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1	DEPARTMENT OF REAL ESTATE
2	Sacramento, CA 95818-7000 329 0 9 2004
3	Telephone: (916) 227-0789 DEPARTMENT OF REAL ESTATE
4	" Shelly Ely
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8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
. 11	* * *
	In the Matter of the Accusation of) No. H-3938 SAC)
13) <u>STIPULATION AND AGREEMENT</u> STATEWIDE VENTURES)
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
	DRE No. H-3938 SD SHERI LYNN MURRAY
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Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of 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 Respondent hereby freely and voluntarily withdraws Accusation. 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 provide to further evidence of such 27 allegations.

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SHERI LYNN MURRAY

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1 5. It is understood by the parties that the Real 2 Estate Commissioner may adopt the Stipulation and Agreement as 3 his decision in this matter, thereby imposing the penalty and 4 sanctions on Respondent's real estate license and license 5 rights as set forth in the "Order" below. In the event that 6 the Commissioner in his discretion does not adopt the 7 Stipulation and Agreement, it shall be void and of no effect, 8 and Respondent shall retain the right to a hearing and 9 proceeding on the Accusation under all the provisions of the 10 APA and shall not be bound by any admission or waiver made 11 herein.

12 6. This Stipulation and Agreement shall not 13 constitute an estoppel, merger or bar to any further 14 administrative or civil proceedings by the Department of Real 15 Estate with respect to any matters which were not specifically 16 alleged to be causes for accusation in this proceeding.

17

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

22

23 The acts and omissions of Respondent SHERI LYNN 24 MURRAY described in the Accusation are grounds for the 25 suspension or revocation of the licenses and license rights of 26 Respondent under the provisions of Sections 10130 and 10177(d) 27 of the California Business and Professions Code.

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SHERI LYNN MURRAY

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<u>ORDER</u>

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3	All licenses and licensing rights of Respondent SHERI
4	LYNN MURRAY under the Real Estate Law are revoked; provided,
5	however, a restricted real estate salesperson license shall be
6	issued to said Respondent pursuant to Section 10156.5 of the
7	Business and Professions Code if, within 90 days from the
8	effective date of the Decision entered pursuant to this Order,
9	Respondent makes application for the restricted license and
10	pays to the Department of Real Estate the appropriate fee
11	therefor.
12	The restricted license issued to Respondent shall be
13	subject to all of the provisions of Section 10156.7 of the
14	Business and Professions Code and to the following limitations,
15	conditions and restrictions imposed under authority of Section
16	10156.6 of that Code:
17	1. The restricted license issued to Respondent may
18	be suspended prior to hearing by Order of the
19	Real Estate Commissioner in the event of
20	Respondent's conviction or plea of nolo
21	contendere to a crime which is substantially
22	related to Respondent's fitness or capacity as a
23	real estate licensee.
24	2. The restricted license issued to Respondent may
25	be suspended prior to hearing by Order of the
26	Real Estate Commissioner on evidence
27	satisfactory to the Commissioner that Respondent
	DRE No. H-3938 SD SHERI LYNN MURRAY
	- 4 -

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)vears have elapsed from effective the 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 SHERI LYNN MURRAY

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the Real Estate Commissioner satisfactory to since the most recent that Respondent has, 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 the Respondent presents such evidence. until The Commissioner shall afford Respondent the opportunity for a hearing pursuant the to Administrative Procedure Act to present such evidence.

MICHAEL B. RICH, Counsel

Department of Real Estate

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

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SHERI LYNN MURRAY

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. 5 6 15/04 7 SHERI LYNN MU 8 Respondent 9 10 Approved form and content by counsel for as to 11 Respondent. 12 23/04 13 HAAS DATED с. 14 Actorney for Respondent 15 16 17 The foregoing Stipulation and Agreement is hereby 18 adopted by as my Decision in this matter as to Respondent SHERI 19 LYNN MURRAY and shall become effective at 12 o'clock noon on . September 29, , 2004. 20 IT IS SO ORDERED _____ August 18 ,2004. 21 22 23 JOHN R. LIBERATOR Acting Real Estate Commissioner 24 25 the Rhile A 26 27 DRE No. H-3938 SD SHERI LYNN MURRAY

