

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 576-8700
5 Direct: (916)576-7848
6 Email: Richard.Uno@dre.ca.gov

FILED
JUN 19 2024
DEPARTMENT OF REAL ESTATE
By J. Taggart

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)
12) NO. H-7236 SAC
13 FOX REALTY & MANAGEMENT, INC.,)
14 MID-CAL PROPERTY MANAGEMENT,)
15 and COLIN LIGHTFOOT,) STIPULATION AND AGREEMENT IN
16) SETTLEMENT AND ORDER
17 Respondents.)
18)

16 It is hereby stipulated by and between Respondents FOX REALTY &
17 MANAGEMENT, INC. (FRM), MID-CAL PROPERTY MANAGEMENT (MPM) and COLIN
18 LIGHTFOOT (LIGHTFOOT), (Respondents), their attorney, Frank Buda, and the Complainant,
19 acting by and through Richard K. Uno, Counsel for the Department of Real Estate (Department),
20 as follows for the purpose of settling and disposing of the Accusation filed on July 6, 2023, in
21 this matter:

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

4 3. Respondents filed a Notice of Defense pursuant to Section 11505 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 Respondents understand that by withdrawing said Notice of Defense,
8 Respondents will thereby waive Respondents' right to require the Real Estate Commissioner
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 these
15 factual allegations, but to remain silent and understand that, as a result thereof, these factual
16 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
17 forth below. The Commissioner shall not be required to provide further evidence to prove such
18 allegations.

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

23 6. It is understood by the parties that the Commissioner may adopt this
24 Stipulation as her decision in this matter, thereby imposing the penalty and sanctions on
25 Respondents' real estate licenses and license rights as set forth in the "Order" below. In the
26 event that the Commissioner in his discretion does not adopt this Stipulation, it shall

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1 be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on
2 the Accusation under all of the provisions of the APA and shall not be bound by any admission
3 or waiver made herein.

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

8 8. In lieu of proceeding in this matter in accordance with the provisions of
9 the APA, FRM wishes to voluntarily surrender its corporate real estate broker license issued by
10 the Department, pursuant to Section 10100.2 of the Code.

12 9. FRM understands that by so voluntarily surrendering its license, it may be
13 re-licensed as a broker only by petitioning for reinstatement pursuant to Section 11522 of the
14 Government Code. FRM also understands that by so voluntarily surrendering it's license, it
15 agrees to the following:

17 A. The filing of this Stipulation and Agreement shall be deemed as FRM's
18 declaration and petition for voluntary surrender.

19 10. FRM further agrees that upon acceptance by the Commissioner, as
20 evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the
21 Department in this matter prior to the Commissioner's acceptance, and all allegations contained
22 in the Accusation filed in the Department Case No. H-7236 SAC may be considered by the
23 Department to be true and correct for the purpose of deciding whether to grant re-licensure or
24 reinstatement pursuant to Government Code Section 11522.

25 11. FRM freely and voluntarily surrenders all its licenses and license rights
26 under the Real Estate Law.

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1 12. Respondents understand that by agreeing to this Stipulation,
2 Respondents, pursuant to Section 10106 of the Code, Respondents agree to pay the cost of the
3 investigation which resulted in the determination that Respondents committed the violations
4 found in the Determination of Issues. The amount of said costs is \$3,720.25.

5 13. Respondents understand that by agreeing to this Stipulation,
6 Respondents agree to pay, pursuant to Section 10148 of the Code, the cost of the audit which
7 resulted in the violation(s) found in the Determination of Issues. The amount of such costs is
8 \$9,950.25.

9 14. Respondents further understand that by agreeing to this Stipulation, the
10 findings set forth below in the "Determination of Issues" become final, and that the
11 Commissioner may charge said Respondents for the costs of any audit conducted pursuant to
12 Section 10148 of the Code to determine if the violations have been corrected. The maximum
13 cost of said audit shall not exceed \$12,437.81.

