

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
DEC - 6 2011

DEPARTMENT OF REAL ESTATE
By R. Mat

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

11 * * *

12 In the Matter of the Accusation of)
13 WESTON RANCH REALTY, INC.,) NO. H-5544 SAC.
14 STEPHEN RICHARD CLARK and) STIPULATION AND AGREEMENT
15 GERI MARIE TAYLOR,)
16 Respondents.)

17 It is hereby stipulated by and between Respondents WESTON RANCH
18 REALTY, INC., ("WRRRI"), STEPHEN RICHARD CLARK ("CLARK") and GERI MARIE
19 TAYLOR ("TAYLOR"), (collectively "Respondents"), acting by and through Frank M. Buda,
20 Esq., Counsel for Respondents, and the Complainant, acting by and through Annette E.
21 Ferrante, Esq., Counsel for the Department of Real Estate, as follows for the purpose of settling
22 and disposing of the Accusation filed on January 31, 2011, in this matter:

23 1. All issues which were to be contested and all evidence which was to be
24 presented by Complainant and Respondents at a formal hearing on the Accusation, which
25 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
26 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions
27 of this Stipulation and Agreement.

H-5544 SAC

WESTON RANCH REALTY, INC.
STEPHEN RICHARD CLARK
GERI MARIE TAYLOR

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

4 3. On February 7, 2011, Respondents filed a Notice of Defense pursuant to
5 Section 11505 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice
7 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
8 Notice of Defense, Respondents will thereby waive Respondents' right to require the
9 Commissioner to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that Respondents will waive other rights
11 afforded to Respondents in connection with the hearing such as the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13 4. This Stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expedience and economy, Respondents choose not to contest
15 these factual allegations, but to remain silent and understand that, as a result thereof, these
16 factual statements will serve as a prima facie basis for the "Determination of Issues" and
17 "Order" set forth below. The Real Estate Commissioner shall not be required to provide further
18 evidence to prove such allegations.

19 5. This Stipulation and Respondents' decision not to contest the Accusation
20 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
21 limited to this proceeding and any other proceeding or case in which the Department of Real
22 Estate, the State or the federal government, an agency of this State, or an agency of another state
23 is involved.

24 6. It is understood by the parties that the Real Estate Commissioner may
25 adopt the Stipulation and Agreement as her decision in this matter, thereby imposing the penalty
26 and sanctions on Respondents' real estate licenses and license rights as set forth in the "Order"

27 ///

H-5544 SAC

WESTON RANCH REALTY, INC.
STEPHEN RICHARD CLARK
GERI MARIE TAYLOR

1 below. In the event that the Commissioner in her discretion does not adopt the Stipulation and
2 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing
3 and proceeding on the Accusation under all of the provisions of the APA and shall not be bound
4 by any admission or waiver made herein.

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

9 8. Respondents understand that by agreeing to this Stipulation and
10 Agreement, Respondents agree to pay, pursuant to Section 10148 of the California Business
11 and Professions Code ("the Code"), the cost of the audit which resulted in the determination
12 that Respondents committed the trust fund violation(s) found in the Determination of Issues.
13 The amount of such costs is \$8,044.72.

14 9. Respondents further understand that by agreeing to this Stipulation and
15 Agreement, the findings set forth below in the Determination of Issues become final, and that
16 the Commissioner may charge said Respondents for the costs of any audit conducted pursuant
17 to Section 10148 of the Code to determine if the violations have been corrected. The
18 maximum cost of said audit shall not exceed \$8,044.72.

19 DETERMINATION OF ISSUES

20 I

21 By reason of the foregoing stipulations, admissions and waivers and solely for
22 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
23 that the acts and omissions of Respondent WRRI described in the Accusation are grounds for
24 the suspension or revocation of the licenses and license rights of Respondent WRRI under the
25 provisions of Sections 10145, 10148, 10159.2, 10177(d) and 10177(g) of the Code, and
26 Sections 2731, 2831, 2831.1, 2831.2, 2832, 2832.1 and 2834 of Title 10 of the California Code
27 of Regulations (hereinafter "the Regulations").

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

II

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 acts and omissions of Respondent CLARK described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent CLARK under the provisions of Sections 10159.2, 10177(d), 10177(g) and 10177(h) of the Code, and Section 2725 of Title 10 of the Regulations.

