

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
OCT - 6 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

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

11 \* \* \*

12 In the Matter of the Order to )	NO. H-3518 SAC
13 Desist and Refrain Addressed to: )	
14 GREAT WESTERN BUSINESS )	<u>STIPULATION AND</u>
15 SERVICES, INC., and )	<u>AGREEMENT IN</u>
B. B. DENTON. )	<u>SETTLEMENT AND ORDER</u>

16  
17 It is hereby stipulated by and between GREAT WESTERN  
18 BUSINESS SERVICES, INC. (hereinafter "Respondent") acting by and  
19 through Ryan Binkley, its President, and Brad E. Stockford, its  
20 attorney, and the Department of Real Estate, acting by and  
21 through Larry A. Alamao, Counsel for the Department, as follows  
22 for the purpose of settling and disposing of the Order to Desist  
23 and Refrain filed on May 30, 2000, in this matter:

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

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

4           2. Respondent filed a Request for Hearing pursuant  
5 to Section 10086 of the Business and Professions Code for the  
6 purpose of requesting a hearing on the allegations in the Order.  
7 Respondent hereby freely and voluntarily withdraws said Request  
8 for Hearing. Respondent acknowledges that it will thereby waive  
9 its right to require the Commissioner to prove the allegations  
10 in the Order at a contested hearing held in accordance with the  
11 provisions of the APA and that it will waive other rights  
12 afforded to it in connection with the hearing such as the right  
13 to present evidence in defense of the allegations in the Order  
14 and the right to cross-examine witnesses.

15           3. It is understood by the parties that the Real  
16 Estate Commissioner may adopt the Stipulation and Agreement as  
17 her decision in this matter. In the event that the Commissioner  
18 in her discretion does not adopt the Stipulation and Agreement  
19 in Settlement, it shall be void and of no effect, and Respondent  
20 shall retain the right to a hearing and proceeding on the Order  
21 under all the provisions of the APA and shall not be bound by  
22 any admission or waiver made herein.

23           4. The Order or any subsequent Order of the Real  
24 Estate Commissioner made pursuant to this Stipulation and  
25 Agreement in Settlement shall not constitute an estoppel, merger  
26 or bar to any further administrative or civil proceedings by the  
27 Department of Real Estate with respect to any matters which were

1 not specifically alleged to be causes for the Order to Desist and  
2 Refrain in this proceeding as admitted or withdrawn.

3           5. Respondent shall, within 90 days of the effective  
4 date of this Agreement:

- 5           a. Cause to be formed a corporation which may be  
6           known as Great Western Business Services-  
7           California or a name substantially similar  
8           (GWBS-CA);
- 9           b. Apply for and obtain a California real estate  
10           broker license for GWBS-CA;
- 11           c. Insure that all acts described in the Order to  
12           Desist and Refrain and any acts requiring a  
13           California real estate license will be  
14           performed by GWBS-CA and/or by California real  
15           estate brokers or salespersons licensed to and  
16           acting under the supervision of GWBS-CA; and
- 17           d. Insure that any advance fees within the  
18           meaning of Section 10026 of the Business and  
19           Professions Code (Code) are handled in  
20           accordance with Section 10146 of the Code and  
21           Sections 2970 and 2972 of Title 10, California  
22           Code of Regulations. Any materials used in  
23           obtaining advance fee agreements shall be  
24           submitted to the Department in accordance with  
25           Section 10085 of the Code.

26           6. The Department agrees that if Respondent performs  
27 the acts described in Paragraph 5 above, Respondent has complied

1 with the terms of the Order to Desist and Refrain filed in this  
2 matter. When Respondent has performed the acts described in  
3 Paragraph 5 above, Respondent will be deemed to be in compliance  
4 with the provisions of the Real Estate Law (Sections 10000 et  
5 seq. of the Code) and will not be ordered to Desist and Refrain  
6 from engaging in such acts on the grounds alleged in the Order  
7 to Desist and Refrain filed in this matter.

