

ORIGINAL

FILED
SEP 09 2004

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

DEPARTMENT OF REAL ESTATE
by Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-3938 SAC
12)
13 STATEWIDE VENTURES) STIPULATION AND AGREEMENT
14 and SHERI LYNN MURRAY,)
15 Respondents.)

16
17 It is hereby stipulated by and between Respondent
18 SHERI LYNN MURRAY (hereinafter referred to as "Respondent") by
19 and through Stephen C. Haas, counsel for Respondent, and the
20 Complainant, acting by and through Michael B. Rich, Counsel for
21 the Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on December 31,
23 2003, in this matter ("the Accusation"):

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

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

8 3. On January 13, 2004, Respondent filed a Notice
9 of Defense pursuant to Section 11505 of the Government Code for
10 the 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
13 Respondent understands that by withdrawing said Notice of
14 Defense Respondent will thereby waive Respondent's right to
15 require the Commissioner to prove the allegations in the
16 Accusation at a contested hearing held in accordance with the
17 provisions of the APA and that Respondent will waive other
18 rights afforded to Respondent in connection with the hearing
19 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. Respondent, pursuant to the limitations set
23 forth below, hereby admits that the factual allegations in the
24 Accusation pertaining to Respondent are true and correct and
25 stipulates and agrees that the Real Estate Commissioner shall
26 not be required to provide further evidence of such
27 allegations.

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has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and,

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine months from the effective date of the Decision, present evidence

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satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

8/4/04
DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

* * *

I have read the Stipulation and Agreement 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 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of

1 requiring the Commissioner to prove the allegations in the
2 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.

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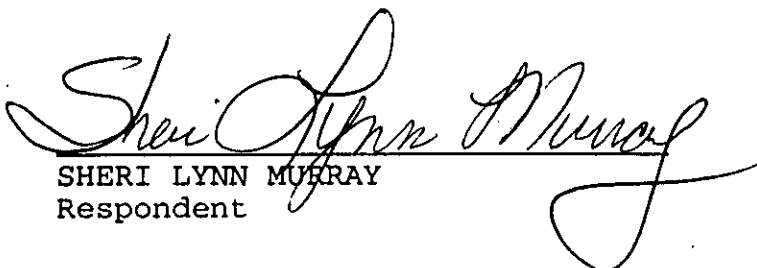
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7/15/04

DATED

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SHERI LYNN MURRAY
Respondent

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Approved as to form and content by counsel for
Respondent.

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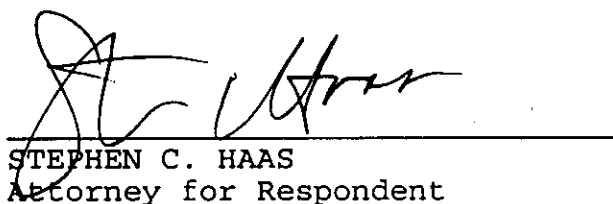
7/23/04

DATED

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STEPHEN C. HAAS
Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby
adopted by as my Decision in this matter as to Respondent SHERI
LYNN MURRAY and shall become effective at 12 o'clock noon on
September 29, , 2004.

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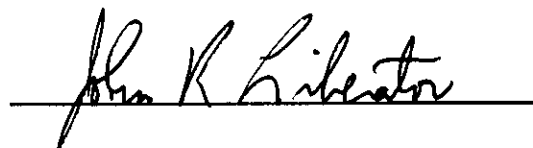
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IT IS SO ORDERED August 18, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



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FILED
SEP 09 2004
DEPARTMENT OF REAL ESTATE
By Shelly Ely

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

In the Matter of the Accusation of) No. H-3938 SAC
STATEWIDE VENTURES,)
Respondent.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On December 31, 2003, an Accusation was filed in this matter against Respondent STATEWIDE VENTURES.

On July 15, 2004, Respondent petitioned the Commissioner to voluntarily surrender its corporate real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent STATEWIDE VENTURE's petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated July 15, 2004,

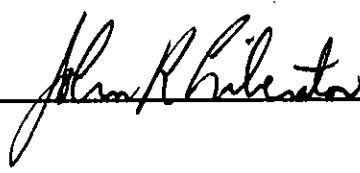
1 (attached as Exhibit "A" hereto). Respondent's license
2 certificates, pocket cards and any branch office license
3 certificates shall be sent to the below listed address so that
4 they reach the Department on or before the effective date of this
5 Order:

6 DEPARTMENT OF REAL ESTATE
7 Attn: Licensing Flag Section
8 P. O. Box 187000
9 Sacramento, CA 95818-7000

10 This Order shall become effective at 12 o'clock noon
11 on September 29, 2004.

12 DATED: August 18, 2004

13 JOHN R. LIBERATOR
14 Acting Real Estate Commissioner

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Declaration: Corporation - ACCUSATION Filed
Revised 2/1/00

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

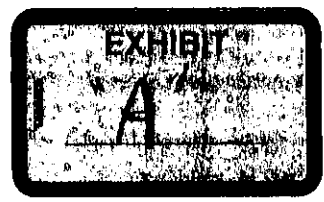
* * *

In the Matter of the Accusation of) No. H-3938 SAC
STATEWIDE VENTURES,)
Respondent.)