III

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 acts and omissions of Respondent TAYLOR described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent TAYLOR under the provisions of Sections 10145(c), 10177(d) and 10177(g) of the Code, and Section 2832 of Title 10 of the Regulations.

ORDER

I

All licenses and licensing rights of Respondent STEPHEN RICHARD CLARK under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

a. CLARK shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

b. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Order. Should such a determination be made, the Commissioner may, in

///

H-5544 SAC

WESTON RANCH REALTY, INC.
STEPHEN RICHARD CLARK
GERI MARIE TAYLOR

1 her discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
2 suspension. Should no such determination be made, the stay imposed herein shall become
3 permanent.

4 2. Thirty (30) days of said suspension shall be stayed, upon the condition
5 that CLARK petitions pursuant to Section 10175.2 of the Business and Professions Code and
6 pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at a
7 rate of \$25 for each day of the suspension for a total monetary penalty of \$750.

8 a. Said payment shall be in the form of a cashier's check or certified
9 check made payable to the Recovery Account of the Real Estate Fund. Said check must be
10 delivered to the Department prior to the effective date of the Decision in this matter.

11 b. No further cause for disciplinary action against the real estate
12 license of CLARK occurs within two (2) years from the effective date of the decision in this
13 matter.

14 c. If CLARK fails to pay the monetary penalty in accordance with
15 the terms and conditions of the Decision, the Commissioner may, without a hearing, order the
16 immediate execution of all or any part of the stayed suspension, in which event, CLARK shall
17 not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
18 Department under the terms of this decision.

19 d. If CLARK pays the monetary penalty, and if no further cause for
20 disciplinary action against the real estate license of CLARK occurs within two (2) years from
21 the effective date of the Decision herein, then the stay hereby granted shall become permanent.

22 3. CLARK shall, within six (6) months from the effective date of this Order,
23 take and pass the Professional Responsibility Examination administered by the Department,
24 including the payment of the appropriate examination fee. If CLARK fails to satisfy this
25 condition, the Commissioner may order the suspension of all licenses and licensing rights of
26 CLARK until CLARK passes the examination.

27 ///

H-5544 SAC

WESTON RANCH REALTY, INC.
STEPHEN RICHARD CLARK
GERI MARIE TAYLOR

1 4. Notwithstanding any other provision of this Order, all licenses and
2 licensing rights of CLARK are suspended unless and until he provides proof satisfactory to the
3 Commissioner that he has taken and successfully completed the continuing education course
4 on Trust Fund Accounting and Handling specified in Section 10170.5(a)(3) of the Code. The
5 course must have been completed no earlier than one hundred twenty (120) days prior to the
6 effective date of this Order, and proof must be submitted prior to the effective date of this
7 Order, to prevent suspension of CLARK's license pursuant to this condition.

8 5. Notwithstanding any other provision of this Order, Respondent CLARK
9 shall voluntarily surrender the corporate real estate broker license and any and all license rights
10 of Respondent WESTON RANCH REALTY, INC., as a condition of this Stipulation. Said
11 voluntary surrender must be delivered to the Department prior to the effective date of the
12 Decision in this matter.

13 II

14 All licenses and licensing rights of Respondent GERI MARIE TAYLOR under
15 the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this
16 Order; provided, however, that:

17 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon
18 the following terms and conditions:

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

27 ///

H-5544 SAC

WESTON RANCH REALTY, INC.
STEPHEN RICHARD CLARK
GERI MARIE TAYLOR

1 2. Thirty (30) days of said suspension shall be stayed, upon the condition
2 that TAYLOR petitions pursuant to Section 10175.2 of the Business and Professions Code and
3 pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at a
4 rate of \$25 for each day of the suspension for a total monetary penalty of \$750.

5 a. Said payment shall be in the form of a cashier's check or certified
6 check made payable to the Recovery Account of the Real Estate Fund. Said check must be
7 delivered to the Department prior to the effective date of the Decision in this matter.

8 b. No further cause for disciplinary action against the real estate
9 license of TAYLOR occurs within two (2) years from the effective date of the decision in this
10 matter.

11 c. If TAYLOR fails to pay the monetary penalty in accordance with
12 the terms and conditions of the Decision, the Commissioner may, without a hearing, order the
13 immediate execution of all or any part of the stayed suspension, in which event, TAYLOR
14 shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
15 Department under the terms of this decision.

