_\_\_\_ SANDRA ANN SANDERS,  
9 Respondent, individually

10 DATED: \_\_\_\_\_ SANDRA ANN SANDERS,  
11 Respondent, on behalf of  
12 Respondent EXECES  
13 VENTURES, INC.

14 DATED: \_\_\_\_\_ STEVEN SPEIRER, ESQ.  
15 Attorney for SANDRA ANN  
16 SANDERS and EXECES  
17 VENTURE, INC.

17 \* \* \* \*

18 The foregoing Stipulation and Agreement is hereby  
19 adopted as my Decision as to Respondents SANDRA ANN SANDERS and  
20 EXECES VENTURES, INC., and shall become effective at 12 o'clock  
21 noon on December 18, 2000.

22  
23 IT IS SO ORDERED November 15, 2000.

24 PAULA REDDISH ZINNEMANN  
25 Real Estate Commissioner  
26 Paula Reddish  
27

1 Department of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982  
5 (213) 576-6914

**FILED**  
NOV 28 2000  
DEPARTMENT OF REAL ESTATE

By Laura B. Brown

6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of	)	
12 EXECES VENTURE INC., dba, "RE/MAX	)	NO. H-28534 LA
13 Execs-Redondo Beach," and	)	L- 2000050464
14 "RE/MAX Execs-South Bay;" SANDRA ANN	)	<u>STIPULATION &amp;</u>
15 SANDERS, dba, "RE/MAX Palos Verdes	)	<u>AGREEMENT AS TO</u>
16 Realty," and "RE/MAX Spring Realty,"	)	<u>RESPONDENT</u>
17 individually, & as designated broker	)	<u>DAVID BRUCE CLAYTON</u>
18 of EXECES VENTURE, INC.; CLARK	)	
19 RICHARD MILLMAN; and DAVID BRUCE	)	
20 CLAYTON,	)	
21 Respondents.	)	

22 It is hereby stipulated by and between DAVID BRUCE  
23 CLAYTON, (hereinafter "Respondent CLAYTON"), acting on his own  
24 behalf, and the Complainant, acting by and through Martha J.  
25 Rosett, Counsel for the Department of Real Estate, as follows for  
26 the purpose of settling and disposing of the Accusation filed on  
27 May 3, 2000 and the First Amended Accusation filed on August 31,  
2000 in this matter:

1. All issues which were to be contested and all  
evidence which was to be presented by Complainant and Respondent

1 CLAYTON at a formal hearing on the Accusation, which hearing was  
2 to be held in accordance with the provisions of the  
3 Administrative Procedure Act (APA), shall instead and in place  
4 thereof be submitted solely on the basis of the provisions of  
5 this Stipulation and Agreement.

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

10 3. On May 17, 2000, Respondent filed a Notice of  
11 Defense pursuant to Section 11506 of the Government Code for the  
12 purpose of requesting a hearing on the allegations in the  
13 Accusation. In order to effectuate this settlement, Respondent  
14 hereby freely and voluntarily withdraws said Notice of Defense.  
15 Respondent acknowledges that he understands that by withdrawing  
16 said Notice of Defense, he will thereby waive his right to  
17 require the Commissioner to prove the allegations in the  
18 Accusation at a contested hearing held in accordance with the  
19 provisions of the APA and that he will waive other rights  
20 afforded to him in connection with the hearing such as the right  
21 to present evidence in defense of the allegations in the  
22 Accusation and the right to cross-examine witnesses.

23 4. Respondent, pursuant to the limitations set forth  
24 below, although not admitting or denying the truth of the  
25 allegations, will not contest the factual allegations contained  
26 in the Accusation filed in this proceeding and the Real Estate  
27

1 Commissioner shall not be required to provide further evidence of  
2 such allegations.

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

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

19 7. The Stipulation is entered into by each party with  
20 the express understanding and agreement that it is to be used for  
21 the purposes of settling these proceedings only and that this  
22 stipulation shall not be deemed, used, or accepted as an  
23 acknowledgment or stipulation in any other civil or  
24 administrative proceeding to which this Department is not a  
25 party. Said stipulation is expressly limited to these  
26 proceedings and to any further proceeding initiated by or brought  
27 before the Department of Real Estate, and shall have no



1 collateral estoppel or res judicata effect in any proceeding  
2 other than a proceeding brought by the Department of Real Estate.

