

1 Department, including payment of the appropriate examination
2 fee. The Commissioner has determined that as of April 21, 2006,
3 you have failed to satisfy this condition, and as such, are in
4 violation of the Order.

5 NOW, THEREFORE, IT IS ORDERED pursuant to paragraph 3
6 of the Order, that the real estate broker license heretofore
7 issued to Respondent JOHN WARD LEWIS III and the exercise of any
8 privileges thereunder is hereby suspended until such time as
9 Respondent provides satisfactory proof to the Department of
10 compliance with the condition referred to above, or pending
11 final determination after hearing (see "Hearing Rights" set
12 forth below).

13 IT IS FURTHER ORDERED that all license certificates
14 and identification cards issued by the Department which are in
15 the possession of Respondent JOHN WARD LEWIS III be immediately
16 surrendered by personal delivery or by mailing in the enclosed,
17 self-addressed envelope to:

18 Department of Real Estate
19 Attn: Flag Section
20 P. O. Box 187000
Sacramento, CA 95818-7000

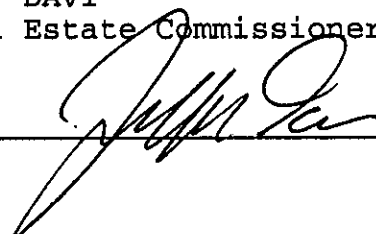
21 HEARING RIGHTS: Pursuant to the provisions of Section
22 10100 of the Business and Professions Code, you have the right
23 to a hearing to contest the Commissioner's determination that
24 you are in violation of the Order. If you desire a hearing, you
25 must submit a written request. The request may be in any form,
26 as long as it is in writing and indicates that you want a
27

1 hearing. Unless a written request for a hearing, signed by or
2 on behalf of you, is delivered or mailed to the Department at
3 320 West 4th Street, Suite 350, Los Angeles, California, 90013-
4 1105 within 20 days after the date that this Order was mailed to
5 or served on you, the Department will not be obligated or
6 required to provide you with a hearing.

7 This Order shall be effective immediately.

8 DATED: 8-15-02

9
10 JEFF DAVI
Real Estate Commissioner

11 
12 _____
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24

25 cc: Robert L. Young, Esq.
26 Luce, Forward, Hamilton & Scripps, LLP
27 600 West Broadway, Suite 2600
San Diego, CA 92101

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000

4 Telephone: (916) 227-0789
5
6
7

FILED
SEP 30 2005

DEPARTMENT OF REAL ESTATE

BY *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-30173 LA
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JOHN WARD LEWIS III, MICHELE)
YVONNE LEWIS, JAMES REISER, JR.,)
STEVEN GLENN BURTON, and EXECU)
SYSTEMS REALTORS CORP.,)
Respondents.)

STIPULATION AND AGREEMENT
IN SETTLEMENT
AND ORDER
AS TO JAMES REISER, JR.,
ONLY

18 It is hereby stipulated by and between JAMES REISER,
19 JR. (hereinafter "Respondent REISER") and the Complainant,
20 acting by and through David B. Seals, Counsel for the Department
21 of Real Estate, as follows for the purpose of settling and
22 disposing of the Accusation filed on July 1, 2003, in this
23 matter:

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

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

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

8 3. A Notice of Defense was filed on or about July 16,
9 2003 by Respondent REISER, pursuant to Section 11505 of the
10 Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusation. Respondent REISER hereby freely
12 and voluntarily withdraws said Notice of Defense. Respondent
13 REISER acknowledges that he understands that by withdrawing said
14 Notice of Defense he will thereby waive his right to require the
15 Commissioner to prove the allegations in the Accusation at a
16 contested hearing held in accordance with the provisions of the
17 APA and that he will waive other rights afforded to him in
18 connection with the hearing such as the right to present
19 evidence in defense of the allegations in the Accusation and the
20 right to cross-examine witnesses.

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

1 suspension or revocation of the licenses and license rights of
2 Respondent JAMES REISER, JR. under Section 10177(j) of the Code.

3 ORDER

4 I

5 All licenses and licensing rights of Respondent REISER
6 under the Real Estate Law are suspended for a period of one
7 hundred eighty (180) days from the effective date of this Order;
8 provided, however, that:

9 1. One hundred thirty-five (135) days of said
10 suspension shall be stayed for two (2) years upon the following
11 terms and conditions:

12 A. Respondent REISER shall obey all laws,
13 rules and regulations governing the rights, duties and
14 responsibilities of a real estate licensee in the
15 State of California; and,

16 B. That no final subsequent determination be
17 made, after hearing or upon stipulation,
18 that cause for disciplinary action occurred
19 within two (2) years from the effective date
20 of this Order. Should such a determination
21 be made, the Commissioner may, in his
22 discretion, vacate and set aside the stay
23 order and reimpose all or a portion of the
24 stayed suspension. Should no such
25 determination be made, the stay imposed
26 herein shall become permanent.

1 2. The remaining forty-five (45) days of said 180-
2 day suspension shall be stayed upon the condition that
3 Respondent REISER petition pursuant to Section 10175.2 of the
4 Business and Professions Code and pays a monetary penalty
5 pursuant to Section 10175.2 of the Business and Professions Code
6 at a rate of \$100 for each day of the suspension for a total
7 monetary penalty of \$4,500:

8 A. Said payment shall be in the form of a
9 cashier's check or certified check made payable to the
10 Recovery Account of the Real Estate Fund. Said check
11 must be delivered to the Department prior to the
12 effective date of the Order in this matter.

13 B. No further cause for disciplinary action
14 against the Real Estate licenses of said Respondent
15 occurs within two (2) years from the effective date of
16 the decision in this matter.

17 C. If Respondent REISER fails to pay the monetary
18 penalty as provided above prior to the effective date
19 of this Order, the stay of the suspension shall be
20 vacated as to Respondent REISER and the order of
21 suspension shall be immediately executed, under this
22 Paragraph I of this Order, in which event Respondent
23 REISER shall not be entitled to any repayment nor
24 credit, prorated or otherwise, for the money paid to
25 the Department under the terms of this Order.

26 D. If Respondent REISER pays the monetary
27 penalty and any other moneys due under this

1 Stipulation and Agreement and if no further cause for
2 disciplinary action against the real estate licenses
3 of Respondent REISER occurs within two (2) years from
4 the effective date of this Order, the entire stay
5 hereby granted under Paragraphs I and II of this
6 Order, as to Respondent REISER only, shall become
7 permanent.