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9	BEFORE THE DEPARTMENT OF REAL ESTATE
10	STATE OF CALIFORNIA * * *
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12	In the Matter of the Accusation of) No. H-3938 SAC
13	STATEWIDE VENTURES,
14	
15	Respondent.
16	ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE
17	On December 31, 2003, an Accusation was filed in this
18	matter against Respondent STATEWIDE VENTURES.
19 20	On July 15, 2004, Respondent petitioned the
20	Commissioner to voluntarily surrender its corporate real estate
22.	broker license pursuant to Section 10100.2 of the Business and Professions Code.
23	IT IS HEREBY ORDERED that Respondent STATEWIDE
24	VENTURE's petition for voluntary surrender of its real estate
25	broker license is accepted as of the effective date of this Order
26	as set forth below, based upon the understanding and agreement
27	expressed in Respondent's Declaration dated July 15, 2004,
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(attached as Exhibit "A" hereto). Respondent's license 1 2 certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that 3 they reach the Department on or before the effective date of this 4 5 Order: 6 DEPARTMENT OF REAL ESTATE Attn: Licensing Flag Section 7 P. O. Box 187000 Sacramento, CA 95818-7000 8 9 This Order shall become effective at 12 o'clock noon September 29 10 2004. on 11 August 18 , 2004 DATED: 12 13 JOHN R. LIBERATOR Acting Real Estate Commissioner 14 Han Rhilento 15 16 17 18 19 20 21 22 23 24 25 26 27 2 -

2 3 3 4 5 6 7	Declaration: Corporation - ACCUSATION Filed Revised 2/1/00		
В	BEFORE THE DEPARTMENT OF REAL ESTATE		
9	STATE OF CALIFORNIA		
10	* * *		
11			
12	In the Matter of the Accusation of No. H-3938 SAC		
13	STATEWIDE VENTURES,		
14			
15	Respondent.		
<u>1</u> 6	DECLARATION		
17	My name is EDWARD KILGORE and that I am currently an		
18	officer of STATEWIDE VENTURES, which is licensed as a real		
19	estate broker and/or has license rights with respect to said		
20	license. I am authorized and empowered to sign this		
21	declaration on behalf of STATEWIDE VENTURES. STEPHEN C. HAAS,		
22	Attorney at Law, represents STATEWIDE VENTURES in this matter.		
23	 In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act 		
24			
25	(Sections 11400 et seq., of the Business and Professions Code)		
26	STATEWIDE VENTURES wishes to voluntarily surrender its real		
27	estate license issued by the Department of Real Estate		

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

I understand that STATEWIDE VENTURES, by so voluntarily surrendering its license, can only have it reinstated in accordance with the provisions of Section 11522 of 5 the Government Code. 1 also understand that by so voluntarily б. surrendering its license, STATEWIDE VENTURES agrees to the 7 following: 8

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

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grant reinstatement of the license of STATEWIDE VENTURES pursuant to Government Code Section 11522. I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I am acting freely and voluntarily on behalf of [name of corporation] to surrender its license and all license rights attached thereto. -04 URES Date and Place By EDWARD KILGORE

BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

MAY 2

In the Matter of the Accusation of

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 subpenas 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

By Michael B. Rich, Counsel J.E.

Dated: MAY 26, 2004

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Γr'	n
. 2	DAVID A. PETERS, Counsel (SBN 99528) Department of Real Estate P. O. Box 187000 Sacramento, CA 95818-7000 DEC 31 2003
3	Telephone: (916) 227-0789 -or- (916) 227-0781 (Direct)
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. 8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Accusation of)
. 12	STATEWIDE VENTURES,
13	and SHERI LYNN MURRAY,) <u>ACCUSATION</u>)
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	111
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Respondents STATEWIDE and MURRAY are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code)(hereinafter "Code"). III At all times herein mentioned, Respondent STATEWIDE was licensed as a real estate broker corporation without a designated broker-officer. IV At all times herein mentioned, Respondent MURRAY was licensed as a real estate salesperson in the employ of

¹³ Respondent STATEWIDE, a licensed real estate broker corporation.

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.

VI

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

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¹ business with the public wherein lenders and borrowers were ² solicited for loans secured directly or collaterally by liens on ³ real property, wherein such loans were arranged, negotiated, ⁴ processed, and consummated on behalf of others for compensation ⁵ or in expectation of compensation.

VII

Said mortgage loan brokerage activities conducted by
 Respondents STATEWIDE and MURRAY as described in Paragraph VI
 above, included but is not limited to, the following
 transactions.

		· · · ·	
11	DATE	BORROWERS	PROPERTY
12	12/02/02	Michael H. McGee &	67360 Ovante Road
13		Deborah McGee	Cathedral City, CA
.14	12/19/02	Daryl Muzio &	557 East Broad Street
15		Lauretta Muzio	Nevada City, CA
16	01/25/03	William L. Moore &	14506 Flicker Drive
17		Mary E. Moore	Grass Valley, CA
18	03/04/03	Michael McGuire &	8206 Platinum Circle
19		Jamie McGuire	Smartville, CA

VIII

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

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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.

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8 The acts and/or omissions of Respondents STATEWIDE and
9 MURRAY described above are grounds for the suspension or
10 revocation of the licenses and/or license rights of Respondents
11 STATEWIDE and MURRAY under Section 10177(d) of the Code in
12 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.

Donis **T**AT KOENIG

Deputy Real Estate Commissioner

Dated at Sacramento, California, this 26^{-1} day of November, 2003.

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