3 DETERMINATION OF ISSUES

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

8 I

9 The acts or omissions of Respondent as alleged in the  
10 First Amended Accusation constitute performing activities  
11 requiring a real estate broker license when said license had  
12 expired, in violation of Business and Professions Code Section  
13 10130. As such, this is reason to suspend or revoke the license  
14 and license rights of Respondent pursuant to Section 10177(d) of  
15 the Code.

16 ORDER

17 WHEREFORE, THE FOLLOWING ORDER is hereby made:

18 All licenses and licensing rights of Respondent DAVID BRUCE  
19 CLAYTON under the Real Estate Law are revoked; provided,  
20 however, a restricted real estate broker license shall be issued  
21 to Respondent pursuant to Section 10156.5 of the Business and  
22 Professions Code if Respondent makes application therefor and  
23 pays to the Department of Real Estate the appropriate fee for the  
24 restricted license within 90 days from the effective date of this  
25 Decision. The restricted license issued to Respondent shall be  
26 subject to all of the provisions of Section 10156.7 of the  
27 Business and Professions Code and to the following limitations,





1 conditions and restrictions imposed under authority of Section  
2 10156.6 of that Code:

3 1. The restricted license issued to Respondent may be  
4 suspended prior to hearing by Order of the Real Estate  
5 Commissioner in the event of Respondent's conviction or  
6 plea of nolo contendere to a crime which is  
7 substantially related to Respondent's fitness or  
8 capacity as a real estate licensee.

9 2. The restricted license issued to Respondent may be  
10 suspended prior to hearing by Order of the Real Estate  
11 Commissioner on evidence satisfactory to the  
12 Commissioner that Respondent has violated provisions of  
13 the California Real Estate Law, the Subdivided Lands  
14 Law, Regulations of the Real Estate Commissioner or  
15 conditions attaching to the restricted license.

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

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

5. Respondent shall, within twelve 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.

//

DATED:

10/13/00

*Martha J. Rosett*

MARTHA J. ROSETT, Counsel for  
Department of Real Estate

\* \* \* \* \*

I have read the Stipulation and Agreement. 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

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

5 Respondent can signify acceptance and approval of the  
 6 terms and conditions of this Stipulation and Agreement by faxing  
 7 a copy of its signature page, as actually signed by Respondent,  
 8 to the Department at the following telephone/fax number: (213)  
 9 576-6917. Respondent agrees, acknowledges and understands that  
 10 by electronically sending to the Department a fax copy of his or  
 11 her actual signature as it appears on the Stipulation and  
 12 Agreement, that receipt of the faxed copy by the Department shall  
 13 be as binding on Respondent as if the Department had received the  
 14 original signed Stipulation and Agreement.

15 DATED: 9-15-00

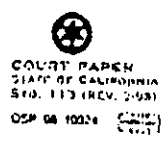
*David Bruce Clayton*  
 DAVID BRUCE CLAYTON,  
 Respondent

\* \* \* \*

18 The foregoing Stipulation and Agreement is hereby  
 19 adopted as my Decision as to Respondent DAVID BRUCE CLAYTON, and  
 20 shall become effective at 12 o'clock noon on  
 21 \_\_\_\_\_

23 IT IS SO ORDERED \_\_\_\_\_

24 PAULA REDDISH ZINNEMANN  
 25 Real Estate Commissioner



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

5 Respondent can signify acceptance and approval of the  
6 terms and conditions of this Stipulation and Agreement by faxing  
7 a copy of its signature page, as actually signed by Respondent,  
8 to the Department at the following telephone/fax number: (213)  
9 576-6917. Respondent agrees, acknowledges and understands that  
10 by electronically sending to the Department a fax copy of his or  
11 her actual signature as it appears on the Stipulation and  
12 Agreement, that receipt of the faxed copy by the Department shall  
13 be as binding on Respondent as if the Department had received the  
14 original signed Stipulation and Agreement.

