

FILED

MAR 15 2024

DEPT OF REAL ESTATE

By: [REDACTED]

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982  
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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation Against

12 EPIC REAL ESTATE AND MANAGEMENT, INC;  
13 ROY OWEN WANNAMAKER, individually and as  
14 Designated Officer of Epic Real Estate and  
Management, Inc,

15 Respondents.  
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) DRE No. H-05733 SD  
) OAH No. 2023100525

) STIPULATION AND AGREEMENT  
) IN SETTLEMENT AND ORDER

17 It is hereby stipulated by and between Respondents EPIC REAL ESTATE AND  
18 MANAGEMENT, INC and ROY OWEN WANNAMAKER, individually and as Designated  
19 Officer of Epic Real Estate and Management, Inc (sometimes collectively referred to as  
20 "Respondents") and the Complainant, acting by and through Judith A. Buranday, Counsel for the  
21 Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation  
22 ("Accusation") filed on May 25, 2023, 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 of  
27 this Stipulation and Agreement ("Stipulation").

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

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

4                   3. Respondents filed a Notice of Defense pursuant to Section 11506 of the  
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
7 acknowledge that they understand that by withdrawing said Notice of Defense they thereby  
8 waive their right to require the Commissioner to prove the allegations in the Accusation at a  
9 contested hearing held in accordance with the provisions of the APA and that they will waive  
10 other rights afforded to them in connection with the hearing such as the right to present evidence  
11 in their defense, and the right to cross-examine witnesses.

12                   4. Respondents hereby admit that the factual allegations of the Accusation filed  
13 in this proceeding are true and correct and the Real Estate Commissioner shall not be required to  
14 provide further evidence of such allegations.

15                   5. This Stipulation is made for the purpose of reaching an agreed disposition of  
16 this proceeding and is expressly limited to this proceeding and not any other proceeding or case  
17 in which the Department, or another licensing agency of this state, another state, or the federal  
18 government is involved, and otherwise shall not be admissible in any criminal or civil  
19 proceeding.

20                   6. It is understood by the parties that the Real Estate Commissioner may adopt  
21 this Stipulation as her Decision in this matter thereby imposing the penalty and sanctions on  
22 Respondents’ real estate licenses and license rights as set forth in the below “Order.” In the event  
23 that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall be  
24 void and of no effect and Respondents shall retain the right to a hearing and proceed on the  
25 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver  
26 made herein.

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1                   7. The Order or any subsequent Order of the Real Estate Commissioner made  
2 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
3 administrative or civil proceedings by the Department with respect to any matters which were  
4 not specifically alleged to be causes for accusation in this proceeding.

5                                           DETERMINATION OF ISSUES

6                   By reason of the foregoing, it is stipulated and agreed that the following  
7 determination of issues shall be made:

8                   The conduct, acts or omissions of Respondents, as set forth in the Accusation, are  
9 in violation of Code sections 10145, 10159.2, 10176(e), and 10176(g) and Sections 2725, 2831,  
10 2831.1, 2831.2, and 2832.1 of Title 10, Chapter 6 of the California Code of Regulations  
11 ("Regulations") and are a basis for discipline of Respondents' licenses and licensing rights  
12 pursuant to Code sections 10177(d), 10177(g), and/or 10177(h).

13                                           ORDER

14                   WHEREFORE, THE FOLLOWING ORDER is hereby made:

15                                           I.

16                   All licenses and licensing rights of Respondents EPIC REAL ESTATE AND  
17 MANAGEMENT, INC and ROY OWEN WANNAMAKER under the Real Estate Law are  
18 suspended for a period of thirty (30) days from the effective date of this Decision; provided,  
19 however, that all thirty (30) days of said suspension shall be stayed upon the following terms and  
20 conditions:

- 21                   1. Respondents shall obey all laws, rules and regulations governing the rights,  
22 duties and responsibilities of a real estate licensee in the State of California; and  
23                   2. That no final subsequent determination be made, after hearing or upon  
24 stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of  
25 this Decision. Should such a determination be made, the Commissioner may, in her discretion,  
26 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should  
27 no such determination be made, the stay imposed herein shall become permanent.

(AUDIT COSTS)

II.

Pursuant to Code section 10148, Respondents shall, jointly and severally, pay the Commissioner's reasonable costs for the audit which led to this disciplinary action in the amount of \$10,238.98. Respondents shall pay such costs within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

III.

Pursuant to Code section 10148 of the Code, Respondents shall, jointly and severally, pay the Commissioner's reasonable costs not to exceed \$12,798.73 for a subsequent audit to determine if Respondents have corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable costs, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondents shall pay such costs within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate license shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

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1 (INVESTIGATION and ENFORCEMENT COSTS)

2 IV.

3 Respondents shall, jointly and severally, pay the Commissioner's reasonable costs  
4 of the investigation and enforcement which led to this disciplinary action. The total amount of  
5 said investigation (\$273.65) and enforcement (\$499.20) costs is \$772.85. Said payment shall be  
6 in the form of a cashier's check made payable to the Department of Real Estate. The  
7 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag  
8 Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
9 Decision and Order. If Respondents fail to pay the costs of the investigation and enforcement in  
10 accordance with the terms and conditions of the Decision and Order, all licenses and license  
11 rights of Respondents shall be automatically suspended unless or until Respondent pays the costs  
12 of the investigation and enforcement.

13 (TRUST FUND ACCOUNTING AND HANDLING COURSE)

14 V.

15 Respondent ROY OWEN WANNAMAKER further agrees to provide proof  
16 satisfactory to the Commissioner of having taken and successfully completed the continuing  
17 education course on trust fund accounting and handling as specified in Paragraph (3) of  
18 subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of  
19 this requirement includes evidence that Respondent has successfully completed the trust fund  
20 accounting and handling continuing education course within one hundred and twenty (120)  
21 days prior to the effective date of the Decision and Order in this matter. Proof of completion of  
22 the trust fund accounting and handling course must be delivered to the Department of Real Estate,  
23 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, within thirty (30) days from the  
24 effective date of this Decision and Order.

25 DATED: 1-29-2024

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27 Judith A. Buranday, Counsel for  
Department of Real Estate

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Respondents shall mail the original signed signature page of the stipulation herein to Judith A. Buranday, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

Respondents' signatures below constitute acceptance and approval of the terms and conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing this Stipulation, Respondents are bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

1 DATED: 1/29/2024

2 [REDACTED]  
3 EPIC REAL ESTATE AND MANAGEMENT, INC  
4 Respondent  
5 By: Roy Wannamaker

6 DATED: 1/29/2024

7 [REDACTED]  
8 ROY OWEN WANNAMAKER, individually and  
9 as Designated Officer of Epic Real Estate and Management  
10 Inc., Respondent

11 \* \* \*

12 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
13 Respondents EPIC REAL ESTATE AND MANAGEMENT, INC and ROY OWEN  
14 WANNAMAKER and shall become effective at 12 o'clock noon on APR - 4 2024.

15 IT IS SO ORDERED 3/4/2024.

16 CHIKA SUNQUIST  
17 REAL ESTATE COMMISSIONER

18 [REDACTED]  
19 By: Marcus L. McCarther  
20 Chief Deputy Real Estate Commissioner