8  
9 July 25, 2003  
10 DATED

Larry Alamao  
11 LARRY A. ALAMAO, Counsel  
12 DEPARTMENT OF REAL ESTATE

13 \* \* \*

14 I have read the Stipulation and Agreement, have  
15 discussed it with my counsel, and its terms are understood by  
16 me and are agreeable and acceptable to me. I understand that I  
17 am 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  
20 willingly, intelligently, and voluntarily waive those rights.

21 GREAT WESTERN BUSINESS  
22 SERVICES, INC., Respondent

23 8/4/03  
24 DATED

25 By:

Ryan Binkley  
26 RYAN BINKLEY

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

8/6/03  
DATED

Brad Stockford  
BRAD E. STOCKFORD, Attorney

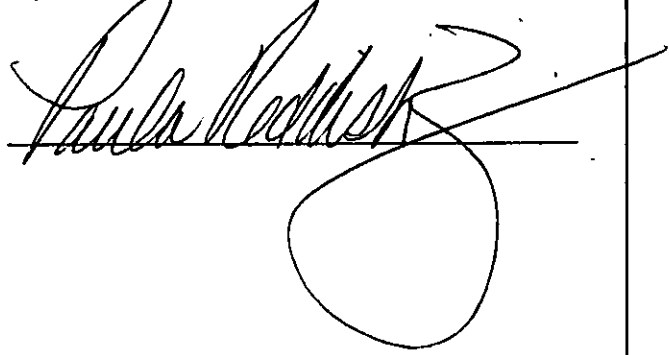
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\* \* \*

The foregoing Stipulation and Agreement for Settlement  
is hereby adopted by the Real Estate Commissioner as her Decision  
and Order and shall become effective at 12 o'clock noon on  
October 27, 2003.

IT IS SO ORDERED September 7, 2003.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE  
2 2201 Broadway  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

FILED  
FEB - 3 2003

5 (916) 227-0789

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 TO:	)	NO. H-3518 SAC
	)	
12 GREAT WESTERN BUSINESS	)	<u>SECOND CONTINUED</u>
13 SERVICES, INC., and,	)	<u>NOTICE OF HEARING</u>
14 B. B. DENTON.	)	<u>ON ORDER TO</u>
	)	<u>DESIST AND REFRAIN</u>

15 On May 30, 2000, the Real Estate Commissioner of the  
16 State of California issued her Order directing the above-named  
17 parties to desist and refrain from certain alleged activities;  
18 and,

19 Anthony B. Gordon, Attorney at Law, for and on behalf  
20 of GREAT WESTERN BUSINESS SERVICES, INC., and B. B. DENTON, made  
21 a request on August 14, 2001, for hearing pursuant to Section  
22 10086 of the Business and Professions Code of the State of  
23 California and the matter was set for hearing on September 6,  
24 2001.

25 On August 22, 2001, the parties made a motion to the  
26 Office of Administrative Hearings to have the matter continued to  
27 a new date and the motion was granted and the hearing was

1 rescheduled to March 7, 2003. The Respondent made a request on  
2 January 7, 2003, to have the matter continued to a new date, and  
3 the motion was granted.

4 YOU ARE HEREBY NOTIFIED that the Second Continued  
5 Hearing on the Order to Desist and Refrain will be held before  
6 the Department of Real Estate at the Office of Administrative  
7 Hearings, 560 J Street, Suites 340/360, Sacramento, CA 95814, on  
8 July 28, 2003, commencing at 9:00 AM, or as soon thereafter as  
9 the matter can be heard, upon the matters contained in the ORDER  
10 TO DESIST AND REFRAIN filed May 30, 2000.

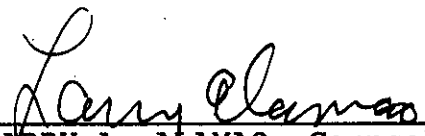
11 You may be present at the hearing and may be  
12 represented by counsel, but you are neither required to be  
13 present at the hearing nor are you required to be represented by  
14 counsel.