15 DATED: \_\_\_\_\_

\_\_\_\_\_  
DAVID BRUCE CLAYTON,  
Respondent

17 \* \* \* \*

18 The foregoing Stipulation and Agreement is hereby  
19 adopted as my Decision as to Respondent DAVID BRUCE CLAYTON, and  
20 shall become effective at 12 o'clock noon on  
21 December 18, 2000.

22  
23 IT IS SO ORDERED November 15, 2000.

24 PAULA REDDISH ZINNEMANN  
25 Real Estate Commissioner

26 Paula Reddish Zinnemann  
27

*Sachs  
Hans*

**FILED**  
AUG 18 2000

DEPARTMENT OF REAL ESTATE

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

\* \* \* \* \*

By *Laura B. Brown*

In the Matter of the Accusation of            ) Case No. H-28534 LA  
  ) OAH No. L-2000050464  
EXECS VENTURE, INC., et al.,                 )  
  )  
\_\_\_\_\_  
Respondent(s).                                    )

**AMENDED NOTICE OF HEARING ON ACCUSATION**

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, 6<sup>th</sup> Floor, Suite 630, Los Angeles, California, on SEPTEMBER 19 & 20, 2000, at the hour of 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: *8/18/00*

DEPARTMENT OF REAL ESTATE

By: *Martha J. Rosett*  
MARTHA J. ROSETT, Counsel

cc: Execs Venture, Inc.  
Sandra Ann Sanders  
Clark Richard Millman  
David Bruce Clayton  
Steven Spierer, Esq.  
William Beverly, Esq.  
Sacto,  
OAH

*gretchen*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILE  
MAY 30 2000  
DEPARTMENT OF REAL ESTATE

\*\*\*\*

In the Matter of the Accusation of ) Case No. H-28534 LA  
) OAH No. L-2000050464 By Laura B. Orr  
EXECS VENTURE, INC. et al., )  
)  
)  
)  
Respondent(s).)

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on AUGUST 15 & 16, 2000, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: May 30, 2000

DEPARTMENT OF REAL ESTATE  
By: Martha J. Rosett  
MARTHA J. ROSETT, Counsel

cc: Execs Venture Inc.  
Sandra Ann Sanders  
Clark Richard Millman  
David Bruce Clayton  
Steven Spierer, Esq.  
William Beverly, Esq.  
Sacto.  
OAH



1 MARTHA J. ROSETT, Counsel (SBN 142072)  
2 Department of Real Estate  
3 320 West Fourth St., #350  
4 Los Angeles, CA 90013

5 (213) 576-6982  
6 (213) 576-6914

**FILED**  
AUG 31 2000  
DEPARTMENT OF REAL ESTATE

By Laura B. Dion

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of ) No. H- 28534 LA  
12 EXECES VENTURE, INC., dba, "RE/MAX ) First Amended Accusation  
13 Execs-Redondo Beach," and "RE/MAX )  
14 Execs-South Bay;" SANDRA ANN )  
15 SANDERS, dba, "RE/MAX Palos Verdes )  
16 Realty," and RE/MAX Spring Realty,")  
17 individually, and as designated )  
18 broker of EXECES VENTURE, INC.; )  
19 CLARK RICHARD MILLMAN; and DAVID )  
20 BRUCE CLAYTON, )  
21 Respondents. )

22 The Complainant, Thomas McCrady, a Deputy Real Estate  
23 Commissioner of the State of California, does hereby amend the  
24 Accusation filed on May 3, 2000 against EXECES VENTURE, INC.,  
25 SANDRA ANN SANDERS, individually, and as designated broker of  
26 EXECES VENTURE, INC., CLARK RICHARD MILLMAN, and DAVID BRUCE  
27 CLAYTON, and is informed and alleges as follows:

1

The Complainant, Thomas McCrady, a Deputy Real Estate  
Commissioner of the State of California, makes this Accusation in



1 his official capacity.

