

1 IGNACIO J. TOPETE (hereinafter "TOPETE") (hereinafter sometimes
2 referred to as "Respondents"), representing themselves, and the
3 Complainant, acting by and through Chris Leong, Counsel for the
4 Department of Real Estate, as follows for the purpose of
5 settling and disposing of the Accusation filed on August 23,
6 2001.

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

14 2. Respondents have received, read and understand the
15 Statement to Respondent, the Discovery Provisions of the
16 Administrative Procedure Act and the Accusation, filed by the
17 Department of Real Estate in this proceeding.

18 3. On September 7, 2001, Respondents EASTRIDGE and
19 WILSON, and on September 12, 2001, Respondent TOPETE filed
20 Notices of Defense pursuant to Section 11505 of the Government
21 Code for the purpose of requesting a hearing on the allegations
22 in the Accusation. Respondents hereby freely and voluntarily
23 withdraw said Notices of Defense. Respondents acknowledge that
24 they understand that by withdrawing said Notices of Defense
25 they will thereby waive their right to require the Commissioner
26 to prove the allegations in the Accusation at a contested
27 hearing held in accordance with the provisions of the

1 Administrative Procedure Act and that Respondents will waive
2 other rights afforded to them in connection with the hearing,
3 such as the right to present evidence in defense of the
4 allegations in the Accusation and the right to cross-examine
5 witnesses.

6 4. In the interest of expedience and economy,
7 Respondents choose not to contest the factual allegations in
8 Paragraphs I through XIII of the Accusation, but to remain
9 silent and understand that, as a result thereof, these factual
10 statements, without being admitted or denied, will serve as a
11 prima facie basis for the disciplinary action stipulated to
12 herein. The Real Estate Commissioner shall not be required to
13 provide further evidence to prove such allegations.

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

24 6. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation shall not
26 constitute an estoppel, merger or bar to any further
27 administrative or civil proceeding 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 DETERMINATION OF ISSUES

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

9 The acts and omissions of Respondents, described in
10 Paragraphs I through XII of the Accusation, are cause for the
11 suspension or revocation of the real estate licenses and
12 license rights of Respondents under the provisions of Section
13 10177(g) of the Business and Professions Code.

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 A. All licenses and licensing rights of Respondent
17 EASTRIDGE INVESTMENT CORPORATION, a corporation, individually and
18 dba Champion Mortgage Co. and ReMax Champions under the Real
19 Estate Law are suspended for a period of thirty (30) days from
20 the effective date of this Decision; provided, however, that if
21 Respondent petitions, said suspension (or portion thereof) shall
22 be stayed upon condition that:

23 1. Respondent pays a monetary penalty pursuant to
24 Section 10175.2 of the Business and Professions Code at the rate
25 of \$33.33 for each day of the suspension for a total monetary
26 penalty of \$1,000.00.

1 2. Said payment shall be in the form of a cashier's
2 check or certified check made payable to the Recovery Account of
3 the Real Estate Fund. Said check must be received by the
4 Department prior to the effective date of the Decision in this
5 matter.

6 3. No further cause for disciplinary action against
7 the real estate license of Respondent occurs within two (2)
8 years from the effective date of the Decision in this matter.

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

16 5. If Respondent pays the monetary penalty and if no
17 further cause for disciplinary action against the real estate
18 license of Respondent occurs within two (2) years of the
19 effective date of the Decision, the stay hereby granted shall
20 become permanent.

21 B. All licenses and licensing rights of Respondent
22 WILLIAM KIRK WILSON, individually and as designated officer of
23 Eastridge Investment Corporation, and dba Renet Financial/
24 Champion Mortgage, Wilson Realty Champion Mortgage, Wilson Realty
25 Services under the Real Estate Law are suspended for a period of
26 thirty (30) days from the effective date of this Decision;
27

1 provided, however, that if Respondent petitions, said suspension
2 (or portion thereof) shall be stayed upon condition that:

3 1. Respondent pays a monetary penalty pursuant to
4 Section 10175.2 of the Business and Professions Code at the rate
5 of \$16.66 for each day of the suspension for a total monetary
6 penalty of \$500.00.