16 d. If TAYLOR pays the monetary penalty, and if no further cause
17 for disciplinary action against the real estate license of TAYLOR occurs within two (2) years
18 from the effective date of the Decision herein, then the stay hereby granted shall become
19 permanent.

20 3. TAYLOR shall, within six (6) months from the effective date of this
21 Order, take and pass the Professional Responsibility Examination administered by the
22 Department, including the payment of the appropriate examination fee. If TAYLOR fails to
23 satisfy this condition, the Commissioner may order the suspension of all licenses and licensing
24 rights of TAYLOR until TAYLOR passes the examination.

25 ///

26 ///

27 ///

H-5544 SAC

WESTON RANCH REALTY, INC.
STEPHEN RICHARD CLARK
GERI MARIE TAYLOR

1 4. Notwithstanding any other provision of this Order, all licenses and
 2 licensing rights of TAYLOR are suspended unless and until she provides proof satisfactory to
 3 the Commissioner that she has taken and successfully completed the continuing education-
 4 course on Trust Fund Accounting and Handling specified in Section 10170.5(a)(3) of the Code.
 5 The course must have been completed no earlier than one hundred twenty (120) days prior to
 6 the effective date of this Order, and proof must be submitted prior to the effective date of this
 7 Order, to prevent suspension of TAYLOR's license pursuant to this condition.

8 III

9 1. Respondents CLARK and TAYLOR, jointly and severally, shall pay the
 10 sum of \$8,044.72 for the Commissioner's cost of the audit which led to this disciplinary action.
 11 Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from
 12 the Commissioner. The Commissioner may indefinitely suspend all licenses and licensing
 13 right of Respondents pending a hearing held in accordance with Section 11500, et seq., of the
 14 Government Code, if payment is not timely made as provided for herein, or as provided for in
 15 a subsequent agreement between Respondents and the Commissioner. The suspension shall
 16 remain in effect until payment is made in full or until Respondents enter into an agreement
 17 satisfactory to the Commissioner to provide for payment, or until a decision providing
 18 otherwise is adopted following a hearing held pursuant to this condition.

19 2. Respondents CLARK and TAYLOR, jointly and severally, shall pay the
 20 Commissioner's costs, not to exceed \$8,044.72, of any audit conducted pursuant to Section
 21 10148 of the Code to determine if Respondents have corrected the violations described in the
 22 Determination of Issues, above, and any other violations found in the audit which led to this
 23 disciplinary action. In calculating the amount of the Commissioner's reasonable cost, the
 24 Commissioner may use the estimated average hourly salary for all persons performing audits
 25 of real estate brokers, and shall include an allocation for travel time to and from the auditor's

26 ///

27 ///

1 place of work. Respondents shall pay such cost within sixty (60) days of receiving an invoice
 2 therefore from the Commissioner detailing the activities performed during the audit and the
 3 amount of time spent performing those activities. If Respondents fail to pay such cost within
 4 the sixty (60) days, the Commissioner may indefinitely suspend all licenses and licensing
 5 rights of Respondents under the Real Estate Law until payment is made in full or until
 6 Respondents enter into an agreement satisfactory to the Commissioner to provide for payment.
 7 Upon full payment, the indefinite suspension provided for in this paragraph shall be stayed.

8
 9 10/11/11
 10 _____ DATED


 ANNETTE E. FERRANTE, Counsel
 Department of Real Estate

11
 12 ***

13
 14 I have read the Stipulation and Agreement and its terms are understood by me
 15 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
 16 the California Administrative Procedure Act (including but not limited to Sections 11506,
 17 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
 18 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
 19 allegations in the Accusation at a hearing at which I would have the right to cross-examine
 20 witnesses against me and to present evidence in defense and mitigation of the charges.
 21 Respondents can signify acceptance and approval of the terms and conditions of this
 22 Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
 23 Respondents, to the Department at fax number (916) 227-9458. Respondents agree,
 24 acknowledge and understand that by electronically sending to the Department a fax copy of

25 ///
 26 ///
 27 ///

W-5544 RAC

WESTON RANCH REALTY, INC.
 STEPHEN RICHARD CLARK
 GERI MARIE TAYLOR

10/07/2011 PM 12:03 FAX 9162279488 DRB SAC LEGAL FRANK BUDA

10/11/2011

1 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of
2 the faxed copy by the Department shall be as binding on Respondents as if the Department had
3 received the original signed Stipulation and Agreement.