2 2

3 Respondent EXECS VENTURE, INC., dba, "RE/MAX Execs-  
4 Redondo Beach," and "RE/MAX Execs-South Bay," (hereinafter,  
5 "Respondent EVI"), is presently licensed and/or has license  
6 rights under the Real Estate Law, Part 1 of Division 4 of the  
7 California Business and Professions Code (hereinafter "Code"), as  
8 a corporate real estate broker. At all times herein mentioned,  
9 Respondent EVI was licensed as a real estate corporation acting  
10 by and through Respondent SANDRA ANN SANDERS as its designated  
11 broker-officer.

12 3

13 Respondent SANDRA ANN SANDERS, dba, "RE/MAX Palos  
14 Verdes Realty," and, "RE/MAX Spring Realty," (hereinafter,  
15 "Respondent SANDERS"), is presently licensed and/or has license  
16 rights under the Code as a real estate broker. At all times  
17 herein mentioned, Respondent SANDERS was licensed as a real  
18 estate broker and as the broker-officer of corporate broker  
19 Respondent EVI.

20 4

21 From July 1, 1997 through the present, Respondent  
22 SANDERS, as the officer designated by Respondent EVI, pursuant to  
23 Section 10211 of the Code, was responsible for the supervision  
24 and control of the activities conducted on behalf of EVI by its  
25 officers and employees as necessary to secure full compliance  
26 with the Real Estate Law as set forth in Section 10159.2 of the  
27 Code.



5  
Respondent CLARK RICHARD MILLMAN (hereinafter "Respondent MILLMAN"), was originally licensed as a real estate salesperson on or about January 11, 1985. He was continuously licensed until January 10, 1997, when his license expired. Respondent MILLMAN did not renew his license until August 18, 1998. His current license is due to expire on or about August 17, 2002. Between January 11, 1997 and August 17, 1998, Respondent MILLMAN was not licensed to practice real estate.

Respondent DAVID BRUCE CLAYTON (hereinafter "Respondent CLAYTON") was originally licensed as a real estate salesperson on or about May 20, 1983, and was so licensed until May 19, 1987. On or about September 17, 1988, Respondent CLAYTON was first licensed as a real estate broker. This broker license expired on September 16, 1992, was renewed on December 2, 1992, expired on December 1, 1996 and was not renewed again until September 25, 1998. His current license is scheduled to expire on September 24, 2002. Between December 2, 1996 and September 24, 1998, Respondent CLAYTON was not licensed to practice real estate.

All further references to "Respondents," unless otherwise specified, include the parties identified in Paragraphs 2 through 6 above, and also include the employees, agents and real estate licensees employed by or associated with said parties, who at all times material herein were engaged in the furtherance of the business or operations of said parties and who

1 were acting within the course and scope of their authority,  
2 agency or employment.

3 8

4 At all times material herein, Respondents engaged in  
5 the business of, acted in the capacity of, advertised or assumed  
6 to act as real estate brokers in the State of California, within  
7 the meaning of Code Sections 10131(a), for another or others, for  
8 or in expectation of compensation. Said activity included the  
9 operation and conduct of a real property sales business with the  
10 public wherein Respondents sold or offered to sell, bought or  
11 offered to buy, solicited the prospective sellers or purchasers  
12 of, or negotiated the purchase, sale or exchange of real property  
13 on behalf of another or others.

14 FIRST CAUSE OF ACCUSATION:  
15 UNLICENSED ACTIVITIES BY RESPONDENT MILLMAN

16 9

17 On or about May 27, 1998, Respondent MILLMAN entered  
18 into an Exclusive Authorization and Right to Sell contract with  
19 Donald Len Ohnoki and Mary Helen Ohnoki. Pursuant to this  
20 contract, MILLMAN signed on behalf of Respondent EVI to act as  
21 agent for the Ohnokis on the sale of their property known as 5518  
22 Arvada Street, Torrance, California.