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

21 DATED: January 31, 2003

22  
23 PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

24  
25 By:

  
26 LARRY A. ALAMAO, Counsel  
27

1 LARRY A. ALAMAO, Counsel  
2 Department of Real Estate  
2201 Broadway  
3 P. O. Box 187000  
Sacramento, CA 95818-7000

4 (916) 227-0789

FILED  
JAN - 2 2003

DEPARTMENT OF REAL ESTATE

By *Katherine Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 TO:	)	NO. H-3518 SAC
	)	
12 GREAT WESTERN BUSINESS	)	FIRST CONTINUED
SERVICES, INC., and,	)	<u>NOTICE OF HEARING</u>
13 B. B. DENTON.	)	<u>ON ORDER TO</u>
	)	<u>DESIST AND REFRAIN</u>

15 On May 30, 2000, the Real Estate Commissioner of the  
16 State of California issued her Order, directing the above-named  
17 parties to desist and refrain from certain alleged activities;  
18 and,

19 Anthony B. Gordon, Attorney at Law, for and on behalf  
20 of GREAT WESTERN BUSINESS SERVICES, INC., and B. B. DENTON, made  
21 a request on August 14, 2001, for hearing pursuant to Section  
22 10086 of the Business and Professions Code of the State of  
23 California and the matter was set for hearing on September 6,  
24 2001.

25 On August 22, 2001, the parties made a motion to the  
26 Office of Administrative Hearings to have the matter continued to  
27 a new date and the motion was granted.



1           YOU ARE HEREBY NOTIFIED that the continued hearing on  
2 the Order to Desist and Refrain will be held before the  
3 Department of Real Estate at the Office of Administrative  
4 Hearings, 560 J Street, Suites 340/360, Sacramento, CA 95814, on  
5 March 7, 2003, commencing at 9:00 AM, or as soon thereafter as  
6 the matter can be heard, upon the matters contained in the ORDER  
7 TO DESIST AND REFRAIN filed May 30, 2000.

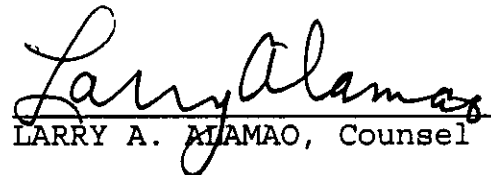
8           You may be present at the hearing and may be  
9 represented by counsel, but you are neither required to be  
10 present at the hearing nor are you required to be represented by  
11 counsel.

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

18           DATED: December 30, 2002

19  
20           PAULA REDDISH ZINNEMANN  
21           Real Estate Commissioner

22  
23           By:

24             
25           LARRY A. ALAMA, Counsel

1 LARRY A. ALAMAO, Counsel  
2 Department of Real Estate  
3 2201 Broadway  
4 P. O. Box 187000  
5 Sacramento, CA 95818-7000  
6  
7 (916) 227-0789

FILED  
AUG 15 2001

DEPARTMENT OF REAL ESTATE

By *Kathleen Centenas*

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

11 \* \* \*

12 TO: )  
13 GREAT WESTERN BUSINESS ) NO. H-3518 SAC  
14 SERVICES, INC., AND, )  
15 B. B. DENTON. ) NOTICE OF HEARING  
 ) ON ORDER TO  
 ) DESIST AND REFRAIN

16 On May 30, 2000, the Real Estate Commissioner of the  
17 State of California issued her Order, directing the above-named  
18 parties to desist and refrain from certain alleged activities;  
19 and,

20 Anthony B. Gordon, Attorney at Law, for and on behalf  
21 of GREAT WESTERN BUSINESS SERVICES, INC., and B. B. DENTON, made  
22 a request on August 14, 2001, for hearing pursuant to Section  
23 10086 of the Business and Professions Code of the State of  
24 California.

25 YOU ARE HEREBY NOTIFIED that a hearing on the Order to  
26 Desist and Refrain will be held before the Department of Real  
27 Estate at the Office of Administrative Hearings, 560 J Street,

1 Suites 340/360, Sacramento, CA 95814, on September 6, 2001,  
2 commencing at 9:00 AM, or as soon thereafter as the matter can be  
3 heard, upon the matters contained in the ORDER TO DESIST AND  
4 REFRAIN filed May 30, 2000.

