

ORIGINAL

FILED
OCT 01 2007

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

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0781

DEPARTMENT OF REAL ESTATE

By Anne Shawver

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-1899 FR
LIFESTYLE MORTGAGE INC. and WADE)	<u>STIPULATION AND</u>
ALAN HANSON,)	<u>AGREEMENT</u>
Respondent.)	

It is hereby stipulated by and between LIFESTYLE MORTGAGE INC. and WADE ALAN HANSON (hereinafter "Respondents") and their attorney, William Cowin, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusation filed on March 21, 2006 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 was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be

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

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

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

19 4. This stipulation is based on the factual
 20 allegations contained in the Accusation. In the interest of
 21 expediency and economy, Respondents choose not to contest these
 22 factual allegations, but to remain silent and understand that, as
 23 a result thereof, these factual statements will serve as a prima
 24 facie basis for the "Determination of Issues" and "Order" set
 25 forth below. The Real Estate Commissioner shall not be required
 26
 27

1 to provide further evidence to prove such allegations.

2 5. This Stipulation and Respondents decision not to
3 contest the Accusation are made for the purpose of reaching an
4 agreed disposition of this proceeding and are expressly limited
5 to this proceeding and any other proceeding or case in which the
6 Department of Real Estate (hereinafter "the Department"), the
7 state or federal government, an agency of this state, or an
8 agency of another state is involved.

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

19 7. The Order or any subsequent Order of the Real
20 Estate Commissioner made pursuant to this Stipulation and
21 Agreement shall not constitute an estoppel, merger or bar to any
22 further administrative or civil proceedings by the Department of
23 Real Estate with respect to any matters which were not
24 specifically alleged to be causes for accusation in this
25 proceeding.
26
27

* * *

DETERMINATION OF ISSUES

1
2
3 By reason of the foregoing stipulations and waivers and
4 solely for the purpose of settlement of the pending Accusation
5 without a hearing, it is stipulated and agreed that the following
6 determination of issues shall be made:

I

7
8 The acts and omissions of Respondents LIFESTYLE
9 MORTGAGE INC., as described in the Accusation are grounds for the
10 suspension or revocation of Respondents licenses and license
11 rights under the following sections of the Code and Regulations:

- 12 (a) As to Paragraphs VII through XIII, under Sections 10137 and
13 10130 of the Code in conjunction with Section 10177(d)
14 of the Code;
15 (b) As to Paragraph XV, under Section 10240 of the Code in
16 conjunction with Section 10177(d) of the Code.
17

II

18
19 The acts and/or omissions of Respondent WADE ALAN
20 HANSON (hereinafter "HANSON") described in the Accusation,
21 constitute failure on the part of HANSON, as designated broker-
22 officer for LIFESTYLE MORTGAGE INC., to exercise reasonable
23 supervision and control over the licensed activities of
24 LIFESTYLE MORTGAGE INC. required by Section 10159.2 of the Code,
25 and is cause for the suspension or revocation of HANSON's license
26 and/or license rights under Section 10177(h) of the Code.
27

* * *

ORDER

I

1
2
3
4 All licenses and licensing rights of Respondent LIFESTYLE
5 MORTGAGE INC. (hereinafter "LIFESTYLE") under the Real Estate Law
6 are suspended for a period of fifty days (50) days from the
7 effective date of this Order; provided, however, that:

8 1) Twenty-five (25) days of said suspension shall be stayed, upon
9 the condition that LIFESTYLE petition pursuant to Section
10 10175.2 of the Business and Professions Code and pays a
11 monetary penalty pursuant to Section 10175.2 of the Business
12 and Professions Code at a rate of \$200 for each day of the
13 suspension for a total monetary penalty of \$5,000.

14 a) Said payment shall be in the form of a cashier's check or
15 certified check made payable to the Recovery Account of the
16 Real Estate Fund. Said check must be delivered to the
17 Department prior to the effective date of the Order in this
18 matter.

19
20 b) No further cause for disciplinary action against the Real
21 Estate licenses of LIFESTYLE occurs within two (2) years
22 from the effective date of the decision in this matter.