4
5 10/5/11
6 DATED

7
8 *Stephen R. Clark*
9 STEPHEN RICHARD CLARK
10 Respondent

11
12 10/8/11
13 DATED

14 *Stephen R. Clark*
15 STEPHEN RICHARD CLARK
16 As Designated Officer of Respondent
17 WESTON RANCH REALTY, INC.

18 DATED

19 GERI MARIE TAYLOR
20 Respondent

21 I have reviewed this Stipulation and Agreement and Order as to form and
22 content and have advised my clients accordingly.

23 10-10-11
24 DATED

25 *Frank M. Buda*
26 FRANK M. BUDA
27 Attorney for Respondents
WESTON RANCH REALTY, INC.
STEPHEN RICHARD CLARK
GERI MARIE TAYLOR

28 ///
29 ///
30 ///

H-5544BAC

WESTON RANCH REALTY, INC.
STEPHEN RICHARD CLARK
GERI MARIE TAYLOR

1 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of
 2 the faxed copy by the Department shall be as binding on Respondents as if the Department had
 3 received the original signed Stipulation and Agreement.

4
 5
 6 DATED STEPHEN RICHARD CLARK
 Respondent

7
 8
 9 DATED STEPHEN RICHARD CLARK
 10 As Designated Officer of Respondent
 11 WESTON RANCH REALTY, INC.

12
 13 October 7 2011 Geri Marie Taylor
 14 DATED GERI MARIE TAYLOR
 Respondent

17 *I have reviewed this Stipulation and Agreement and Order as to form and*
 18 *content and have advised my clients accordingly.*

19
 20
 21 DATED FRANK M. BUDA
 22 Attorney for Respondents
 23 WESTON RANCH REALTY, INC.
 24 STEPHEN RICHARD CLARK
 25 GERI MARIE TAYLOR

25 ///

26 ///

27 ///

H-3344 SAC

WESTON RANCH REALTY, INC.
 STEPHEN RICHARD CLARK
 GERI MARIE TAYLOR

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

The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondents STEPHEN RICHARD CLARK and GERI MARIE
TAYLOR, and shall become effective at 12 o'clock noon on DEC 27 2011

IT IS SO ORDERED 11/8/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



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

FILED
DEC - 6 2011

DEPARTMENT OF REAL ESTATE
By R. MAE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
WESTON RANCH REALTY, INC.,
STEPHEN RICHARD CLARK and
GERI MARIE TAYLOR,
Respondents.

No. H-5544 SAC
As to Respondent
WESTON RANCH REALTY, INC.
Only.

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSES

On January 31, 2011, an Accusation was filed in this matter against Respondents WESTON RANCH REALTY, INC., STEPHEN RICHARD CLARK and GERI MARIE TAYLOR.

On October 8, 2011, Respondent STEPHEN RICHARD CLARK, as the authorized representative of WESTON RANCH REALTY, INC., petitioned the Commissioner to voluntarily surrender the corporate real estate license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent WESTON RANCH REALTY, INC.'S petition for voluntary surrender of the corporate real estate license and license rights 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 October 8, 2011; and reviewed and

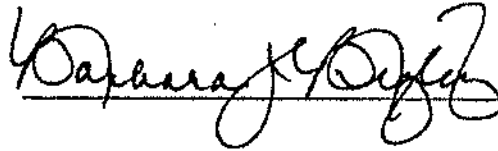
1 agreed to by their attorney Frank M. Buda on October 10, 2011 (attached as Exhibit "A" hereto).
2 Respondent's license certificates and pocket cards shall be sent to the below listed address so that
3 they reach the Department on or before the effective date of this Order:

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

8 This Order shall become effective at 12 o'clock noon on
DEC 27 2011

9 DATED: 11/8/11

10 BARBARA J. BIGBY
11 Acting Real Estate Commissioner

12 
13 _____

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

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	NO. H- 5544 SAC
WESTON RANCH REALTY, INC.,)	
STEPHEN RICHARD CLARK and)	<u>As to Respondent</u>
GERI MARIE TAYLOR,)	<u>WESTON RANCH REALTY, INC.</u>
)	<u>Only.</u>
Respondents.)	