7 2. Said payment shall be in the form of a cashier's
8 check or certified check made payable to the Recovery Account of
9 the Real Estate Fund. Said check must be received by the
10 Department prior to the effective date of the Decision in this
11 matter.

12 3. No further cause for disciplinary action against
13 the real estate license of Respondent occurs within two (2)
14 years from the effective date of the Decision in this matter.

15 4. If Respondent fails to pay the monetary penalty in
16 accordance with the terms and conditions of the Decision, the
17 Commissioner may, without a hearing, order the immediate
18 execution of all or any part of the stayed suspension in which
19 event the Respondent shall not be entitled to any repayment nor
20 credit, prorated or otherwise, for money paid to the Department
21 under the terms of this Decision.

22 5. If Respondent pays the monetary penalty and if no
23 further cause for disciplinary action against the real estate
24 license of Respondent occurs within two (2) years of the
25 effective date of the Decision, the stay hereby granted shall
26 become permanent.

27

1 C. All licenses and licensing rights of Respondent
2 IGNACIO J. TOPETE under the Real Estate Law are suspended for a
3 period of sixty (60) days from the effective date of this
4 Decision; provided, however, that sixty (60) days of said
5 suspension shall be stayed for two (2) years upon the following
6 terms and conditions:

7 1. Respondent shall obey all laws, rules and
8 regulations governing the rights duties and responsibilities of
9 a real estate licensee in the State of California; and

10 2. That no final subsequent determination be made,
11 after hearing or upon stipulation, that cause for disciplinary
12 action occurred within two (2) years of the effective date of
13 this Decision. Should such a determination be made, the
14 Commissioner may, in her discretion, vacate and set aside the
15 stay order and reimpose all or a portion of the stayed
16 suspension. Should no such determination be made, the stay
17 herein shall become permanent.

18
19 DATED: 11/21/01

CHRIS LEONG
CHRIS LEONG, ESQ.
Counsel for Complainant

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* * *

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

13 Respondents can signify acceptance and approval of
14 the terms and conditions of this Stipulation and Agreement by
15 faxing a copy of the signature page, as actually signed by
16 Respondents, to the Department at the following fax number
17 (213) 576-6917. Respondents agree, acknowledge and understand
18 that by electronically sending to the Department a fax copy of
19 their actual signatures as they appears on the Stipulation and
20 Agreement, that receipt of the faxed copy by the Department
21 shall be as binding on Respondents as if the Department had
22 received the original signed Stipulation and Agreement.

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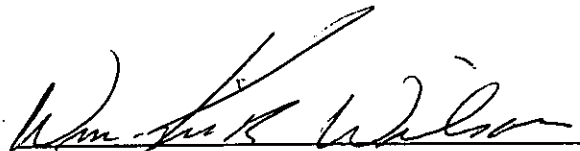
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DATED:

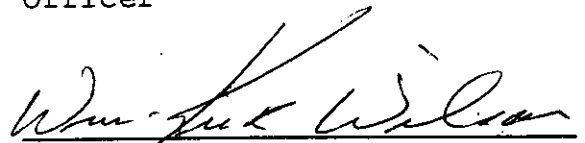
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EASTRIDGE INVESTMENT CORPORATION,
a corporation, individually and
dba Champion Mortgage Co. and
ReMax Champions, Respondent by
WILLIAM KIRK WILSON, Designated
Officer

DATED:

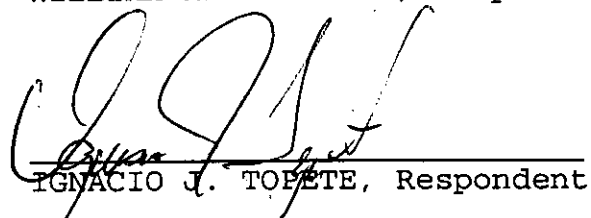
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WILLIAM KIRK WILSON, Respondent