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

15
16 DATED:

Sept. 1, 2005




DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

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18
19 * * *

20 I have read the Stipulation and Agreement, have
21 discussed it with my counsel, and its terms are understood by me
22 and are agreeable and acceptable to me. I understand that I am
23 waiving rights given to me by the California Administrative
24 Procedure Act (including but not limited to Sections 11506,
25 11508, 11509, and 11513 of the Government Code), and I willingly,
26 intelligently, and voluntarily waive those rights, including the
27

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

5
6 DATED: 8/18/05 
7 JAMES REISER, JR.
8 Respondent

9 * * *

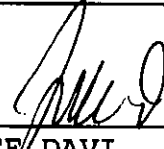
10 I have reviewed the Stipulation and Agreement as to
11 form and content and have advised my client accordingly.

12 DATED: _____
13 _____
14 _____
15 _____
16 Attorney for Respondent REISER

17 * * *

18 The foregoing Stipulation and Agreement in Settlement
19 is hereby adopted by the Real Estate Commissioner as his Decision
20 and Order and shall become effective at 12 o'clock noon on
21 OCT 21 2005

22 IT IS SO ORDERED 9-14, 2005.

23 
24 JEFF DAVI
25 Real Estate Commissioner

1 Department of Real Estate
 2 P. O. Box 187000
 3 Sacramento, CA 95818-7000
 4 Telephone: (916) 227-0789
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 6
 7

FILED
 SEP 30 2005

DEPARTMENT OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE
 STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)) JOHN WARD LEWIS III, MICHELE) YVONNE LEWIS, JAMES REISER, JR.,) STEVEN GLENN BURTON, and EXECU) SYSTEMS REALTORS CORP.,) Respondents.)	NO. H-30173 LA <u>STIPULATION AND AGREEMENT</u> <u>IN SETTLEMENT</u> <u>AND ORDER</u> <u>AS TO JOHN WARD LEWIS III,</u> <u>MICHELE YVONNE LEWIS,</u> <u>and EXECU SYSTEMS</u> <u>REALTORS CORP. ONLY</u>
--	---

It is hereby stipulated by and between JOHN WARD LEWIS III, MICHELE YVONNE LEWIS, and EXECU SYSTEMS REALTORS CORP. (hereinafter collectively, "Respondents") and their attorney of record, Robert L. Young, of Luce Forward, and the Complainant, acting by and through David B. Seals, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on July 1, 2003, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing

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

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

9 3. A Notice of Defense was filed on July 16, 2003 by
10 Respondents, pursuant to Section 11505 of the Government Code
11 for the purpose of requesting a hearing on the allegations in
12 the Accusation. Respondents hereby freely and voluntarily
13 withdraw said Notice of Defense. Respondents acknowledge that
14 they understand that by withdrawing said Notice of Defense they
15 will thereby waive their right to require the Commissioner to
16 prove the allegations in the Accusation at a contested hearing
17 held in accordance with the provisions of the APA and that they
18 will waive other rights afforded to them in connection with the
19 hearing such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusation. In the interests of
24 expedience and economy, Respondents choose not to contest these
25 allegations, but to remain silent and understand that, as a
26 result thereof, these factual allegations, without being
27 admitted or denied, will serve as a prima facie basis for the

1 disciplinary action stipulated to herein. The Real Estate
2 Commissioner shall not be required to provide further evidence
3 to prove said factual allegations.

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

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

22 DETERMINATION OF ISSUES

23 I

24 By reason of the foregoing stipulations, admissions
25 and waivers and solely for the purpose of settlement of the
26 pending Accusation without a hearing, it is stipulated and
27 agreed that the facts alleged above are grounds for the

1 suspension or revocation of the licenses and license rights of
2 Respondents JOHN WARD LEWIS III, MICHELE YVONNE LEWIS, and EXECU
3 SYSTEMS REALTORS CORP. under Section 10177.4 of the Code.

4 ORDER

5 I

6 All licenses and licensing rights of Respondent EXECU
7 SYSTEMS REALTORS CORP. under the Real Estate Law are suspended
8 for a period of one hundred eighty (180) days from the effective
9 date of this Order; provided, however, that:

10 1. All one hundred eighty (180) days of said
11 suspension shall be stayed for two (2) years upon the following
12 terms and conditions:

13 A. Respondent shall obey all laws, rules and
14 regulations governing the rights, duties and responsibilities of
15 a real estate licensee in the State of California;

16 B. That no final subsequent determination be made,
17 after hearing or upon stipulation, that cause for disciplinary
18 action occurred within two (2) years from the effective date of
19 this Order. Should such a determination be made, the
20 Commissioner may, in his discretion, vacate and set aside the
21 stay order and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made, the stay
23 imposed herein shall become permanent.

24 C. That Respondent JOHN WARD LEWIS III shall have no
25 ownership interest nor hold any office in Respondent EXECU
26 SYSTEMS REALTORS CORP. or its successors.

27 ///

II

1
2 All licenses and licensing rights of Respondent JOHN
3 WARD LEWIS III under the Real Estate Law are suspended for a
4 period of one hundred eighty (180) days from the effective date
5 of this Order; provided, however, that:

6 1. One hundred thirty-five (135) days of said
7 suspension shall be stayed for two (2) years upon the following
8 terms and conditions:

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

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

20 C. That Respondent JOHN WARD LEWIS III shall have no
21 ownership interest nor hold any office in Respondent EXECU
22 SYSTEMS REALTORS CORP. or its successors.

23 2. The remaining forty-five (45) days of said 180-
24 day suspension shall be stayed upon the condition that
25 Respondent JOHN WARD LEWIS III petition pursuant to Section
26 10175.2 of the Business and Professions Code and pays a monetary
27 penalty pursuant to Section 10175.2 of the Business and

1 Professions Code at a rate of \$100 for each day of the
2 suspension for a total monetary penalty of \$4,500;

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

8 B. No further cause for disciplinary action against
9 the Real Estate licenses of said Respondent occurs within two
10 (2) years from the effective date of the decision in this
11 matter.

12 C. If Respondent JOHN WARD LEWIS III fails to pay the
13 monetary penalty as provided above prior to the effective date
14 of this Order, the stay of the suspension shall be vacated as to
15 Respondent JOHN WARD LEWIS III and the order of suspension shall
16 be immediately executed, under this Paragraph II of this Order,
17 in which event Respondent JOHN WARD LEWIS III shall not be
18 entitled to any repayment nor credit, prorated or otherwise, for
19 the money paid to the Department under the terms of this Order.

20 D. If Respondent JOHN WARD LEWIS III pays the
21 monetary penalty and any other moneys due under this Stipulation
22 and Agreement and if no further cause for disciplinary action
23 against the real estate licenses of Respondent JOHN WARD LEWIS
24 III occurs within two (2) years from the effective date of this
25 Order, the entire stay hereby granted under Paragraphs I and II
26 of this Order, as to Respondent JOHN WARD LEWIS III only, shall
27 become permanent.