23 c) If LIFESTYLE fails to pay the monetary penalty as provided
24 above prior to the effective date of this Order, the stay of
25 the suspension shall be vacated as to that Respondent and
26 the order of suspension shall be immediately executed, under
27

1 this Order, in which event the said Respondent shall not be
2 entitled to any repayment nor credit, prorated or otherwise,
3 for the money paid to the Department under the terms of this
4 Order.

5 d) If said Respondent pays the monetary penalty and any other
6 moneys due under this Stipulation and Agreement and if no
7 further cause for disciplinary action against the real
8 estate license of said Respondent occurs within two (2)
9 years from the effective date of this Order, the entire stay
10 hereby granted this Order, as to said Respondent only, shall
11 become permanent.

12 2) The remaining twenty-five (25) days of said suspension shall
13 be stayed for two (2) years upon the following terms and
14 conditions:

- 15 a) LIFESTYLE shall obey all laws, rules and regulations
16 governing the rights, duties and responsibilities of a real
17 estate licensee in the State of California; and,
18
19 b) That no final subsequent determination be made, after
20 hearing or upon stipulation, that cause for disciplinary
21 action occurred within two (2) years from the effective date
22 of this Order. Should such a determination be made, the
23 Commissioner may, in his discretion, vacate and set aside
24 the stay order and reimpose all or a portion of the stayed
25 suspension. Should no such determination be made, the stay
26 imposed herein shall become permanent.

27

II

1 All licenses and licensing rights of Respondent HANSON under
2 the Real Estate Law are suspended for a period of twenty-five
3 (25) days from the effective date of this Order; provided,
4 however, that:

5
6 1) Twenty-five (25) days of said suspension shall be stayed, upon
7 the condition that HANSON petition pursuant to Section 10175.2
8 of the Business and Professions Code and pays a monetary
9 penalty pursuant to Section 10175.2 of the Business and
10 Professions Code at a rate of \$200 for each day of the
11 suspension for a total monetary penalty of \$5,000.

12 a) Said payment shall be in the form of a cashier's check or
13 certified check made payable to the Recovery Account of the
14 Real Estate Fund. Said check must be delivered to the
15 Department prior to the effective date of the Order in this
16 matter.

17
18 b) No further cause for disciplinary action against the Real
19 Estate licenses of said Respondent occurs within one (1)
20 year from the effective date of the decision in this matter.

21 c) If HANSON fails to pay the monetary penalty as provided
22 above prior to the effective date of this Order, the stay of
23 the suspension shall be vacated as to that Respondent and
24 the order of suspension shall be immediately executed, under
25 this Order, in which event the said Respondent shall not be
26 entitled to any repayment nor credit, prorated or otherwise,
27

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

for the money paid to the Department under the terms of this Order.

d) If HANSON pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of said Respondent occurs within one (1) year from the effective date of this Order, the entire stay hereby granted under this Order, as to said Respondent only, shall become permanent.

2) HANSON shall, within six (6) 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 HANSON fails to satisfy this condition, the Commissioner may order suspension of the license until Respondent passes the examination.

DATED


TRULY SUGHRUE
Counsel for Complainant

* * *


I have read the Stipulation and Agreement, discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act, 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
 6 8-13-07
 7 DATED



 8 Wade Alan Hanson for
 9 LIFESTYLE MORTGAGE INC.
 10 Respondent

11
 12 8-13-07
 13 DATED


 14 WADE ALAN HANSON
 15 Respondent

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

18
 19 8-14-07
 20 DATED

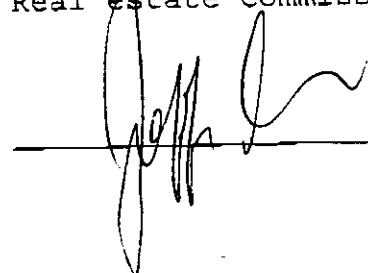

 21 WILLIAM L. COWIN
 22 Attorney for Respondents

23 * * *

24 The foregoing Stipulation and Agreement is hereby
 25 adopted as my Decision and shall become effective at 12 o'clock
 26 noon on OCT 22 2007

27 IT IS SO ORDERED 9-28, 2007.

28 JEFF DAVI
 29 Real estate Commissioner



1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0781

FILED
MAR 21 2006

DEPARTMENT OF REAL ESTATE

By J. Genie

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

10 * * *

11 In the Matter of the Accusation of) No. H-1899 FRESNO
12 LIFESTYLE MORTGAGE INC., and) ACCUSATION
13 WADE ALAN HANSON,)
14 Respondents.)

