

FILED
MAR 15 2001
DEPARTMENT OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
STEPHEN LANCE PARKER,) NO. H-26076 LA
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 17, 1995, a Decision was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 14, 1996 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On June 15, 2000, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof including
3 Respondent's record as a restricted licensee. Respondent
4 has demonstrated to my satisfaction that Respondent meets
5 the requirements of law for the issuance to Respondent of an
6 unrestricted real estate broker license and that it would
7 not be against the public interest to issue said license to
8 STEPHEN LANCE PARKER.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for reinstatement is granted and that a real estate
11 broker license be issued to Respondent if Respondent
12 satisfies the following conditions within nine (9) months
13 from the date of this Order:

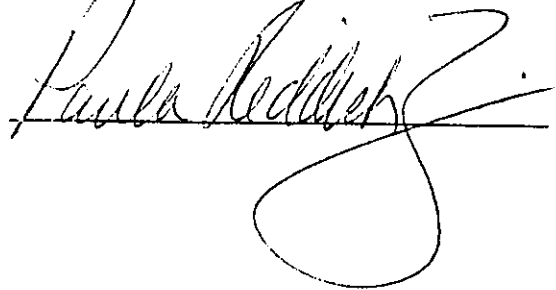
14 1. Submittal of a completed application and
15 payment of the fee for a real estate broker license.

16 2. Submittal of evidence of having, since the
17 most recent issuance of an original or renewal real estate
18 license, taken and successfully completed the continuing
19 education requirements of Article 2.5 of Chapter 3 of the
20 Real Estate Law for renewal of a real estate license.

21 This Order shall become effective immediately.

22 DATED: March 8, 2001.

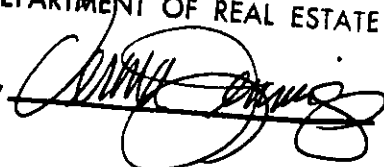
23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 
26
27

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012

4 (213) 897-3937

FILED
NOV 29 1995
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-26076 LA
12 STEPHEN LANCE PARKER,)
13) STIPULATION AND AGREEMENT
14) IN
15) SETTLEMENT AND ORDER
16 Respondent.)

17 It is hereby stipulated by and between STEPHEN LANCE
18 PARKER (sometimes referred to as respondent), and the Complainant,
19 acting by and through Elliott Mac Lennan, Counsel for the
20 Department of Real Estate, as follows for the purpose of settling
21 and disposing of the Accusation filed on March 3, 1995 in this
22 matter:

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

1 submitted solely on the basis of the provisions of this
2 Stipulation.

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

7 3. Respondent timely filed a Notice of Defense pursuant
8 to Section 11505 of the Government Code for the purpose of
9 requesting a hearing on the allegations in the Accusation.

10 Respondent hereby freely and voluntarily withdraws said Notice of
11 Defense. Respondent acknowledges that he understands that by
12 withdrawing said Notice of Defense he thereby waives his right to
13 require the Commissioner to prove the allegations in the
14 Accusation at a contested hearing held in accordance with the
15 provisions of the APA and that he will waive other rights afforded
16 to him in connection with the hearing such as the right to present
17 evidence in defense of the allegations in the Accusation and the
18 right to cross-examine witnesses.

19 4. This Stipulation and Agreement in Settlement and
20 Order (Stipulation) is based on the factual allegations contained
21 in the Accusation. In the interest of expedience and economy,
22 respondent chooses not to contest these allegations, but to remain
23 silent and understands that, as a result thereof, these factual
24 allegations, without being admitted or denied, will serve as a
25 prima facie basis for the disciplinary action stipulated to
26 herein. This Stipulation is based on respondent's decision not to
27 contest the Accusation. The Real Estate Commissioner shall not be

1 required to provide further evidence to prove said factual
2 allegations.

3 5. This Stipulation is based on respondent's decision
4 not to contest the allegations set forth in the Accusation as a
5 result of the agreement negotiated between the parties. This
6 Stipulation, based on respondent's decision not to contest the
7 Accusation, is expressly limited to this proceeding and any
8 further proceeding initiated by or brought before the Department
9 of Real Estate based upon the facts and circumstances alleged in
10 the Accusation, and made for the sole purpose of reaching an
11 agreed disposition of this proceeding. The decision of respondent
12 not to contest the factual statements alleged, and as contained in
13 the stipulated Order, is made solely for the purpose of
14 effectuating this Stipulation. It is the intent and understanding
15 of the parties that this Stipulation shall not be binding or
16 admissible against respondent in any actions against respondent by
17 third parties.