DATED:

11/8/01



IGNACIO J. TOPETE, Respondent

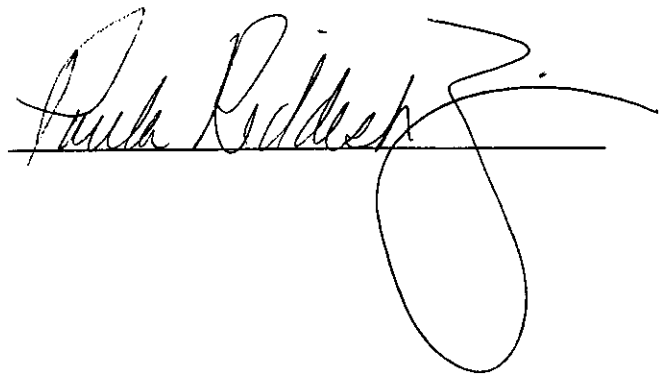
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on December 27, 2001.

IT IS SO ORDERED

December 7, 2001

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



1 CHRIS LEONG, Counsel (SBN 141079)
Department of Real Estate
2 320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982
4 -or- (213) 576-6910 (Direct)

FILED
AUG 23 2001
DEPARTMENT OF REAL ESTATE

By C.B.

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of)
12) No. H-29194 LA
EASTRIDGE INVESTMENT CORPORATION,) A C C U S A T I O N
13 a corporation, individually and)
dba Champion Mortgage Co. and)
14 ReMax Champions;)
WILLIAM KIRK WILSON, individually))
15 and as designated officer of)
Eastridge Investment Corporation,))
and dba Renet Financial/Champion)
16 Mortgage, Wilson Realty and)
Wilson Realty and Financial)
17 Services; and IGNACIO J. TOPETE,)
Respondents.)
18)

19 The Complainant, Maria Suarez, a Deputy Real Estate
20 Commissioner of the State of California, for cause of
21 Accusation against EASTRIDGE INVESTMENT CORPORATION, a
22 corporation, individually and dba Champion Mortgage Co. and
23 ReMax Champions (hereinafter "EASTRIDGE"); WILLIAM KIRK WILSON,
24 individually and as designated officer of Eastridge Investment
25 Corporation and dba Renet Financial/Champion Mortgage, Wilson
26 Realty and Wilson Realty and Financial Services (hereinafter
27

1 "WILSON"); and IGNACIO J. TOPETE (hereinafter "TOPETE")
2 (hereinafter sometimes collectively referred to as
3 Respondents), is informed and alleges in her official capacity
4 as follows:

5 I

6 EASTRIDGE is presently licensed and/or has license
7 rights under the Real Estate Law, Part 1 of Division 4 of the
8 California Business and Professions Code ("Code"), as a
9 corporate real estate broker.

10 II

11 WILSON is presently licensed and/or has license
12 rights under the Real Estate Law, Part 1 of Division 4 of the
13 Code, as a real estate broker, individually and as designated
14 officer of Eastridge Investment Corporation.

15 III

16 At all times material herein, Respondent WILSON was
17 licensed by the Department of Real Estate of the State of
18 California ("Department") as a real estate broker. Respondent
19 is responsible pursuant to the provisions of Code Section
20 10159.2 for the supervision and control of the activities
21 conducted on behalf of his corporate brokers and employees.

22 IV

23 Respondent TOPETE is presently licensed and/or has
24 license rights under the Real Estate Law, Part 1 of Division 4
25 of the Code, as a real estate salesperson. From on or about
26 June 11, 1998, to present, TOPETE was employed by Respondents
27 WILSON and EASTRIDGE.

PRIOR DISCIPLINE

V

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3 On or about November 21, 2000, a Decision After
4 Rejection was filed in case No. H-28398 LA, Before the
5 Department of Real Estate, in the Matter of the Accusation of
6 Eastridge Investment Corporation and William Kirk Wilson.
7 Respondents' licenses were suspended in that case.