DECLARATION REQUESTING VOLUNTARY SURRENDER
OF REAL ESTATE LICENSE

My name is STEPHEN RICHARD CLARK, and I am currently licensed as an individual real estate broker and ^{was} ~~as~~ the designated officer of WESTON RANCH REALTY, INC. a licensed corporate real estate broker. I am represented by attorney Frank Buda in this matter, and I am also acting as the authorized representative of WESTON RANCH REALTY, INC.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), as the authorized representative of WESTON RANCH REALTY, INC., I wish to voluntarily surrender the real estate license(s) of WESTON RANCH REALTY, INC. issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.



1 I understand that by voluntarily surrendering the corporate license(s) of WESTON
 2 RANCH REALTY, INC., WESTON RANCH REALTY, INC. may be relicensed as a corporate
 3 broker only by petitioning for reinstatement pursuant to Section 11522 of the Government Code.
 4 I also understand that by voluntarily surrendering the corporate license(s) of WESTON RANCH
 5 REALTY, INC., I agree, as the authorized representative of WESTON RANCH REALTY, INC.,
 6 to the following:

7 1. The filing of this Declaration shall be deemed as WESTON RANCH
 8 REALTY, INC.'s petition for voluntary surrender.

9 2. It shall also be deemed to be an understanding and agreement by me that I, as
 10 the authorized representative of WESTON RANCH REALTY, INC., waive all rights WESTON
 11 RANCH REALTY, INC. has to require the Commissioner to prove the allegations contained in
 12 the Accusation filed in this matter at a hearing held in accordance with the provisions of the
 13 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I, on behalf
 14 of WESTON RANCH REALTY, INC., also waive other rights afforded to WESTON RANCH
 15 REALTY, INC. in connection with the hearing such as the right to discovery, the right to present
 16 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.


17 3. I, as the authorized representative of WESTON RANCH REALTY, INC.,
 18 further agree on behalf of WESTON RANCH REALTY, INC., that upon acceptance by the
 19 Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
 20 obtained by the Department in this matter prior to the Commissioner's acceptance, and all
 21 allegations against WESTON RANCH REALTY, INC. contained in the Accusation filed in the
 22 Department Case No. H-5544 SAC, may be considered by the Department to be true and correct
 23 for the purpose of deciding whether to grant relicensure or reinstatement pursuant to Government
 24 Code Section 11522.

25 ///
 26 ///
 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


4. I, as the authorized representative of WESTON RANCH REALTY, INC.,
freely and voluntarily surrender all licenses and license rights of WESTON RANCH REALTY,
INC, under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct and that this declaration was executed Oct 8, 2011, at
Stockton, California.


STEPHEN RICHARD CLARK,
As the authorized representative of
WESTON RANCH REALTY, INC.

*I have reviewed this Declaration as to form and content and have advised my
client accordingly.*

10-10-11
DATED


FRANK M. BUDA, Esq.
Attorney for STEPHEN RICHARD CLARK
and WESTON RANCH REALTY, INC.

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0788 (Direct)
6 (916) 227-0789 (Main Office)
7 (916) 227-9458 (Fax Line)

FILED

JAN 31 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Accusation of)

13 WESTON RANCH REALTY INC.,)
14 STEPHEN RICHARD CLARK, and)
15 GERI MARIE TAYLOR,)

16 Respondents.)

NO. H- 5544 SAC

ACCUSATION

17
18 The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy Real
19 Estate Commissioner of the State of California, for cause of Accusation against WESTON RANCH
20 REALTY INC. (hereinafter "WRRRI"), STEPHEN RICHARD CLARK (hereinafter "CLARK"), and
21 GERI MARIE TAYLOR (hereinafter "TAYLOR") (collectively referred to herein as "Respondents")
22 is informed and alleges as follows:

23 1

24 WRRRI is presently licensed by the Department of Real Estate (hereinafter "the
25 Department") and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the
26 Business and Professions Code (hereinafter "the Code"), as a corporate real estate broker, and at all
27 times relevant herein was acting by and through CLARK as its designated officer broker.

1
2

2 At no time relevant herein did WRRI have the fictitious business name "Weston
3 Ranch Property Management" registered with the Department.

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

3 CLARK is presently licensed by the Department and/or has license rights under the
4 Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker.