15 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against LIFESTYLE MORTGAGE INC., and WADE ALAN HANSON,
18 (hereinafter "Respondents"), are informed and alleges as follows:

19 PRELIMINARY ALLEGATIONS

20 I -

21 The Complainant, JOHN W. SWEENEY, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity.

24 \\\

25 \\\

26 \\\

27

II

1 Respondents are presently licensed and/or has license
2 rights under the Real Estate Law, Part 1 of Division 4 of the
3 Business and Professions Code (hereinafter "Code").
4

III

5 At all times herein mentioned, LIFESTYLE MORTGAGE INC.,
6 (hereinafter "LIFESTYLE") was and is licensed by the State of
7 California Department of Real Estate (hereinafter "Department")
8 as a real estate broker corporation.
9

IV

10 At all times herein mentioned, Respondent WADE ALAN
11 HANSON, (hereinafter "HANSON") was and is licensed by the
12 Department individually and as the designated broker officer of
13 LIFESTYLE. As said designated officer-broker, HANSON was and now
14 is responsible pursuant to Section 10159.2 of the Code for the
15 supervision of the activities of the officers, agents, real
16 estate licensees and employees of LIFESTYLE for which a license
17 is required.
18
19

V

20 Yolanda Aguirre (hereinafter "Aguirre"), Gerald Hayes
21 (hereinafter "Hayes"), Demetra Araujo (hereinafter "Araujo"),
22 Anthony Attin (hereinafter "Attin"), and Paul Eha (hereinafter
23 "Eha") were not licensed by the Department either as a real
24 estate salesperson or as a real estate broker at any time
25 mentioned herein.
26
27

VI

1 At all times herein mentioned, Respondents engaged in
2 the business of, acted in the capacity of, advertised or assumed
3 to act as a real estate broker in the State of California within
4 the meaning of Section 10131(d) of the Code, including the
5 operation and conduct of a mortgage loan brokerage business with
6 the public wherein Respondents solicited lenders and borrowers
7 for loans secured directly or collaterally by liens on real
8 property or a business opportunity, and wherein such loans were
9 arranged, negotiated, processed, and consummated by Respondent on
10 behalf of others for compensation or in expectation of a
11 compensation.
12

13 FIRST CAUSE OF ACTION

14 VII

15 At all times mentioned herein beginning on or about May
16 2004, LIFESTYLE and HANSON employed and compensated Aguirre,
17 Hayes, Araujo, Attin, and Eha, unlicensed individuals, to perform
18 the acts and conduct the activities described in Paragraph VI,
19 above, including but not limited to the activities described in
20 Paragraphs VIII, IX, X, XI, and XII, below.

21 VIII

22 In course of the activities and employment described
23 above, without first being licensed by the Department either as a
24 real estate salesperson or as a real estate broker, Aguirre,
25 acting for and on behalf of another or others, for or in
26 expectation of compensation, solicited loans secured directly or
27 collaterally by liens on real property, including but not limited

1 to the real property located at 1255 Mesa, Fresno, California.
2 Further, Aguirre, acting for an on behalf of another or others,
3 for or in expectation of compensation, solicited Luke Martin for
4 a real estate mortgage loan.

5 IX

6 In course of the activities and employment described
7 above, without first being licensed by the Department either as a
8 real estate salesperson or as a real estate broker, Hayes, acting
9 for and on behalf of another or others, for or in expectation of
10 compensation, solicited Luke Martin for a mortgage loan
11 refinance.

12 X

13 In course of the activities and employment described
14 above, without first being licensed by the Department either as a
15 real estate salesperson or as a real estate broker, Araujo,
16 acting for and on behalf of another or others, for or in
17 expectation of compensation, solicited loans secured directly or
18 collaterally by liens on real property, including but not limited
19 to the real property located at: (1) 3117 North Hughes, Fresno,
20 California, and (2) 5660 West Bluff, Fresno, California.