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

8 III
9 All licenses and licensing rights of Respondent
10 MICHELE YVONNE LEWIS under the Real Estate Law are suspended for
11 a period of ninety (90) days from the effective date of this
12 Order; provided, however, that:

13 1. Sixty (60) days of said suspension shall be stayed
14 for two (2) years upon the following terms and conditions:

15 A. Respondent shall obey all laws, rules and
16 regulations governing the rights, duties and responsibilities of
17 a real estate licensee in the State of California; and

18 B. That no final subsequent determination be made,
19 after hearing or upon stipulation, that cause for disciplinary
20 action occurred within two (2) years from the effective date of
21 this Order. Should such a determination be made, the
22 Commissioner may, in his discretion, vacate and set aside the
23 stay order and reimpose all or a portion of the stayed
24 suspension. Should no such determination be made, the stay
25 imposed herein shall become permanent.

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27 ///

1 2. The remaining thirty (30) days of said 90-day
2 suspension shall be stayed upon the condition that Respondent
3 MICHELE YVONNE LEWIS petition pursuant to Section 10175.2 of the
4 Business and Professions Code and pays a monetary penalty
5 pursuant to Section 10175.2 of the Business and Professions Code
6 at a rate of \$100 for each day of the suspension for a total
7 monetary penalty of \$3,000:

8 A. Said payment shall be in the form of a cashier's
9 check or certified check made payable to the Recovery Account of
10 the Real Estate Fund. Said check must be delivered to the
11 Department prior to the effective date of the Order in this
12 matter.

13 B. No further cause for disciplinary action against
14 the Real Estate licenses of said Respondent occurs within two
15 (2) years from the effective date of the decision in this
16 matter.

17 C. If Respondent MICHELE YVONNE LEWIS fails to pay
18 the monetary penalty as provided above prior to the effective
19 date of this Order, the stay of the suspension shall be vacated
20 as to Respondent MICHELE YVONNE LEWIS and the order of
21 suspension shall be immediately executed, under this Paragraph
22 III of this Order, in which event Respondent MICHELE YVONNE
23 LEWIS shall not be entitled to any repayment nor credit,
24 prorated or otherwise, for the money paid to the Department
25 under the terms of this Order.

26 ///

27 ///

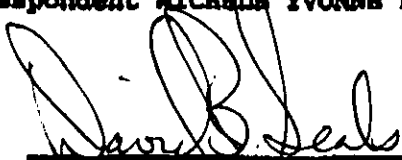
07/28/2005 14:01 FAX 9182278458

DRE LEGAL/RECOVERY

010/011

1 D. If Respondent MICHELLE YVONNE LEWIS pays the
 2 monetary penalty and any other moneys due under this Stipulation
 3 and Agreement and if no further cause for disciplinary action
 4 against the real estate licenses of Respondent MICHELLE YVONNE
 5 LEWIS occurs within two (2) years from the effective date of
 6 this Order, the entire stay hereby granted under Paragraphs I,
 7 II and III of this Order, as to Respondent MICHELLE YVONNE LEWIS
 8 only, shall become permanent.

9
10 DATED: 8/8/2005



 DAVID B. SEALS, Counsel
 DEPARTMENT OF REAL ESTATE

11
12 * * *

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

25 DATED: July 29, 2005



 JOHN WADE LEWIS III
 Respondent

26
27 N-10173 LA

1 DATED: 7-28-05


MICHELE YVONNE LEWIS
Respondent

2
3
4 DATED: _____

MICHELE YVONNE LEWIS
Respondent

5 * * *

6
7 I have reviewed the Stipulation and Agreement as to
8 form and content and have advised my client accordingly.

9
10 DATED: _____

ROBERT L. YOUNG
Attorney for Respondents

11 * * *

12
13 The foregoing Stipulation and Agreement in Settlement
14 is hereby adopted by the Real Estate Commissioner as his Decision
15 and Order and shall become effective at 12 o'clock noon on
16 _____, 2005.

17 IT IS SO ORDERED _____, 2005.

18 JEFF DAVI
19 Real Estate Commissioner

07/28/2005 14:01 FAX 8182279488

ORE LEGAL/RECOVERY

011/011

1 DATED: _____

EXECU SYSTEMS REALTORS CORP.
Respondent

2
3 DATED: July 27, 2005

Michelle Young Lewis
MICHELLE YOUNG LEWIS
Respondent

4
5 * * *

6
7 I have reviewed the Stipulation and Agreement as to
8 form and content and have advised my client accordingly.

9
10 DATED: _____

ROBERT L. YOUNG
Attorney for Respondents

11
12 * * *

13 The foregoing Stipulation and Agreement in Settlement
14 is hereby adopted by the Real Estate Commissioner as his Decision
15 and Order and shall become effective at 12 o'clock noon on
16 _____, 2005.

17 IT IS SO ORDERED _____, 2005.

18 JEFF DAVI
19 Real Estate Commissioner

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R-30173 LA

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DATED: _____
EXECU SYSTEMS REALTORS CORP.
Respondent

DATED: _____
MICHELE YVONNE LEWIS
Respondent

* * *

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

DATED: 7/20/05 _____
ROBERT L. YOUNG
Attorney for Respondents

* * *

The foregoing Stipulation and Agreement in Settlement
is hereby adopted by the Real Estate Commissioner as his Decision
and Order and shall become effective at 12 o'clock noon on
OCT 21 2005

IT IS SO ORDERED 8-17, 2005.

JEFF DAVI
Real Estate Commissioner

(Signature)

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DEPARTMENT OF REAL ESTATE
P. O. Box 187000
Sacramento, CA 95318-7000
Telephone: (916) 227-0789

FILED
JUL 29 2005
DEPARTMENT OF REAL ESTATE
By *L. Fair*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) DRE No. H-30173 LA
STEVEN GLENN BURTON,)
Respondent.) STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent STEVEN GLENN BURTON, individually and by and through C. Bradley Patton, Esq., attorney of record herein for Respondent, and the Complainant, acting by and through James L. Beaver, Counsel for the Department of Real Estate (herein "the Department"), as follows for the purpose of settling and disposing of the Accusation filed on July 1, 2003 in this matter (herein "the Accusation"):

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be

DRE No. H-30173 LA STEVEN GLENN BURTON

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

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

8 3. On July 24, 2003, Respondent filed a Notice of
 9 Defense pursuant to Section 11505 of the Government Code for the
 10 purpose of requesting a hearing on the allegations in the
 11 Accusation. Respondent hereby freely and voluntarily withdraws
 12 said Notice of Defense. Respondent acknowledges that Respondent
 13 understands that by withdrawing said Notice of Defense Respondent
 14 will thereby waive Respondent's right to require the Real Estate
 15 Commissioner (herein "the Commissioner") to prove the allegations
 16 in the Accusation at a contested hearing held in accordance with
 17 the provisions of the APA and that Respondent will waive other
 18 rights afforded to Respondent in connection with the hearing such
 19 as the right to present evidence in defense of the allegations in
 20 the Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the factual
 22 allegations contained in the Accusation. In the interests of
 23 expediency and economy, Respondents choose not to contest these
 24 allegations, but to remain silent and understand that, as a
 25 result thereof, these factual allegations, without being admitted
 26

27 DRE No. H-30173 LA STEVEN GLENN BURTON

1 or denied, will serve as a prima facie basis for the disciplinary
2 action stipulated to herein. The Real Estate Commissioner shall
3 not be required to provide further evidence to prove said factual
4 allegations.