8 VI

9 All further references to "Respondents", unless
10 otherwise specified, include the parties identified in
11 Paragraphs I through IV, above, and also include the employees,
12 agents and real estate licensees employed by or associated with
13 said parties, who at all times herein mentioned were engaged in
14 the furtherance of the business or operations of said parties
15 and who were acting within the course and scope of their
16 authority and employment.

17 VII

18 At all times material herein, Respondents engaged in
19 the business of, acted in the capacity of, advertised or
20 assumed to act as real estate brokers for others in the State
21 of California, within the meaning of Code Section 10131(a),
22 including the operation and conduct of a real estate sales
23 business with the public wherein Respondents sold real property
24 or solicited for buyers and sellers for the purchase or sale of
25 real property.

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VIII

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2 In or about 1999, James R. Lattin (hereinafter
3 "Lattin") listed his real property located at 2127 Cypress
4 Avenue, Ontario, CA (hereinafter "Cypress Ave. property")
5 through real estate broker Len Coleman of Red Carpet Prodigy
6 Realty (hereinafter "Coleman").

7 IX

8 On or about December 30, 1999, Nancy Nevarez
9 (hereinafter "Nevarez") made an offer to purchase the Cypress
10 Ave. property through real estate salesperson TOPETE who was an
11 agent of ReMax Champions. The Residential Purchase Agreement
12 and Receipt For Deposit indicated that ReMax Champions and
13 TOPETE had received from Nevarez \$1,000.00 towards the purchase
14 of the Cypress Ave. property. No such deposit funds were ever
15 received by TOPETE, or his employing broker, Respondent WILSON.
16 This offer was countered and accepted. On about January 5,
17 2000, Escrow no. 00-23715 was opened at Ontario Escrow Service.

18 X

19 On or about February 8, 2000, escrow was canceled.
20 Nevarez' \$1,000.00 deposit had never been deposited into escrow
21 nor had TOPETE received it as he represented on the Residential
22 Purchase Agreement and Receipt for Deposit. Lattin relied on
23 Respondents' representation of having received the \$1,000.00
24 deposit in accepting Nevarez' offer. It was further Lattin's
25 understanding that Nevarez would forfeit the \$1,000.00 deposit
26 in the event of a default on her part.
27

XI

1 The conduct, acts and/or omissions of Respondents, as
2 described in Paragraphs II through IX herein above, constitute
3 fraud and/or dishonest dealing and/or negligence and constitute
4 cause for the suspension or revocation of Respondents' real
5 estate licenses and license rights under the provisions of Code
6 Sections 10177(j), 10177(g), 10176(a) and/or 10176(i).
7

XII

8 The conduct, acts and/or omissions of Respondent
9 WILSON, as described in Paragraphs II through X herein above,
10 constitute a failure by WILSON to supervise Respondent TOPETE
11 and constitutes cause for the suspension or revocation of
12 Respondent WILSON's real estate license and license rights
13 under the provisions of Code Sections 10159.2 and 10177(h).
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 EASTRIDGE INVESTMENT CORPORATION, a corporation, individually
6 and dba Champion Mortgage Co. and ReMax Champions; WILLIAM KIRK
7 WILSON, individually and as designated officer of Eastridge
8 Investment Corporation and dba Renet Financial/Champion
9 Mortgage, Wilson Realty and Wilson Realty and Financial
10 Services; and IGNACIO J. TOPETE, under the Real Estate Law
11 (Part 1 of Division 4 of the Business and Professions Code),
12 and for such other and further relief as may be proper under
13 other applicable provisions of law.

14 Dated at Los Angeles, California

15 this 23rd day of August, 2001.

16 
17 _____
18 Deputy Real Estate Commissioner

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22
23 cc: Eastridge Investment Corporation
24 William Kirk Wilson
25 Ignacio J. Topete
26 Maria Suarez
27 Sacto.
DKW