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

8 At all times relevant herein, CLARK was licensed by the Department as the
9 designated officer broker of WRRI. As the designated officer broker, CLARK was responsible,
10 pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents,
11 real estate licensees and employees of WRRI for which a real estate license is required.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

13 TAYLOR is presently licensed by the Department and/or has license rights under the
14 Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker, and at all times relevant
15 herein was employed by WRRI.

16
17
18
19
20
21
22
23
24
25
26
27

17 Whenever reference is made in an allegation in this Accusation to an act or omission
18 of WRRI, such allegation shall be deemed to mean that the employees, agents and real estate
19 licensees employed by or associated with WRRI committed such act or omission while engaged in
20 furtherance of the business or operations of WRRI and while acting within the course and scope of
21 their authority and employment.

22
23
24
25
26
27

23 At all times herein mentioned, WRRI engaged in activities on behalf of others within
24 the State of California for or in expectation of compensation, for which a real estate license is
25 required under:

- 26 (a) Section 10131(a) of the Code, including the operation and conduct of a real
27 estate brokerage that included the sale or offer of sale, purchase or offer of

1 purchase, solicitation of prospective sellers and purchasers of, solicitation or
2 obtaining listings of, or negotiations of the purchase, sale or exchange of real
3 property or a business opportunity; and

4 (b) Section 10131(b) of the Code in the operation and conduct of a property
5 management business with the public wherein, on behalf of others, for
6 compensation or in expectation of compensation, WRRRI leased or rented and
7 offered to lease or rent, and placed for rent, and solicited listings of places
8 for rent, and solicited for prospective tenants of real property or
9 improvements thereon, and collected rents from real property or
10 improvements thereon.

11 FIRST CAUSE OF ACTION

12 Audit Violations
13 As Against WRRRI

14 8

15 Each and every allegation in Paragraphs 1 through 7, inclusive, above, is
16 incorporated by this reference as if fully set forth herein.

17 9

18 Beginning on or about August 25, 2009, and continuing intermittently until
19 September 23, 2009, an audit was conducted at TAYLOR's home office located at 9700 E. Jahant
20 Road, Acampo, California, wherein the Auditor examined WRRRI's records for the period of
21 January 1, 2008 through June 30, 2009 (hereinafter "the audit period").

22 10

23 While acting as a corporate real estate broker as described in Paragraph 7, above, and
24 within the audit period, WRRRI accepted or received funds in trust (hereinafter "trust funds") from or
25 on behalf of sellers, buyers, borrowers, lenders, and others in connection with the sale of residential
26 property, as well as owners and tenants in connection with the leasing, renting, and collection of
27 rents on real property or improvements thereon, as alleged herein, and thereafter from time-to-time
made disbursements of said trust funds.

The trust funds accepted or received by WRRI as described in Paragraph 10, above, were deposited or caused to be deposited by WRRI into a bank account maintained by WRRI for the handling of trust funds, and thereafter from time-to-time WRRI made disbursements of said trust funds, identified as follows:

BANK ACCOUNT # 1	
Bank Name and Location:	Bank of the West, 520 Carolyn Weston Ranch Road, Stockton, CA 95206
Account No.:	XXX-XXX351
Entitled:	"Weston Ranch Realty Inc"
Signatories:	Stephen R. Clark (REB), Geri Taylor (REB) and Janet Clark (Unlicensed)
No. of Signatures Required:	One

In the course of the activities described in Paragraph 7, above, and within the audit period, WRRI:

- (a) caused, suffered, or permitted the balance of funds in Bank Account #1 to be reduced to an amount which, as of June 30, 2009, was approximately \$14,715.96 less than the aggregate liability of Bank Account #1 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of Section 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (hereinafter "the Regulations");
- (b) while conducting property management activities, used the fictitious business name "Weston Ranch Property Management" which was not registered with the Department, in violation of Section 10159.5 of the Code and Section 2731 of the Regulations;

