

By Timely Takido

* * *

DECISION

BY: John R. Liberator
John R. Liberator
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
ENNIS REALTY, INC., et al.,)	NO. H-895 FRESNO
Respondents.)	

PROPOSED DECISION

This matter was presided over as an uncontested case by Robert E. McCabe, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in Sacramento, California, on June 20, 1990.

Roland Adickes, Counsel, represented the complainant.

Respondent NANCY LOU WINTON was represented by Richard M. Isham, attorney at law, and entered into a written stipulation with the Department.

The following decision is proposed, certified and recommended for adoption:

FINDINGS OF FACT

1.

Jerry E. Fiscus made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

2.

Respondent NANCY LOU WINTON is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "the Code"), as a real estate salesperson.

3.

On or about July 11, 1986, Ennis Realty, Inc., entered into a listing contract with Bracton Corporation for the sale of Parcels No. 4, 11, 12, 13, 14-23, of Deer Creek Heights, Tulare County, California, a subdivision within the meaning of Business and Professions Code, Section 11000 (herein the "Subdivision").

4.

During 1986, 1987, and 1988, Ennis Realty, Inc., and Ben Arthur Ennis, acting through real estate salespersons in their employ, offered for sale and/or sold several parcels in the Subdivision without first obtaining a subdivision public report as required by Business and Professions Code, Section 11018.2.

In particular, some of the lots or parcels offered for sale were:

<u>Lot Number</u>	<u>Buyer</u>	<u>Real Estate Salesperson</u>
13/23	Lauglin	Winton

Winton acted in these transactions on behalf of Bracton Corporation and for compensation or in expectation of compensation.

DETERMINATION OF ISSUES

Cause for disciplinary action against respondent NANCY LOU WINTON exists pursuant to Business and Professions Code, Section 10177(d) in conjunction with Section 11018.2.

ORDER

- A. The real estate salesperson license of respondent NANCY LOU WINTON is suspended for ten (10) days, provided however that the suspension is stayed for twelve months on condition that no further cause for disciplinary action against respondent NANCY LOU WINTON occurs during these twelve months.

If cause for disciplinary action occurs within twelve months from the effective date of this Decision, the Commissioner may after a hearing in accordance with the Administrative Procedures Act vacate the stay and impose the ten (10) day suspension together with other discipline, if any, resulting from such hearing.

If no cause for disciplinary action occurs within twelve months from the effective date of this Decision, the stay of the ten (10) day suspension shall become permanent.

Decision

B. Respondent NANCY LOU WINTON shall, within six months from the effective date of the ~~license~~, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

DATED:

June 20, 1990

Robert E. McCabe

ROBERT E. MCCABE

Regional Manager

Department of Real Estate