DECLARATION

My name is EDWARD KILGORE and that I am currently an officer of STATEWIDE VENTURES, which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of STATEWIDE VENTURES. STEPHEN C. HAAS, Attorney at Law, represents STATEWIDE VENTURES in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions Code) STATEWIDE VENTURES wishes to voluntarily surrender its real estate license issued by the Department of Real Estate



1 (hereafter "Department"), pursuant to Business and Professions
2 Code Section 10100.2.

3 I understand that STATEWIDE VENTURES, by so
4 voluntarily surrendering its license, can only have it
5 reinstated in accordance with the provisions of Section 11522 of
6 the Government Code. I also understand that by so voluntarily
7 surrendering its license, STATEWIDE VENTURES agrees to the
8 following:

9 The filing of this Declaration shall be deemed as its
10 petition for voluntary surrender. It shall also be deemed to be
11 an understanding and agreement by STATEWIDE VENTURES that, it
12 waives all rights it has to require the Commissioner to prove
13 the allegations contained in the Accusation filed in this matter
14 at a hearing held in accordance with the provisions of the
15 Administrative Procedure Act (Government Code Sections 11400 et
16 seq.), and that it also waives other rights afforded to it in
17 connection with the hearing such as the right to discovery, the
18 right to present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses. I further
20 agree on behalf of STATEWIDE VENTURES that upon acceptance by
21 the Commissioner, as evidenced by an appropriate order, all
22 affidavits and all relevant evidence obtained by the Department
23 in this matter prior to the Commissioner's acceptance, and all
24 allegations contained in the Accusation filed in the Department
25 Case No. H-3938 SAC, may be considered by the Department to be
26 true and correct for the purpose of deciding whether or not to
27

1 grant reinstatement of the license of STATEWIDE VENTURES
2 pursuant to Government Code Section 11522.

3 I declare under penalty of perjury under the laws of
4 the State of California that the above is true and correct and
5 that I am acting freely and voluntarily on behalf of [name of
6 corporation] to surrender its license and all license rights
7 attached thereto.

8 7-15-04
9 Date and Place

Ed Kilgore
STATEWIDE VENTURES
By EDWARD KILGORE

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

FILED
MAY 26 2004

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

By Shelly Ely

STATEWIDE VENTURES AND
SHERI LYNN MURRAY

}

Case No. H-3938 SAC

OAH No. N2004050438

Respondents

NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at the **OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITE 340/360, SACRAMENTO, CALIFORNIA 95814** on **WEDNESDAY--AUGUST 4, 2004**, at the hour of **9:00 AM**, 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: MAY 26, 2004

By

Michael B. Rich
MICHAEL B. RICH, Counsel
J.E.

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)
7

FILED
DEC 31 2003

DEPARTMENT OF REAL ESTATE

BY *Laurie A. Zier*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 STATEWIDE VENTURES,) No. H-3938 SAC
13 and SHERI LYNN MURRAY,) ACCUSATION
14 Respondents.)

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against STATEWIDE VENTURES dba Statewide Mortgage
18 (hereinafter "Respondent STATEWIDE") and SHERI LYNN MURRAY
19 (hereinafter "Respondent MURRAY"), is informed and alleges as
20 follows:

21 I

22 The Complainant, Charles W. Koenig, a Deputy Real
23 Estate Commissioner of the State of California, makes this
24 Accusation in his official capacity.

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27 ///

1 II

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

6 III

7 At all times herein mentioned, Respondent STATEWIDE
8 was licensed as a real estate broker corporation without a
9 designated broker-officer.

10 IV

11 At all times herein mentioned, Respondent MURRAY was
12 licensed as a real estate salesperson in the employ of
13 Respondent STATEWIDE, a licensed real estate broker corporation.

14 V

15 Whenever reference is made in an allegation in this
16 Accusation to an act or omission of "Respondents", such
17 allegations shall be deemed to mean the act or omission of each
18 of the Respondents named in the caption hereof, acting
19 individually, jointly and severally.

20 VI

21 Beginning on or about September 21, 2002, through on
22 or about May 14, 2003, Respondents, at a time when Respondent
23 STATEWIDE did not have a designated broker-officer, engaged in
24 the business of, acted in the capacity of, advertised, or
25 assumed to act as a real estate brokers in the State of
26 California within the meaning of Section 10131(d) of the Code,
27 including the operation and conduct of a mortgage loan brokerage

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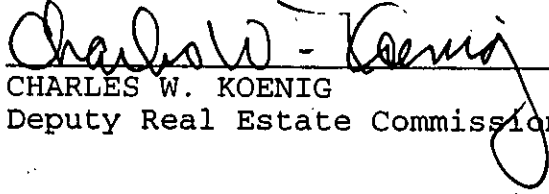
IX

Beginning on or about September 21, 2002 through on or about May 12, 2003, as described in Paragraphs VI and VII above, Respondent STATEWIDE allowed Respondent MURRAY an employee of Respondent STATEWIDE to act as a real estate broker on behalf of Respondent STATEWIDE without a real estate broker license.

X

The acts and/or omissions of Respondents STATEWIDE and MURRAY described above are grounds for the suspension or revocation of the licenses and/or license rights of Respondents STATEWIDE and MURRAY under Section 10177(d) of the Code in conjunction with Section 10130 of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 26th day of November, 2003.