18 6. It is understood by the parties that the Real Estate
19 Commissioner may adopt the Stipulation as his decision in this
20 matter thereby imposing the penalty and sanctions on respondent's
21 real estate licenses and license rights as set forth in the
22 "Order" hereinbelow. In the event that the Commissioner in his
23 discretion does not adopt the Stipulation, the Stipulation shall
24 be void and of no effect, and respondent shall retain the right to
25 a hearing and proceeding on the Accusation under the provisions of
26 the APA and shall not be bound by any admission or waiver made
27 herein.

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

7 8. The below Determination of Issues contains a
8 determination that respondent has violated Section 10145 of the
9 Business and Profession Code (Code) and Regulations 2830 and 2831.
10 Respondent is aware that by agreeing to this Stipulation and
11 Agreement In Settlement and Order, if the findings set forth below
12 in the Determination of Issues become final, the Commissioner may
13 charge respondent for the costs of any audit conducted pursuant to
14 Section 10148 of the Code to determine if respondent brokerage
15 business or businesses are in compliance with the Real Estate law.
16 The maximum cost of said audit will not exceed \$3,100.

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations, admissions and
19 waivers and solely for the purpose of settlement of the pending
20 Accusation without a hearing, it is stipulated and agreed that the
21 following determination of issues shall be made:

22 I

23 The conduct of respondent, as described in Paragraph 4
24 is cause to suspend or revoke the real estate license and license
25 rights of respondent under the provisions of Sections 10177(g) and
26 10177(d) of the Code for violations of Sections 10145 and 10240 of
27

1 the Code and Regulations 2830 and 2831 of Chapter 6, Title 10,
2 California Code of Regulations.

3 ORDER

4 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
5 WRITTEN STIPULATION OF THE PARTIES:

6 I

7 The real estate broker license and license rights of
8 respondent STEPHEN LANCE PARKER under the Real Estate Law (Part 1
9 of Division 4 of the Business and Professions Code) are hereby
10 revoked.

11 However, respondent shall be entitled to apply for and
12 be issued a restricted real estate broker license if he makes
13 application therefor and pays to the Department of Real Estate the
14 appropriate fee for said license within ninety (90) days of the
15 effective date of the Stipulation herein.

16 The restricted real estate broker license issued to
17 respondent shall be subject to all of the provisions of Section
18 10156.7 of the Business and Professions Code and the following
19 limitations, conditions and restrictions imposed under authority
20 of Section 10156.6 of the Code:

21 A. As a condition precedent to the issuance of any
22 restricted real estate broker license, respondent shall provide
23 evidence satisfactory to the Real Estate Commissioner that he has
24 paid to Mr. & Mrs. Kenneth Eppler the sum of \$160 and that the
25 violations cited in Paragraph VII of the Accusation have been
26 corrected.

1 B. The restricted license may be suspended prior to
2 hearing by Order of the Real Estate Commissioner in the event of
3 respondent's conviction (including conviction of a plea of nolo
4 contendere) to a crime which bears a significant relationship to
5 respondent's fitness or capacity as a real estate licensee.

6 C. The restricted license may be suspended prior to
7 hearing by Order of the Real Estate Commissioner on evidence
8 satisfactory to the Commissioner that respondent has, after the
9 effective date of the Order herein, violated provisions of the
10 California Real Estate Law, the Subdivided Lands Law, Regulations
11 of the Real Estate Commissioner or conditions attaching to said
12 restricted license.

13 D. Respondent shall obey all laws of the United States,
14 the State of California and its political subdivisions, and shall
15 further obey and comply with all rules and regulations of the Real
16 Estate Commissioner.

17 E. Respondent shall not be eligible for the issuance of
18 an unrestricted real estate license nor the removal of any of the
19 conditions, limitations or restrictions of the restricted license
20 until at least two year has elapsed from the effective date of the
21 Decision.

22 F. Respondent shall pay, pursuant to Section 10148 of
23 the Business and Professions Code, the Commissioner's reasonable
24 cost for an audit to determine if respondent is in compliance
25 with the Real Estate Law. In calculating the amount of the
26 Commissioner's reasonable costs, the Commissioner may use the
27 estimated average hourly salary for all Department audit section

1 personnel performing audits of real estate brokers, and shall
2 include an allocation for travel costs, including mileage, time to
3 and from the auditor's place of work, and per diem in total amount
4 not to exceed \$3,100.