23 10

24 On or about June 7, 1998, Respondent MILLMAN drafted a  
25 Residential Purchase Agreement and Receipt for Deposit on behalf  
26 of buyers, Edward J. Herbulock and Susan J. Humphrey. This dual  
27 agency, whereby MILLMAN represented both the buyers and the  
sellers, was disclosed to all parties. MILLMAN presented the



1 offer he had prepared on behalf of the buyers to the sellers on  
2 or about June 8, 1998. A counter offer dated June 8, 1998 was  
3 accepted by the buyers. Escrow on the transaction was opened  
4 June 10, 1998 at Peninsula Escrow. Pursuant to escrow  
5 instructions, the sellers were to pay RE/MAX Execs-South Bay, one  
6 of Respondent EVI's "dba's," a \$19,000 commission at the close of  
7 escrow.

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9 Prior to the close of escrow, the sellers discovered  
10 that Respondent MILLMAN's license had expired. MILLMAN was not  
11 licensed at anytime during the transaction period. Respondent  
12 EVI therefore negotiated with the sellers and agreed to reduce  
13 the commission by one-half. Escrow closed August 7, 1998.

14 12

15 The conduct of Respondent MILLMAN in performing  
16 activities requiring a license when his license had expired is in  
17 violation of Section 10130 of the Code.

18 13

19 The conduct of Respondents EVI and SANDERS in employing  
20 and compensating Respondent MILLMAN for activities requiring a  
21 real estate license when his license had expired is reason to  
22 suspend or revoke their licenses and license rights pursuant to  
23 Section 10137 of the Code.

24 SECOND CAUSE OF ACCUSATION:  
25 UNLICENSED ACTIVITIES BY RESPONDENT CLAYTON

26 14

27 On or about May 20, 1998, Respondent CLAYTON  
represented the buyers, Michele and Thomas Michael Neldner, in



1 the purchase of property located at 250 The Village, #312, in  
2 Redondo Beach, California. CLAYTON drafted a Purchase Agreement  
3 and Receipt for Deposit on behalf of the buyers and discussed the  
4 terms of the seller's counter-offer. When the buyers accepted  
5 the counter-offer, escrow was opened. Respondent EVI paid  
6 CLAYTON \$4,631.25 as compensation for the services he provided in  
7 the transaction. CLAYTON was not licensed to practice real  
8 estate during the period of time he performed the services for  
9 which he was compensated.

10 15

11 On or about June 21, 1998, Respondent CLAYTON drafted  
12 and signed an Exclusive Authorization and Right to Sell contract  
13 as agent for Respondent EVI. Pursuant to the terms of this  
14 agreement, Respondent EVI, acting by and through CLAYTON, was  
15 authorized to act as agent for the sellers of property located at  
16 2010 Dawn Street, in Lomita, California. In August of 1998,  
17 Respondent CLAYTON negotiated the sale of the Dawn Street  
18 property on behalf of the sellers. In compensation for his  
19 services, EVI paid CLAYTON \$542.50. At the time CLAYTON  
20 performed real estate activities for which he was compensated, he  
21 was not licensed.

22 16

23 The conduct of Respondent CLAYTON in performing  
24 activities requiring a license when his license had expired is in  
25 violation of Section 10130 of the Code.

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2 The conduct of Respondents EVI and SANDERS in employing  
3 and compensating Respondent CLAYTON for activities requiring a  
4 real estate license when his license had expired is reason to  
5 suspend or revoke their licenses and license rights pursuant to  
6 Section 10137 of the Code.