14 DETERMINATION OF ISSUES

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

18 1. The acts and omissions of Respondents FRM and MPM, as described in
19 the Accusation, are grounds for the suspension or revocation of the licenses and license rights
20 of Respondent FRM and MPM under the provisions of Section 10177(g) of the Code.

21 2. The acts and omissions of Respondent LIGHTFOOT, as described in the
22 Accusation, are grounds for the suspension or revocation of the licenses and license rights of
23 Respondent LIGHTFOOT under the provisions of Section 10177(h) of the Code.

24 ORDER

25 I. FOX REALTY & MANAGEMENT, INC.

26 FRM's petition for voluntary surrender of its corporate real estate broker license
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1 is accepted as of the effective date of this Order as set forth below, based upon the understanding
2 and agreement expressed in FRM's Declaration incorporated herein as part of this Stipulation
3 and Agreement. FRM's license certificates, pocket cards and any branch office license
4 certificates shall be sent to the below listed address so that they reach the Department on or
5 before the effective date of this Order:

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7 DEPARTMENT OF REAL ESTATE
8 Attn: Licensing Flag Section
9 P. O. Box 137000
10 Sacramento, CA 95813-7000

11 II. MID-CAL PROPERTY MANAGEMENT

12 a. All licenses and licensing rights of Respondent MPM under the Real
13 Estate Law are suspended for a period of sixty (60) days from the effective date of this
14 Stipulation; provided, however, that:

15 i. Thirty (30) days of said suspension shall be stayed, upon the
16 condition that Respondent MPM petitions pursuant to Section 10175.2 of the Code and pays a
17 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of
18 the suspension for a total monetary penalty of \$1,500.00.

19 1. Said payment shall be in the form of a cashier's check
20 made payable to the Department of Real Estate. Said check must be delivered to the
21 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
22 prior to the effective date of this Order.

23 2. No further cause for disciplinary action against the Real
24 Estate licenses of Respondent MPM occurs within two (2) years from the effective date of the
25 Stipulation in this matter.
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1 3. If Respondent MPM fails to pay the monetary penalty as
2 provided above prior to the effective date of this Stipulation, the suspension shall go into effect
3 automatically.

4 4. If Respondent MPM timely pays the monetary penalty
5 and any other moneys due under this Stipulation; and if no further cause for disciplinary action
6 against the real estate license of Respondent MPM occurs within two (2) years from the
7 effective date of this Stipulation, the entire stay hereby granted pursuant to this Stipulation, as
8 to MPM only, shall become permanent.

9 b. The remaining thirty (30) days of said suspension shall also be stayed
10 for two (2) years upon the following terms and conditions:

11 i. Respondent MPM shall obey all laws, rules and regulations
12 governing the rights, duties and responsibilities of a real estate licensee in the State of
13 California; and,

14 ii. That no final subsequent determination be made, after hearing or
15 upon stipulation, that cause for disciplinary action occurred within two (2) years from the
16 effective date of this Stipulation. Should such a determination be made, the Commissioner
17 may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the
18 stayed suspension. Should no such determination be made, the stay imposed herein shall
19 become permanent.

20 III. COLIN LIGHTFOOT

21 a. All licenses and licensing rights of Respondent LIGHTFOOT under the
22 Real Estate Law are suspended for a period of sixty (60) days from the effective date of this
23 Stipulation; provided, however, that:

24 i. Thirty (30) days of said suspension shall be stayed, upon the
25 condition that Respondent LIGHTFOOT petitions pursuant to Section 10175.2 of the Code and
26 pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each
27 day of the suspension for a total monetary penalty of \$1,500.00.

1 1. Said payment shall be in the form of a cashier's check
2 made payable to the Department of Real Estate. Said check must be delivered to the
3 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
4 prior to the effective date of this Order.

5 2. No further cause for disciplinary action against the Real
6 Estate licenses of Respondent LIGHTFOOT occurs within two (2) years from the effective
7 date of the Stipulation in this matter.

8 3. If Respondent LIGHTFOOT fails to pay the monetary
9 penalty as provided above prior to the effective date of this Stipulation, the suspension shall go
10 into effect automatically.