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

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

23 DETERMINATION OF ISSUES

24
25 By reason of the foregoing stipulations, admissions and
26 waivers and solely for the purpose of settlement of the pending

27 DRB No. H-30173 LA

STEVEN GLENN BURTON

1 Accusation without hearing, it is stipulated and agreed that the
2 following Determination of Issues shall be made:

3 I

4 The acts and omissions of Respondent STEVEN GLENN
5 BURTON as described in the Accusation are grounds for the
6 suspension or revocation of the licenses and license rights of
7 Respondent under the provisions of Section 10177.4 of the
8 California Business and Professions Code (herein "the Code") in
9 conjunction with Section 10177(d) of the Code.

10 ORDER

11 I

12 All licenses and licensing rights of Respondent
13 STEVEN GLENN BURTON under the Real Estate Law are are suspended
14 for a period of one hundred eighty (180) days from the
15 effective date of the Decision herein; provided, however, one
16 hundred eighty (180) days of said one hundred eighty (180) day
17 suspension shall be stayed upon condition that:

18 A. No final subsequent determination be made, after
19 hearing or upon stipulation, that cause for disciplinary action
20 against Respondent occurred within two (2) years of the
21 effective date of the Decision herein.

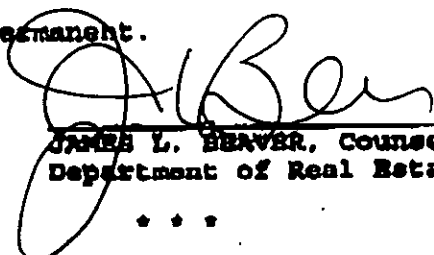
22 B. Should such a determination be made, the
23 Commissioner may, in his or her discretion, vacate and set
24 aside the stay order, and order the execution of all or any
25 part of the stayed suspension.

26 DRE No. H-30173 LA

27 STEVEN GLENN BURTON

1 C. If no order vacating the stay is issued, and if
 2 no further cause for disciplinary action against the real
 3 estate license of Respondent occurs within two (2) years from
 4 the effective date of the Decision, then the stay hereby
 5 granted shall become permanent.

6 5/16/05
 7 DATED

8 
 9 JAMES L. BEAVER, Counsel
 10 Department of Real Estate
 11 * * *

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

23 5/12/05
 24 DATED

25 
 26 STEVEN GLENN BURTON
 27 Respondent
 28 * * *

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

31 DRE No. H-30173 LA

32 STEVEN GLENN BURTON

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5/16/05
DATED

C. Bradley Patton
C. BRADLEY PATTON
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted by me as my Decision in this matter and shall become
effective at 12 o'clock noon on AUGUST 19, 2005.

IT IS SO ORDERED 7-26-05, 2005.

JEFF DAVIS
Real Estate Commissioner

Jeff Davis

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
EXECU SYSTEMS RLTRS CORP OF S D CTY,)
a corporation, doing business as)
Realty Executives Realtors, San)
Diego Financial, and San Diego)
Financial-Escrow Division; JOHN WARD)
LEWIS III, individually and as)
designated officer of Execu Systems)
Rltrs Corp of S D Cty; MICHELE)
YVONNE LEWIS; JAMES REISER, JR.;)
and STEVEN GLENN BURTON,)

Case No. H-30173 LA
OAH No. L-2003080251

FILED
NOV - 2 2004
DEPARTMENT OF REAL ESTATE

Respondent (s)

AMENDED NOTICE OF CONTINUED 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, 1350 Front Street, Suite 6022, San Diego, CA 92101 on JUNE 20, 21, 22, 23, 24, 27, 28, 29 and 30, 2005, 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 on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the 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.

DEPARTMENT OF REAL ESTATE

Dated: November 2, 2004 By Chris Leong
CHRIS LEONG, Counsel

cc: Execu Systems Rltrs Corp of S D Cty
John Lewis (formerly John Ward Lewis III)
Michele Yvonne Lewis
James Reiser, Jr.
Steven Glenn Burton
Robert L. Young, Esq.
Sacto.
San Diego & L.A. OAH

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
EXECU SYSTEMS RLTRS CORP OF S D CTY,)
a corporation, doing business as)
Realty Executives Realtors, San)
Diego Financial, and San Diego)
Financial-Escrow Division; JOHN WARD)
LEWIS III, individually and as)
designated officer of Execu Systems)
Rltrs Corp of S D Cty; MICHELE)
YVONNE LEWIS; JAMES REISER, JR.;)
and STEVEN GLENN BURTON,)

Case No. H-30173 LA

OAH No. L-2003080251

FILED
OCT 22 2004
DEPARTMENT OF REAL ESTATE

Respondent(s)

NOTICE OF CONTINUED 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, Suite 630, Los Angeles, CA 90013-1105 on JUNE 20, 21, 22, 23, 24, 27, 28, 29 and 30, 2005, 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 on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the 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.

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DEPARTMENT OF REAL ESTATE

Dated: October 22, 2004

By

Chris Leong

CHRIS LEONG, Counsel

cc: Execu Systems Rltrs Corp of S D Cty
John Lewis (formerly John Ward Lewis III)
Michele Yvonne Lewis
James Reiser, Jr.
Steven Glenn Burton
Robert L. Young, Esq.
Sacto.
San Diego & L.A. OAH

5AC
**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of) Case No. H-30173 LA
)
EXECU SYSTEMS RLTRS CORP OF S D CTY,) OAH No. L-2003080251
a corporation, doing business as)
Realty Executives Realtors, San)
Diego Financial, and San Diego)
Financial-Escrow Division; JOHN WARD)
LEWIS III, individually and as)
designated officer of Execu Systems)
Rltrs Corp of S D Cty; MICHELE)
YVONNE LEWIS; JAMES REISER, JR.,)
and STEVEN GLENN BURTON,)

Respondent(s)

FILED
JUL 15 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED 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, 1350 Front Street, Room 6022, San Diego, CA 92101 on DECEMBER 6, 7, 8, 9 and 10, 2004 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 on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the 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.