7 THIRD CAUSE OF ACCUSATION  
8 FAILURE TO SUPERVISE

9  
10 During the period from April 1994 through June 1998,  
11 Respondent SANDERS failed to exercise reasonable supervision over  
12 the activities of agents in her employ in that she failed to  
13 implement adequate procedures to ensure compliance with the real  
14 estate laws pertaining to the licensure of salespersons and  
15 brokers in her employ.

16  
17 During the period from April 1994 through September  
18 1998, Respondent SANDERS failed to exercise reasonable control  
19 and supervision over the activities of the corporation for which  
20 a real estate license is required, including supervision over the  
21 activities of salespersons and brokers licensed to the  
22 corporation in the performance of acts for which a real estate  
23 license is required.

24  
25 During said period, Respondent SANDERS failed to  
26 establish policies, rules, procedures and systems to review,  
27 oversee, inspect and manage those items set forth in Section 2725



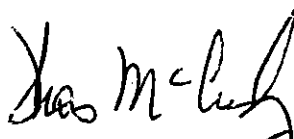
1 of Title 10, Chapter 6, California Code of Regulations, and to  
2 establish a system for monitoring compliance with such policies,  
3 rules, procedures and systems.

4 21

5 The facts alleged above constitute failure to supervise  
6 and are grounds for the suspension or revocation of Respondent  
7 SANDERS' license and license rights pursuant to Section 10177(h)  
8 of the Code.

9 WHEREFORE, Complainant prays that a hearing be  
10 conducted on the allegations of this Accusation and that upon  
11 proof thereof, a decision be rendered imposing disciplinary  
12 action against all licenses and/or license rights of Respondents  
13 EXECS VENTURE INC., SANRA ANN SANDERS, individually and as  
14 designated broker of EXECS VENTURE INC., CLARK RICHARD MILLMAN,  
15 and DAVID BRUCE CLAYTON. under the Real Estate Law and for such  
16 other and further relief as may be proper under applicable  
17 provisions of law.

18 Dated at Los Angeles, California  
19 this 31st day of August, 2000.

20  
21 

22 James McLeary  
23 Deputy Real Estate Commissioner

24  
25 cc: EXECS VENTURE, INC.  
26 SANDRA ANN SANDERS  
27 CLARK RICHARD MILLMAN  
DAVID BRUCE CLAYTON  
Sacto., OAH  
LK

Steven F. Spierer, Esq.  
William Beverly, Esq.





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Zis*

MARTHA J. ROSETT, Counsel (SBN 142072)  
Department of Real Estate  
320 West Fourth St., #350  
Los Angeles, CA 90013

(213) 576-6982  
(213) 576-6914

**FILED**  
MAY - 3 2000  
DEPARTMENT OF REAL ESTATE

*K. Medichols*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of )	No. H- 28534 LA
EXECS VENTURE, INC., dba, "RE/MAX )	<u>A C C U S A T I O N</u>
Execs-Redondo Beach," and "RE/MAX )	
Execs-South Bay;" SANDRA ANN )	
SANDERS, dba, "RE/MAX Palos Verdes )	
Realty," and RE/MAX Spring Realty," )	
individually, and as designated )	
broker of EXECS VENTURE, INC.; )	
CLARK RICHARD MILLMAN; and DAVID )	
BRUCE CLAYTON, )	
Respondents. )	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against EXECS VENTURE, INC., SANDRA ANN SANDERS, individually, and as designated broker of EXECS VENTURE, INC., CLARK RICHARD MILLMAN, and DAVID BRUCE CLAYTON, hereinafter is informed and alleges as follows:

1

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in

1 his official capacity.

2 2

3 Respondent EXECS VENTURE, INC., dba, "RE/MAX Execs-  
4 Redondo Beach," and "RE/MAX Execs-South Bay," (hereinafter,  
5 "Respondent EVI"), is presently licensed and/or has license  
6 rights under the Real Estate Law, Part 1 of Division 4 of the  
7 California Business and Professions Code (hereinafter "Code"), as  
8 a corporate real estate broker. At all times herein mentioned,  
9 Respondent EVI was licensed as a real estate corporation acting  
10 by and through Respondent SANDRA ANN SANDERS as its designated  
11 broker-officer.