11 4. If Respondent LIGHTFOOT timely pays the monetary
12 penalty and any other moneys due under this Stipulation; and if no further cause for
13 disciplinary action against the real estate license of Respondent LIGHTFOOT occurs within
14 two (2) years from the effective date of this Stipulation, the entire stay hereby granted pursuant
15 to this Stipulation, as to LIGHTFOOT only, shall become permanent.

16 b. The remaining thirty (30) days of said suspension shall also be stayed
17 for two (2) years upon the following terms and conditions:

18 i. Respondent LIGHTFOOT shall obey all laws, rules and
19 regulations governing the rights, duties and responsibilities of a real estate licensee in the State
20 of California; and,

21 ii. 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 Stipulation. Should such a determination be made, the Commissioner
24 may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the
25 stayed suspension. Should no such determination be made, the stay imposed herein shall
26 become permanent.
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1 IV. RESPONDENTS MID-CAL PROPERTY MANAGEMENT and COLIN
2 LIGHTFOOT

3 1. Pursuant to Section 10148 of the Code, Respondents shall jointly and
4 severally pay the sum of \$9,950.25 for the Commissioner's cost of the audit which led to this
5 disciplinary action. Respondents shall pay such cost within six months of receiving an invoice
6 therefore from the Commissioner. Payment of audit costs should not be made until Respondents
7 receive the invoice. If Respondents fail to satisfy this condition in a timely manner as provided
8 for herein, Respondents' real estate licenses shall automatically be suspended until payment is
9 made in full, or until a decision providing otherwise is adopted following a hearing held pursuant
10 to this condition.

11 2. Pursuant to Section 10148 of the Code, Respondents shall jointly and
12 severally pay the Commissioner's reasonable cost, not to exceed \$12,437.81, for an audit to
13 determine if Respondents have corrected the violation(s) found in the "Determination of Issues".
14 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
15 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
16 include an allocation for travel time to and from the auditor's place of work. Respondents shall
17 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
18 Payment of the audit costs should not be made until Respondents receive the invoice. If
19 Respondents fail to satisfy this condition in a timely manner as provided for herein,
20 Respondents' real estate licenses shall automatically be suspended until payment is made in full,
21 or until a decision providing otherwise is adopted following a hearing held pursuant to this
22 condition.

23 3. All licenses and licensing rights of MID-CAL PROPERTY MANAGEMENT
24 and COLIN LIGHTFOOT are indefinitely suspended unless or until Respondents pay the sum of
25 \$3,720.25 for the Commissioner's reasonable cost of the investigation which led to this
26 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
27 Department of Real Estate. The investigative and enforcement costs must be delivered to the

1 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior
2 to the effective date of this Stipulation.

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4 4/29/24

5 DATED

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Richard K. Uno, Counsel
Department of Real Estate

I have read the Stipulation and Order in Settlement and Order 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 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges. Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Order by emailing a copy of the signature page, as actually signed by Respondents, to the Department at Richard.Uno@dre.ca.gov. Respondents agree, acknowledge and understand that by electronically sending to the Department an electronic copy of Respondents' actual signatures as they appear on the Stipulation and Order, that receipt of the electronic copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation and Order.


4/23/24

DATED

FOX REALTY & MANAGEMENT, INC.,
Respondent
COLIN LIGHTFOOT,
Designated Officer of Respondent

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4/23/24
DATED


MID-CAL PROPERTY MANAGEMENT,
Respondent
COLIN LIGHTFOOT,
Designated Officer of Respondent

4/23/24
DATED


COLIN LIGHTFOOT,
Respondent

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

4.23.2024
DATED


FRANK BUDA
Attorney for Respondents

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The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by me as my Decision in this matter as to Respondents FOX REALTY & PROPERTY, INC., MID-CAL PROPERTY MANAGEMENT and COLIN LIGHTFOOT, and shall become effective at 12 o'clock noon on JUL 09 2024.

IT IS SO ORDERED 6/17/2024

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther, Chief Deputy
Real Estate Commissioner