DEPARTMENT OF REAL ESTATE

Dated: July 15, 2004

By

Chris Leong

CHRIS LEONG, Counsel

cc: Execu Systems Rltrs Corp of S D Cty
John Lewis (formerly John Ward Lewis III)
Michele Yvonne Lewis
James Reiser, Jr.
Steven Glenn Burton
Robert L. Young, Esq.
✓ Sacto.
OAH - San Diego
OAH - L.A.

502
**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of)
EXECU SYSTEMS RLTRS CORP OF S D CTY,)
a corporation, doing business as)
Realty Executives Realtors, San)
Diego Financial, and San Diego)
Financial-Escrow Division; JOHN WARD)
LEWIS III, individually and as)
designated officer of Execu Systems)
Rltrs Corp of S D Cty; MICHELE)
YVONNE LEWIS; JAMES REISER, JR.,)
and STEVEN GLENN BURTON,)

Case No. H-30173 LA

OAH No. L-2003080251

FILED
OCT 30 2003
DEPARTMENT OF REAL ESTATE

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, Suite 630, Los Angeles, CA 90013-1105 on AUGUST 9, 2004 and proceed on a day-to-day basis, as necessary, through AUGUST 13, 2004, 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 on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the 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.

DEPARTMENT OF REAL ESTATE

Dated: October 30, 2003

By

CHRIS LEONG
CHRIS LEONG, Counsel

cc: Execu Systems Rltrs Corp of S D Cty
John Lewis (formerly John Ward Lewis III)
Michele Yvonne Lewis
James Reiser, Jr.
Steven Glenn Burton
Robert L. Young, Esq.
Sacto.
OAH

1 CHRIS LEONG, Counsel (SBN 141079)
Department of Real Estate
2 320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105
3
4 Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)

FILED
JUL -1 2003
DEPARTMENT OF REAL ESTATE

C. B. ...

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-30173 LA
12 EXECU SYSTEMS RLTRS CORP OF S D CTY,) A C C U S A T I O N
a corporation, doing business as)
13 Realty Executives Realtors, San)
Diego Financial, and San Diego)
14 Financial-Escrow Division; JOHN WARD)
LEWIS III, individually and as)
15 designated officer of Execu Systems)
Rltrs Corp of S D Cty; MICHELE)
16 YVONNE LEWIS; JAMES REISER, JR.; and)
STEVEN GLENN BURTON,)
17 Respondents.)
18

19 The Complainant, Janice Waddell, a Deputy Real
20 Estate Commissioner of the State of California, for cause of
21 Accusation against EXECU SYSTEMS RLTRS CORP OF S D CTY, a
22 corporation, doing business as Realty Executives Realtors; San
23 Diego Financial, and San Diego Financial-Escrow Division;
24 (hereafter "EXECU"); JOHN WARD LEWIS III, individually and as
25 designated officer of Execu Systems Rltrs Corp of S D Cty
26 (hereafter "J. LEWIS"); MICHELE YVONNE LEWIS (hereafter "M.
27

1 LEWIS"); JAMES REISER, JR. (hereafter "REISER"); and STEVEN
2 GLENN BURTON (hereafter "BURTON") (hereafter sometimes
3 collectively referred to as "Respondents"), alleges as
4 follows:

5 1.

6 The Complainant, Janice Waddell, a Deputy Real
7 Estate Commissioner of the State of California, makes this
8 Accusation in her official capacity.

9 2.

10 At all times material herein, Respondent EXECU is
11 presently licensed and/or has license rights under the Real
12 Estate Law, Part 1 of Division 4 of the Business and
13 Professions Code (hereafter "Code"), by the State of
14 California, Department of Real Estate (hereafter "Department")
15 as a corporate real estate broker. From November 16, 1993 to
16 March 28, 2002, J. LEWIS was the designated officer of EXECU.
17 On June 22, 1987, EXECU licensed Realty Executives Realtors as
18 a dba under its license.

19 3.

20 At all times material herein, Respondent J. LEWIS is
21 presently licensed and/or has license rights under the Code by
22 the Department as a real estate broker.

23 4.

24 At all times material herein, Respondent M. LEWIS is
25 presently licensed and/or has license rights under the Code by
26 the Department as a real estate salesperson. M. LEWIS renewed
27

1 her license on February 7, 1997. From January 18, 1989 to
2 December 6, 1993, she was employed by EXECU. She is not
3 currently employed by a real estate broker. At all times
4 material herein, M. LEWIS was and is the wife of J. LEWIS.

5

6 At all times material herein, Respondent REISER is
7 presently licensed and/or has license rights under the Code by
8 the Department as a real estate salesperson. At all times
9 material herein, REISER was the San Diego Manager of South
10 Coast Title Company (hereafter "SCTC"). REISER and J. LEWIS
11 are boyhood friends.

12

13 At all times material herein, Respondent BURTON is
14 presently licensed and/or has license rights under the Code by
15 the Department as a real estate broker. BURTON filed a
16 fictitious business name statement doing business as Freeway
17 Messenger Service (hereafter "FMS"). REISER and BURTON are
18 longtime friends.

19

20 PRIOR DISCIPLINARY ACTION

21 Effective July 2, 1985, J. LEWIS' license was suspended
22 for 30 days pursuant to the Decision rendered in case H-1296 SD.
23 Effective August 1, 1985, J. LEWIS' license was released from the
24 30-day suspension.

25

26 At all times material herein, Respondents engaged in
27 the business of, acted in the capacity of, advertised or

1 assumed to act as real estate brokers in the State of
2 California, for another or others, and for or in expectation
3 of compensation, within the meaning of Code Section 10131(a),
4 (b) and (d). Said activity included the operation and conduct
5 of a real estate sales business with the public wherein
6 Respondents solicited buyers and sellers of real property or
7 negotiated the sale and purchase of real property. Said
8 activity included the operation and conduct of a real estate
9 property management business with the public wherein
10 Respondents solicited tenants and owners of real property or
11 negotiated the lease of real property. Said activity included
12 the operation and conduct of a real estate mortgage loan
13 business with the public wherein Respondents solicited
14 borrowers and lenders of loans secured by interest in real
15 property or negotiated loans secured by interest in real
16 property.

17 9.

18 At all times material herein, REISER and J. LEWIS had
19 an agreement whereby J. LEWIS, as owner of Realty Executives
20 Realtors, would send his title business to SCTC.
21 In exchange for this business, REISER would give a ten percent
22 (10%) rebate of premiums paid back to J. LEWIS. The method of
23 payment of the rebate was that REISER would inform BURTON, using
24 his dba FMS, to send an invoice to SCTC. SCTC would pay the
25 invoice by check. FMS would transfer the monies to J. LEWIS, M.
26 LEWIS and REISER.

FIRST CAUSE OF ACCUSATION

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10.