12 3

13 Respondent SANDRA ANN SANDERS, dba, "RE/MAX Palos  
14 Verdes Realty," and, "RE/MAX Spring Realty," (hereinafter,  
15 "Respondent SANDERS"), is presently licensed and/or has license  
16 rights under the Code as a real estate broker. At all times  
17 herein mentioned, Respondent SANDERS was licensed as a real  
18 estate broker and as the broker-officer of corporate broker  
19 Respondent EVI.

20 4

21 From July 1, 1997 through the present, Respondent  
22 SANDERS, as the officer designated by Respondent EVI, pursuant to  
23 Section 10211 of the Code, was responsible for the supervision  
24 and control of the activities conducted on behalf of EVI by its  
25 officers and employees as necessary to secure full compliance  
26 with the Real Estate Law as set forth in Section 10159.2 of the  
27 Code.

Respondent CLARK RICHARD MILLMAN (hereinafter "Respondent MILLMAN"), was originally licensed as a real estate salesperson on or about January 11, 1985. He was continuously licensed until January 10, 1997, when his license expired. Respondent MILLMAN did not renew his license until August 18, 1998. His current license is due to expire on or about August 17, 2002. Between January 11, 1997 and August 17, 1998, Respondent MILLMAN was not licensed to practice real estate.

Respondent DAVID BRUCE CLAYTON (hereinafter "Respondent CLAYTON") was originally licensed as a real estate salesperson on or about May 20, 1983, and was so licensed until May 19, 1987. On or about September 17, 1988, Respondent CLAYTON was first licensed as a real estate broker. This broker license expired on September 16, 1992, was renewed on December 2, 1992, expired on December 1, 1996 and was not renewed again until September 25, 1998. His current license is scheduled to expire on September 24, 2002. Between December 2, 1996 and September 24, 1998, Respondent CLAYTON was not licensed to practice real estate.

All further references to "Respondents," unless otherwise specified, include the parties identified in Paragraphs 2 through 6 above, and also include the employees, agents and real estate licensees employed by or associated with said parties, who at all times material herein were engaged in the furtherance of the business or operations of said parties and who

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1 were acting within the course and scope of their authority,  
2 agency or employment.

3 8

4 At all times material herein, Respondents engaged in  
5 the business of, acted in the capacity of, advertised or assumed  
6 to act as real estate brokers in the State of California, within  
7 the meaning of Code Sections 10131(a), for another or others, for  
8 or in expectation of compensation. Said activity included the  
9 operation and conduct of a real property sales business with the  
10 public wherein Respondents sold or offered to sell, bought or  
11 offered to buy, solicited the prospective sellers or purchasers  
12 of, or negotiated the purchase, sale or exchange of real property  
13 on behalf of another or others.

14 FIRST CAUSE OF ACCUSATION:  
15 UNLICENSED ACTIVITIES BY RESPONDENT MILLMAN

16 9

17 On or about May 27, 1998, Respondent MILLMAN entered  
18 into an Exclusive Authorization and Right to Sell contract with  
19 Donald Len Ohnoki and Mary Helen Ohnoki. Pursuant to this  
20 contract, MILLMAN signed on behalf of Respondent EVI to act as  
21 agent for the Ohnokis on the sale of their property known as 5518  
22 Arvada Street, Torrance, California.

23 10

24 On or about June 7, 1998, Respondent MILLMAN drafted a  
25 Residential Purchase Agreement and Receipt for Deposit on behalf  
26 of buyers, Edward J. Herbulock and Susan J. Humphrey. This dual  
27 agency, whereby MILLMAN represented both the buyers and the  
sellers, was disclosed to all parties. MILLMAN presented the



1 offer had prepared on behalf of the buyers to the sellers on or  
2 about June 8, 1998. A counter offer dated June 8, 1998 was  
3 accepted by the buyers. Escrow on the transaction was opened  
4 June 10, 1998 at Peninsula Escrow. Pursuant to escrow  
5 instructions, the sellers were to pay RE/MAX Execs-South Bay, one  
6 of Respondent EVI's "dba's," a \$19,000 commission at the close of  
7 escrow.