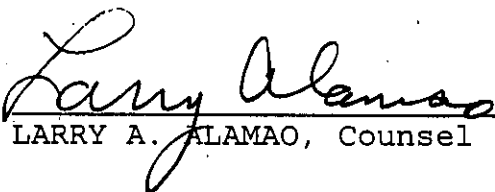
5 You may be present at the hearing and may be  
6 represented by counsel, but you are neither required to be  
7 present at the hearing, nor are you required to be represented by  
8 counsel.

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

15 DATED: August 15, 2001

16  
17 PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

18  
19  
20 By:

  
LARRY A. ALAMAO, Counsel

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

FILED  
MAY 30 2000

DEPARTMENT OF REAL ESTATE

By Shelby Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 TO: )

12 GREAT WESTERN BUSINESS )  
13 SERVICES, INC., )  
14 B. B. DENTON. )

NO. H-3518 SAC

ORDER TO DESIST AND REFRAIN  
(B&P Code Section 10086)

15 Upon the facts stated below, the Real Estate  
16 Commissioner of the State of California (hereinafter referred to  
17 as the Commissioner) is of the opinion that you, and each of  
18 you, have engaged in the business, acted in the capacity of,  
19 advertised and assumed to act as a real estate broker within the  
20 State of California, without first obtaining a real estate  
21 license from the Department of Real Estate, State of California  
22 (hereinafter referred to as the Department) in violation of  
23 Section 10130 in conjunction with Section 10131 of the Business  
24 and Professions Code of the State of California (hereinafter  
25 referred to as the Code).

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I

All further references herein to "you" include the parties identified above, and also include the officers, directors, employees and agents employed by or associated with said parties and who at all times herein mentioned were engaged in the furtherance of the business or operations of said parties and were acting within the course and scope of their authority and employment.

II

At no time herein mentioned have you been licensed by the Department of Real Estate of the State of California (hereinafter "Department") either as a real estate broker or a real estate salesperson.

III

During a period of time from on or about October 1, 1995 and continuing thereafter, you, for or in expectation of a compensation, solicited listings for or offers to sell or buy business opportunities, including, but not limited to, the following:

<u>PROSPECTIVE SELLER</u>	<u>DATE</u>
Thomas A. Niehaus	10/23/98

You have made such solicitations through the mail and through the Internet.

IV

The acts described in Paragraph III, above, are acts requiring a real estate broker license under the provisions of Section 10131(a) of the Code.

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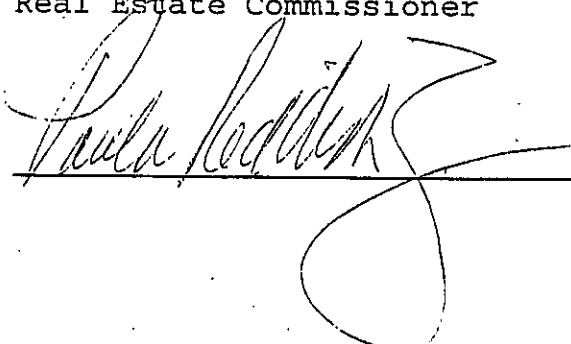
V

You violated Section 10130 of the Code by engaging in the activities described above, in Paragraph III, without first obtaining a real estate broker license from the Department.

NOW, THEREFORE, YOU ARE ORDERED TO DESIST AND REFRAIN from performing any of the acts alleged herein, or any other acts for which a real estate license is required, until you have obtained a real estate broker license from the Department.

DATED: May 3, 2000.

PAULA REDDISH ZINNEMAN  
Real Estate Commissioner



cc: GREAT WESTERN BUSINESS SERVICES, INC.  
14643 Dallas Parkway, Ste. 650  
Dallas, TX 75240

B.B. Denton  
c/o GREAT WESTERN BUSINESS  
SERVICES, INC.  
14643 Dallas Parkway, Ste. 650  
Dallas, TX 75240