On August 21, 2001, Special Investigator Patrick D. Calahan (hereafter "Calahan") of the Department of Insurance (hereafter "DOI") prepared an Affidavit for a Search Warrant. Calahan prepared the Affidavit to search the bank records of FMS maintained at US Bank, Escondido Office, 125 North Broadway, Escondido, CA (hereinafter "US Bank"). On August 21, 2001, Calahan executed Search Warrant No. 230-01, as a DOI Investigator, to obtain FMS' bank records (Account Number 000411503234) (hereafter "FMS bank account") maintained at US Bank. BURTON, with his Social Security Number and/or Tax Identification Number, opened the FMS Heritage bank account.

11.

At all times mentioned herein, SCTC paid a total of approximately \$209,383.99 to FMS. Approximately \$128,289.66 of that total amount was paid to FMS on behalf of Realty Executives Realtors. The first payment from SCTC to FMS was October 1, 1997. The last payment was August 1, 2000.

12.

Calahan interviewed REISER at Mimi's Restaurant on July 6, 2001. REISER stated: "That in an effort to hide this rebate activity from investigators from the Department of Insurance, he, along with BURTON, set up a phony business entity titled Freeway Messenger Service. BURTON was and is the husband of Carol Ann Burton, another old friend of REISER's and

1 supervisor of the escrow division of SCTC. The only purpose of
2 Freeway Messenger Service was to move the rebate funds from
3 SCTC to Ward Lewis."

4 13.

5 Calahan interviewed BURTON via telephone on July 25,
6 2001. BURTON stated that: "Jim Reiser, who he has known for
7 about ten years, approached him in the middle part of 1997 saying
8 that he wanted to set up some system whereby he could transfer
9 some funds to a real estate agent. They agreed that he, BURTON,
10 would set up a fictitious company called Freeway Messenger
11 Service". BURTON further stated that: "Jim Reiser or Reiser's
12 secretary, Lisa D'Orazio, would call him with a dollar amount and
13 ask that he send them an invoice in that amount. He would think
14 up his own account numbers to put on the invoice just to make it
15 look better. The whole invoice he said was made up out of thin
16 air."

17 14.

18 Calahan obtained FMS bank account statements of the FMS
19 bank account for the period of time that it was opened on
20 September 10, 1997 to the time that it was closed on August 10,
21 2000. US Bank processed the following transactions for FMS to
22 deposit the funds paid by the SCTC:

23	<u>Check No.</u>	<u>Date of Check</u>	<u>Amount</u>	<u>Payer</u>	<u>Payee</u>
24	18209	10/07/97	\$1,755.48	SCTC	FMS
25	18217	10/07/97	\$1,500.00	SCTC	FMS
26	084911	11/10/97	\$3,168.87	SCTC	FMS
27	18454	12/16/97	\$3,185.49	SCTC	FMS

1	18553	01/16/98	\$4,027.34	SCTC	FMS
2	086023	02/21/98	\$3,570.75	SCTC	FMS
3	086422	03/13/98	\$3,174.52	SCTC	FMS
4	019065	04/06/98	\$2,352.50	SCTC	FMS
5	087195	05/20/98	\$6,081.35	SCTC	FMS
6	087207	05/22/98	\$1,205.37	SCTC	FMS
7	087441	06/11/98	\$4,573.85	SCTC	FMS
8	087919	07/13/98	\$4,158.00	SCTC	FMS
9	088441	09/03/98	\$4,488.04	SCTC	FMS
10	088672	09/18/98	\$3,230.98	SCTC	FMS
11	088872	09/24/98	\$1,001.00	SCTC	FMS
12	019341	10/21/98	\$4,148.18	SCTC	FMS
13	089711	11/05/98	\$3,204.18	SCTC	FMS
14	090253	12/06/98	\$2,919.65	SCTC	FMS
15	090586	12/21/98	\$3,838.52	SCTC	FMS
16	090671	12/23/99	\$3,838.52	SCTC	FMS
17	091488	02/05/99	\$1,000.00	SCTC	FMS
18	091774	02/18/99	\$2,833.54	SCTC	FMS
19	091849	02/23/99	\$13,555.00	SCTC	FMS
20	091907	02/24/99	\$1,275.00	SCTC	FMS
21	092114	03/05/99	\$5,889.25	SCTC	FMS
22	092482	03/23/99	\$1,465.00	SCTC	FMS
23	092737	03/31/99	\$3,097.25	SCTC	FMS
24	093003	04/15/99	\$5,274.15	SCTC	FMS
25	093604	05/14/99	\$1,200.00	SCTC	FMS
26	093565	05/13/99	\$5,194.69	SCTC	FMS
27	094237	06/16/99	\$ 900.00	SCTC	FMS

1	094238	06/17/99	\$6,068.73	SCTC	FMS
2	094287	06/22/99	\$ 465.00	SCTC	FMS
3	094420	06/29/99	\$ 650.00	SCTC	FMS
4	094485	07/02/98	\$ 670.00	SCTC	FMS
5	094682	07/16/99	\$1,825.50	SCTC	FMS
6	096289	07/27/99	\$5,849.19	SCTC	FMS
7	096519	06/10/99	\$8,155.23	SCTC	FMS
8	096534	08/11/99	\$1,220.00	SCTC	FMS
9	096696	08/20/99	\$ 425.00	SCTC	FMS
10	096863	08/30/99	\$ 800.00	SCTC	FMS
11	097066	09/06/99	\$4,962.50	SCTC	FMS
12	097117	09/09/99	\$3,500.00	SCTC	FMS
13	097239	09/16/99	\$ 345.00	SCTC	FMS
14	097291	09/23/99	\$ 785.00	SCTC	FMS
15	097377	09/27/99	\$4,384.00	SCTC	FMS
16	097419	09/30/99	\$ 690.00	SCTC	FMS
17	097489	10/06/99	\$1,645.00	SCTC	FMS
18	097629	10/08/99	\$3,189.73	SCTC	FMS
19	097739	10/19/99	\$ 451.00	SCTC	FMS
20	097740	10/19/99	\$ 345.00	SCTC	FMS
21	097959	11/05/99	\$2,755.77	SCTC	FMS
22	098087	11/11/99	\$1,538.50	SCTC	FMS
23	098291	12/02/99	\$1,457.50	SCTC	FMS
24	098349	12/03/99	\$7,287.00	SCTC	FMS
25	098400	12/08/99	\$2,734.96	SCTC	FMS
26	098842	01/06/00	\$ 725.00	SCTC	FMS
27	098808	01/07/99	\$1,778.10	SCTC	FMS

1	099035	01/19/00	\$ 485.00	SCTC	FMS
2	099242	02/01/00	\$5,075.00	SCTC	FMS
3	099243	02/01/00	\$5,045.50	SCTC	FMS
4	099368	02/07/00	\$ 220.00	SCTC	FMS
5	099503	02/16/00	\$1,531.59	SCTC	FMS
6	099588	02/22/00	\$ 180.00	SCTC	FMS
7	099883	0309/00	\$ 655.00	SCTC	FMS
8	099891	03/10/00	\$1,864.18	SCTC	FMS
9	099904	03/13/00	\$ 787.50	SCTC	FMS
10	100215	04/05/00	\$1,567.50	SCTC	FMS
11	100409	04/07/00	\$8,960.05	SCTC	FMS
12	101864	07/11/00	\$ 847.50	SCTC	FMS
13	102091	07/20/00	\$3,102.42	SCTC	FMS
14	102168	07/26/00	\$ 175.00	SCTC	FMS

15. 15.