- 1 (c) failed to deposit the security deposit check collected from the tenants of
2 513 E. Churchill Street, Stockton, California, into Bank Account #1 within
3 three business days after receipt, in violation of Section 10145 of the Code
4 and Section 2832 of the Regulations;
- 5 (d) failed to maintain records of all trust funds received, including but not
6 limited to information identifying from whom trust funds were received,
7 for Bank Account #1, in violation of Section 10145 of the Code and
8 Section 2831 of the Regulations;
- 9 (e) failed to maintain separate records for each beneficiary or transaction,
10 sufficient to identify the transaction and the parties to the transaction, in
11 violation of Section 10145 of the Code and Section 2831.1 of the
12 Regulations;
- 13 (f) failed to perform the reconciliation of the sum of the separate beneficiary
14 records to the records of all trust funds received and disbursed on at least a
15 monthly basis for Bank Account #1, in violation of Section 2831.2 of the
16 Regulations;
- 17 (g) failed to designate Bank Account #1 as a trust fund account in the name
18 of WRRJ as trustee, in violation of Section 10145 of the Code and
19 Section 2832 of the Regulations;
- 20 (h) allowed JANET CLARK, an unlicensed individual who was not an
21 employee of WRRJ, to appear as a signatory on Bank Account #1, in
22 violation of Section 2834 of the Regulations;
- 23 (i) failed to retain for three years both front and back copies of all cancelled
24 checks issued on Bank Account #1 after September 30, 2008, in violation of
25 Section 10148 of the Code; and,
- 26 (j) failed to retain the source of deposit information for rent receipts collected
27 before November 24, 2008, in violation of Section 10148 of the Code.

1 13

2 The acts and/or omissions of WRI as alleged in Paragraph 12, above, constitute
3 grounds for the discipline of all licenses and license rights of WRI pursuant to Section 10177(d)
4 (Willful Disregard/Violation of Real Estate Law), and Section 10177(g) (Negligence/Incompetence
5 in Performing Act Requiring License) of the Code.

6 14

7 The acts and/or omissions of WRI as alleged in Paragraph 12, above, entitle the
8 Department to reimbursement of the costs of its audit pursuant to Section 10148(b) (Reimbursement
9 for Cost of Audit for Trust Fund Handling Violation) of the Code.

10 SECOND CAUSE OF ACTION

11 Audit Violations
12 As Against TAYLOR

13 15

14 Each and every allegation in Paragraphs 1 through 14, inclusive, above, is
15 incorporated by this reference as if fully set forth herein.

16 16

17 In the course of the activities described in Paragraph 7, above, TAYLOR received
18 trust funds in the form of a security deposit check in the amount of \$950.00 collected from the
19 tenants of 513 E. Churchill Street, Stockton, California ("the property"). TAYLOR failed to deliver
20 said trust funds to her broker, WRI, or at the broker's direction into the hands of the broker's
21 principal, into a neutral escrow depository, or into her broker's trust fund account in violation of
22 Section 10145, subdivision (c) of the Code, and Section 2832 of the Regulations.

23 17

24 The acts and/or omissions of TAYLOR as alleged in Paragraph 16, above,
25 constitute grounds for the discipline of all licenses and license rights of TAYLOR pursuant to
26 Section 10177(d) (Willful Disregard/Violation of Real Estate Law), and Section 10177(g)
27 (Negligence/Incompetence in Performing Act Requiring License) of the Code.

///

1 THIRD CAUSE OF ACTION

2 Failure to Supervise
3 As Against CLARK

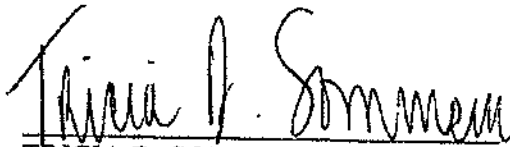
4 18

5 Each and every allegation in Paragraphs 1 through 17, inclusive, above, is
6 incorporated by this reference as if fully set forth herein.

7 19

8 CLARK, as the designated officer broker of WRRI, was required to exercise
9 reasonable supervision and control over the activities of WRRI and its employees. CLARK failed
10 to exercise reasonable supervision over the acts and/or omissions of WRRI and its employees in
11 such a manner as to allow the acts and/or omissions as described in Paragraphs 12 and 16, above, to
12 occur, all in violation of Section 10159.2 (Reasonable Supervision by Designated Officer) of the
13 Code and Section 2725 of the Regulations (Reasonable Supervision by Broker) which constitutes
14 cause for the discipline of all licenses and license rights of CLARK under Sections 10177(d)
15 (Willful Disregard/Violation of Real Estate Law), 10177(g) (Negligence/Incompetence in
16 Performing Act Requiring License) and 10177(h) (Failure to Exercise Reasonable Supervision) of
17 the Code.

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

23 

24 TRICIA D. SOMMERS
25 Deputy Real Estate Commissioner

26 Dated at Sacramento, California

27 this 21st day of January, 2011.