21 XI

22 In course of the activities and employment described
23 above, without first being licensed by the Department either as a
24 real estate salesperson or as a real estate broker, Attin, acting
25 for and on behalf of another or others, for or in expectation of
26 compensation, solicited loans secured directly or collaterally by
27 liens on real property, including but not limited to the real

1 property located at: (1) 1816 East Fallbrook Avenue, Fresno,
2 California, and (2) 232 Vineyard Avenue, Madera, California.

3 XII

4 In course of the activities and employment described
5 above, without first being licensed by the Department either as a
6 real estate salesperson or as a real estate broker, Eha, acting
7 for and on behalf of another or others, for or in expectation of
8 compensation, solicited loans secured directly or collaterally by
9 liens on real property, including but not limited to the real
10 property located at 639 East Floradora, Fresno, California, .

11 XIII

12 In acting as described above, LIFESTYLE and HANSON
13 violated and/or willfully failed to comply with Sections 10130
14 and 10137 of the Code.

15 XIV

16 The facts alleged above are grounds for the suspension
17 or revocation of the licenses and license rights of Respondents
18 as to Paragraphs VII through XIII, inclusive, under Sections
19 10137 and 10130 of the Code in conjunction with Section 10177(d)
20 of the Code.

21 SECOND CAUSE OF ACTION

22 XV

23 In connection with the mortgage loan brokerage
24 business described in Paragraph VI, LIFESTYLE violated and/or
25 willfully failed to comply with Section 10240 of the Code, in
26 that Respondent:

27 (a) failed to cause to be delivered to the borrowers

1 the written Disclosure Statement required by Section 10241 of
2 the Code;

3 (b) failed to obtain the signature of the borrowers
4 on any Written Disclosure Statement; and/or

5 (c) failed to retain on file for a period of three
6 years a true and correct copy of any Written Disclosure
7 Statement signed by the borrowers.

8 XVI

9 LIFESTYLE failed to immediately notify the
10 Commissioner in writing of salespersons entered into
11 Respondents' employ as required by Section 10161.8 of the Code.
12 Said salespersons included but are not limited to May Vang and
13 Terrence O'Neil.

14 XVII

15 The facts alleged above are grounds for the suspension
16 or revocation of the licenses and license rights of Respondents
17 under the following provisions of the Code:

18 (a) As to Paragraph XV under Section 10240 of the Code
19 in conjunction with Section 10177(d) of the Code; and

20 (b) As to Paragraph XVI, under Section 10165 of the
21 Code in conjunction with Section 10161.8 of the Code and Section
22 10177(d) of the Code in conjunction with Section 2752 of the
23 Regulations.

24 \\\

25 \\\

26 \\\

27

THIRD CAUSE OF ACTION

XVIII

HANSON failed to exercise reasonable supervision over the acts of LIFESTYLE in such a manner as to allow the acts and events described above to occur.

XIX

The acts and/or omissions of HANSON described in Paragraph XXVII, constitute failure on the part of HANSON, as designated broker-officer for LIFESTYLE, to exercise reasonable supervision and control over the licensed activities of LIFESTYLE required by Section 10159.2 of the Code.

XX

The facts alleged in Paragraphs XXVIII and XIX, are grounds from the suspension or revocation of the licenses and license rights of Respondent HANSON under Sections 10177(g) and/or 10177(h) of the Code, and Section 10177(d) of the Code in conjunction with Section 10159.2 of the Code.

\\

\\

\\

\\

\\

\\


\\

\\

\\

\\

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 all licenses and license rights of Respondents
5 under the Real Estate Law (Part 1 of Division 4 of the Business
6 and Professions Code), and for such other and further relief as
7 may be proper under other provisions of law.

8 
9 _____
10 JOHN W. SWEENEY
11 Deputy Real Estate Commissioner

12 Dated at Fresno, California,
13 this 9th day of March, 2006
14
15
16
17
18
19
20
21
22
23
24
25
26
27