16 Upon receipt of payment from SCTC, FMS deposited the
17 money in its bank account via the following referenced
18 transactions:

19	<u>Ref. #</u>	<u>Date of Deposit</u>	<u>Amount of Deposit</u>
20		10/01/97	\$2,348.21
21	9962	10/14/97	\$1,500.00
22	9961	10/15/97	\$1,755.48
23	9960	11/18/97	\$3,168.87
24	9959	12/17/97	\$3,185.49
25		01/20/98	\$4,027.34
26		02/25/98	\$3,570.75

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1		03/20/98	\$3,174.52
2	9964	04/10/98	\$2,352.50
3	9968	05/20/98	\$3,217.70
4	9967	05/28/98	\$6,081.35
5	9966	05/29/98	\$1,205.37
6	9965	06/15/98	\$4,573.85
7	9969	07/20/98	\$4,158.00
8	9973	09/08/98	\$4,488.04
9	9972	09/23/98	\$3,230.98
10	9971	10/01/98	\$1,001.00
11	9970	10/27/98	\$4,148.18
12	9983	11/17/98	\$3,204.18
13	9978	12/11/98	\$2,919.65
14	9988	12/23/98	\$3,838.52
15	9977	01/06/99	\$3,838.52
16	9987	02/12/99	\$1,000.00
17	9976	02/25/99	\$ 300.00
18	9975	03/03/99	\$4,608.54
19	9974	03/04/99	\$13,555.00
20	9982	03/16/99	\$5,889.25
21	9981	03/26/99	\$1,465.00
22	9980	04/09/99	\$3,097.25
23	9984	04/28/99	\$5,274.15
24	9986	05/18/99	\$1,200.00
25	9985	05/19/99	\$5,194.69
26	9993	06/18/99	\$6,960.73
27	9998	06/23/99	\$ 465.00

1	9992	07/01/00	\$ 650.00
2	9991	07/07/98	\$ 670.00
3	9990	07/22/99	\$1,825.50
4	9989	07/30/99	\$5,849.19
5	9997	08/12/99	\$8,155.23
6	9996	08/16/99	\$1,220.00
7	9995	08/30/99	\$ 425.00
8	9994	09/02/99	\$ 800.00
9		09/13/99	\$4,962.50
10		09/15/99	\$3,500.00
11		09/17/99	\$ 345.00
12		09/27/99	\$ 785.00
13		09/30/99	\$4,384.00
14		10/06/99	\$ 650.00
15		10/06/99	\$31,150.00
16		10/08/99	\$1,645.00
17		10/14/99	\$3,189.73
18		11/09/99	\$ 875.00
19		11/10/99	\$2,755.77
20		11/22/99	\$1,538.50
21	9926	12/06/99	\$ 123.00
22	9925	12/09/99	\$1,457.50
23	9924	12/13/99	\$2,734.96
24	9923	01/14/00	\$2,503.10
25	9922	01/21/00	\$ 485.00
26	9921	02/03/00	\$10,120.50
27			

1	9920	02/09/00	\$ 220.00
2		02/22/00	\$1,531.59
3		02/25/00	\$ 180.00
4		03/13/00	\$ 655.00
5		03/14/00	\$1,864.18
6		03/16/00	\$ 787.50
7		04/10/00	\$1,567.50
8		04/12/00	\$8,960.05
9	9933	04/25/00	\$ 647.50
10	9927	05/01/00	\$1,042.00
11	9932	05/15/00	\$9,968.01
12	9931	05/19/00	\$ 665.42
13	9930	05/22/00	\$ 647.50
14	9928	05/30/00	\$ 465.00
15		06/02/00	\$1,042.50
16	9942	06/02/00	\$7,910.43
17	9941	06/13/00	\$ 847.50
18	9940	06/15/00	\$3,840.73
19	9950	07/12/00	\$ 225.00
20	9949	07/13/00	\$ 847.50
21	9947	07/31/00	\$ 175.00
22	9948	07/21/00	\$3,102.42
23	9946	08/04/00	\$ 525.00
24		16.	

25 Upon receipt of payment from SCTC, BURTON deposited the
26 money in the FMS bank account. BURTON's Social Security Number
27 and/or Tax Identification Number was used to establish the

1 Checking Account No. 411503234 for his dba FMS. The following
2 deposit transactions were processed for BURTON to transfer the
3 rebate money to J. LEWIS and M. LEWIS.

4 SECOND CAUSE OF ACCUSATION

5 17.

6 FMS immediately issued checks payable to M. LEWIS
7 and/or J. LEWIS from its bank account maintained at the Scripps
8 Bank. In addition, FMS paid M. LEWIS \$2,039.17 from Check No.
9 084911 from US Bank, in the amount of \$3,168.87 that FMS received
10 from SCTC.

11	<u>Date</u>	<u>Amount</u>	<u>Check Number</u>	<u>Payee</u>	<u>Payer</u>
12	10/14/97	\$1,755.48	1004	M. Lewis	FMS
13	11/17/97	\$2,039.17	1005	M. Lewis	FMS
14	12/17/97	\$2,319.49	1007	M. Lewis	FMS
15	01/19/98	\$1,765.36	1011	M. Lewis	FMS
16	02/25/98	\$ 851.60	1014	M. Lewis	FMS
17	03/20/98	\$1,257.27	1023	M. Lewis	FMS
18	04/09/98	\$1,111.91	1026	M. & J. Lewis	FMS
19	05/24/98	\$5,510.07	1031	M. Lewis	FMS
20	06/12/98	\$2,823.85	1035	M. Lewis	FMS
21	07/17/98	\$3,768.00	1045	M. Lewis	FMS
22	08/10/98	\$3,109.04	1049	M. Lewis	FMS
23	09/22/98	\$2,355.98	1051	M. Lewis	FMS
24	10/27/98	\$2,689.00	1056	M. Lewis	FMS
25	11/17/98	\$2,144.18	1059	M. Lewis	FMS
26	12/23/98	\$2,338.52	1066	M. Lewis	FMS
27	01/08/99	\$ 699.52	1068	M. Lewis	FMS