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9 Prior to the close of escrow, the sellers discovered  
10 that Respondent MILLMAN's license had expired. MILLMAN was not  
11 licensed at anytime during the transaction period. Respondent  
12 EVI therefore negotiated with the sellers and agreed to reduce  
13 the commission by one-half. Escrow closed August 7, 1998.

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15 The conduct of Respondent MILLMAN in performing  
16 activities requiring a license when his license had expired is in  
17 violation of Section 10130 of the Code.

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19 The conduct of Respondents EVI and SANDERS in employing  
20 and compensating Respondent MILLMAN for activities requiring a  
21 real estate license when his license had expired is reason to  
22 suspend or revoke their licenses and license rights pursuant to  
23 Section 10137 of the Code.

24 SECOND CAUSE OF ACCUSATION:  
25 UNLICENSED ACTIVITIES BY RESPONDENT CLAYTON

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27 On or about May 20, 1998, Respondent CLAYTON  
represented the buyers, Michele and Thomas Michael Neldner, in



1 the purchase of property located at 250 The Village, #312, in  
2 Redondo Beach, California. CLAYTON drafted a Purchase Agreement  
3 and Receipt for Deposit on behalf of the buyers and discussed the  
4 terms of the seller's counter-offer. When the buyers accepted  
5 the counter-offer, escrow was opened. Respondent EVI paid  
6 CLAYTON \$4,631.25 as compensation for the services he provided in  
7 the transaction. CLAYTON was not licensed to practice real  
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9 which he was compensated.

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11 On or about June 21, 1998, Respondent CLAYTON drafted  
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13 as agent for Respondent EVI. Pursuant to the terms of this  
14 agreement, Respondent EVI, acting by and through CLAYTON, was  
15 authorized to act as agent for the sellers of property located at  
16 2010 Dawn Street, in Lomita, California. In August of 1998,  
17 Respondent CLAYTON negotiated the sale of the Dawn Street  
18 property on behalf of the sellers. In compensation for his  
19 services, EVI paid CLAYTON \$542.50. At the time CLAYTON  
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7 THIRD CAUSE OF ACCUSATION  
8 FAILURE TO SUPERVISE

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10 During the period from April 1994 through June 1998,  
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14 estate laws pertaining to the licensure of salespersons and  
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20 a real estate license is required, including supervision over the  
21 activities of salespersons and brokers licensed to the  
22 corporation in the performance of acts for which a real estate  
23 license is required.

24  
25 During said period, Respondent SANDERS failed to  
26 establish policies, rules, procedures and systems to review,  
27 oversee, inspect and manage those items set forth in Section 2725



1 of Title 10, Chapter 6, California Code of Regulations, and to  
2 establish a system for monitoring compliance with such policies,  
3 rules, procedures and systems.

4 21

5 The facts alleged above constitute failure to supervise  
6 and are grounds for the suspension or revocation of Respondent  
7 SANDERS' license and license rights pursuant to Section 10177(h)  
8 of the Code.

9 WHEREFORE, Complainant prays that a hearing be  
10 conducted on the allegations of this Accusation and that upon  
11 proof thereof, a decision be rendered imposing disciplinary  
12 action against all licenses and/or license rights of JOHN BOYE,  
13 under the Real Estate Law and for such other and further relief  
14 as may be proper under applicable provisions of law.

15 Dated at Los Angeles, California  
16 this 3rd day of May, 2000.

18 THOMAS MC CRADY

19 Deputy Real Estate Commissioner

20  
21  
22  
23 cc: EXECS VENTURE, INC.  
24 SANDRA ANN SANDERS  
25 CLARK RICHARD MILLMAN  
26 DAVID BRUCE CLAYTON  
27 Sacto.  
LK