1	02/24/99	\$1,733.54	1076	M. Lewis	FMS
2	03/16/99	\$2,934.61	1094	M. Lewis	FMS
3	04/28/99	\$4,224.15	1136	M. Lewis	FMS
4	05/19/99	\$3,051.22	1138	M. Lewis	FMS
5	06/18/99	\$4,710.73	1142	M. Lewis	FMS
6	07/30/99	\$4,755.76	1151	M. Lewis	FMS
7	08/03/99	\$ 139.91	1153	M. Lewis	FMS
8	08/12/99	\$5,299.22	1155	M. Lewis	FMS
9	09/04/99	\$4,898.57	1165	M. Lewis	FMS
10	10/14/99	\$2,883.63	1178	M. Lewis	FMS
11	11/10/99	\$2,705.77	1197	M. Lewis	FMS
12	12/13/99	\$2,528.46	1204	M. Lewis	FMS
13	01/12/00	\$1,743.10	1210	M. Lewis	FMS
14	02/20/00	\$1,067.89	1219	M. Lewis	FMS
15	03/19/00	\$1,814.18	1228	M. Lewis	FMS
16	06/01/00	\$7,810.43	1283	M. Lewis	FMS
17	06/14/00	\$2,865.73	1299	M. Lewis	FMS
18	07/21/00	\$3,020.42	1325	M. Lewis	FMS

19 THIRD CAUSE OF ACCUSATION

20 18.

21 The funds were deposited by BURTON into the FMS bank
 22 account for payment to REISER. FMS, through BURTON, immediately
 23 issued the following Checks payable to REISER from FMS bank
 24 account. "Reiser stated that in an effort to hide this rebate
 25 activity from investigators from the Department of Insurance, he,
 26 along with Steve Burton, set up a phony business entity titled
 27 Freeway Messenger Service. It should be noted that Steve Burton

1 is the husband of Carol Ann Burton, another old friend of
2 Reiser's and supervisor of the escrow division of South Coast
3 Title. The only purpose of Freeway Messenger Service was to move
4 the rebate funds from South Coast Title to Ward Lewis."

5	<u>Date</u>	<u>Amount</u>	<u>Check Number</u>	<u>Payee</u>
6	10/01/1997	\$2,148.21	1001	Reiser
7	01/19/1998	\$1,040.70	1010	Reiser
8	02/25/1998	\$2,073.70	1017	Reiser
9	03/20/1998	\$1,764.25	1022	Reiser
10	04/09/1998	\$1,240.59	1025	Reiser
11	05/27/1998	\$1,056.37	1030	Reiser
12	06/12/1998	\$1,600.00	1036	Reiser
13	08/10/1998	\$1,100.00	1050	Reiser
14	09/23/1998	\$ 550.00	1053	Reiser
15	11/17/1998	\$ 600.00	1060	Reiser
16	12/23/1998	\$1,000.00	1067	Reiser
17	01/11/1998	\$1,000.00	1069	Reiser
18	03/02/1999	\$1,000.00	1077	Reiser
19	03/16/1999	\$2,854.64	1093	Reiser
20	04/06/1999	\$2,000.00	1122	Reiser
21	04/28/1999	\$1,000.00	1135	Reiser
22	05/19/1999	\$1,593.47	1139	Reiser
23	06/18/1999	\$ 750.00	1143	Reiser
24	08/12/1999	\$ 664.03	1156	Reiser
25	10/14/1999	\$ 316.10	1177	Reiser
26	02/20/2000	\$ 148.70	1220	Reiser

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FOURTH CAUSE OF ACTION

19.

Respondent BURTON withdrew money from the FMS bank account for his personal use. BURTON informed Calahan that "they agreed that he, BURTON, would set up a fictitious company called Freeway Messenger Service". BURTON further stated: "that REISER or REISER's secretary, Lisa D'Orazio, would call him with a dollar amount and ask that he send them an invoice in that amount. He would think up his own account numbers to put on the invoice just to make it look better. The whole invoice he said was made up out of thin air".

<u>Date</u>	<u>Amount</u>	<u>Check Number</u>	<u>Payee</u>
10/08/1997	\$ 100.00	1003	Burton
06/30/1998	\$ 192.00	1041	Ryan Burton
06/08/1998	\$ 51.00	1043	
10/27/1998	\$ 1,080.00	1057	
03/03/1999	\$ 500.00	1079	New York New York
04/02/1999	\$ 1,000.00	1120	Cash
01/20/1998	\$ 450.00	1212	Burton
04/12/1998	\$2,000.00	1251	Cash
05/30/1998	\$ 465.00	1276	Carol Burton

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2 20.

3 IN AGGRIVATION

4 On or about February 25, 2002, in the Superior Court
5 of California, County of San Diego, Central Division, Case
6 No. CD165790, Respondents were charged with violating
7 Section 641.3(a) of the California Penal Code (hereafter "PC")
8 (Commercial Bribery), in violation of Section 182(a)(1) PC, and
9 special allegations Sections 12022.6(a)(1) and 12022.6(a)(2)
10 PC, crimes involving moral turpitude which are substantially
11 related under Section 2910, Title 10, Chapter 6, California
12 Code of Regulations, to the qualifications, functions or duties
13 of a real estate licensee.

14 21.

15 The conduct, acts and/or omissions of Respondents, as
16 described herein above in Paragraphs 1 through 19, constitutes
17 making a substantial misrepresentation, the making of false
18 promise(s) of a character likely to influence, persuade or
19 induce, and/or fraud or dishonest dealing, and is cause for the
20 suspension or revocation of all real estate licenses and
21 license rights of Respondents under the provisions of Code
22 Sections 10176(a), (i) and/or 10177(d), (j) and/or 10177.4.

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2 WHEREFORE, Complainant prays that a hearing be
3 conducted on the allegations of this Accusation and that upon
4 proof thereof, a decision be rendered imposing disciplinary
5 action against all licenses and/or license rights of
6 Respondents, EXECU SYSTEMS RLTRS CORP OF S D CTY, a
7 corporation, doing business as Realty Executives Realtors, San
8 Diego Financial, and San Diego Financial-Escrow Division; JOHN
9 WARD LEWIS III, individually and as designated officer of
10 Execu Systems Rltrs Corp of S D Cty; MICHELE YVONNE LEWIS;
11 JAMES REISER, JR.; and STEVEN GLENN BURTON under the Real
12 Estate Law (Part 1 of Division 4 of the Business and
13 Professions Code), and for such other and further relief as
14 may be proper under other applicable provisions of law.

15 Dated at Los Angeles, California

16 this 26th day of June, 2003.

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18
19 
20 Deputy Real Estate Commissioner

21 cc: Execu Systems Rltrs Corp of S D Cty
22 John Ward Lewis III
23 Michele Yvonne Lewis
24 James Reiser, Jr.
25 Steven Glenn Burton
26 Janice Waddell
27 Sacto
AK