5 (a) Respondent shall pay such cost within 45 days of
6 receipt of an invoice from the Commissioner detailing the
7 activities performed during the audit and the amount of time spend
8 performing those activities;

9 (b) If respondent fails to pay, within forty-five (45)
10 days from receipt of the invoice specified above, the
11 Commissioner's reasonable costs for an audit to determine if
12 respondent has corrected the violations found in paragraph "I" of
13 the Determination of Issues, the Commissioner may order the
14 indefinite suspension of respondent's real estate licenses and
15 license rights. The suspension shall remain in effect until
16 payment is made in full, or until respondent enters into an
17 agreement satisfactory to the Commissioner to provide for such
18 payment. The Commissioner may impose further reasonable
19 disciplinary terms and conditions upon respondent's real estate
20 license and license rights as part of any such agreement.

21 DATED: 10-5-95

22 elliott mac lennan
23 ELLIOTT MAC LENNAN
24 Counsel for Complainant

25 * * * *

26 I have read the Stipulation In Settlement and Order and
27 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

1 California Administrative Procedure Act (including but not limited
2 to Sections 11506, 11508, 11509 and 11513 of the Government Code),
3 and I willingly, intelligently and voluntarily waive those rights,
4 including the right of requiring the Commissioner to prove the
5 allegations in the Accusation at a hearing at which I would have
6 the right to cross-examine witnesses against me and to present
7 evidence in defense and mitigation of the charges.

8 DATED: 10-13-95

Stephen Lance Parker
STEPHEN LANCE PARKER
Respondent

9
10 * * * *

11 The foregoing Stipulation and Agreement in Settlement
12 and Order is hereby adopted by the Commissioner as Stipulation and
13 Order and shall become effective at 12 o' clock noon on
14 December 19, 1995.

15 11-17
16 IT IS SO ORDERED _____, 1995.

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20 JIM ANTT JR.
21 Real Estate Commissioner

22 Jr. Antt Jr.
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SACD.
Flag

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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APR 13 1995
DEPARTMENT OF REAL ESTATE

* * * *

In the Matter of the Accusation of)

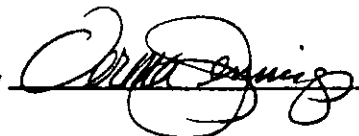
STEPHEN LANCE PARKER,)

Respondent.)

Case No. H-26076 LA

OAH No. L-9503226

By



NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 314 West First Street, Los Angeles, California, on July 21, 1995, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

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.

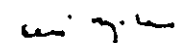
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: April 13, 1995.

DEPARTMENT OF REAL ESTATE

cc: Stephen Lance Parker
Sacto.
OAH
RL


ELLIOTT MAC LENNAN, Counsel

ASTD.
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1 ELLIOTT MAC LENNAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
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6 (213) 897-3937
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MAR - 3 1995
DEPARTMENT OF REAL ESTATE

By *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-26076 LA
12 STEPHEN LANCE PARKER,) A C C U S A T I O N
13 Respondent.)
14

15 The Complainant, Steven J. Ellis, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against STEPHEN LANCE PARKER, dba Sunwest Financial & Real Estate
18 Services and dba Sunwest Mortgage, is informed and alleges in his
19 official capacity as follows:

20 I

21 STEPHEN LANCE PARKER (PARKER), or sometimes referred to
22 as respondent, is presently licensed and/or has license rights
23 under the Real Estate Law (Part 1 of Division 4 of the California
24 Business and Professions Code).

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26 /

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II

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Chapter 6, Title 10, California Code of Regulations.

III

PARKER is presently licensed and/or has license rights under the Real Estate Law. At all mentioned times and since August 8, 1979, PARKER was licensed as a real estate broker by the Department of Real Estate (Department).

IV

At all times herein mentioned, in the city of Monrovia, Los Angeles County, respondent:

(1) engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker, within the meaning of Section 10131(a) of the Code in that he operated a real estate sale business with the public wherein, on behalf of others and for compensation or in expectation of compensation, respondent sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property; and

(2) engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker, within the meaning of Section 10131(d) of the Code, including the operation of a mortgage loan brokerage business with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such

1 loans were arranged, negotiated, processed and consummated on
2 behalf of others for compensation or in expectation of
3 compensation often collected in advance.

4 V

5 At all mentioned times, in connection with the
6 activities described in Paragraph IV, above, respondent accepted
7 or received funds in trust (trust funds) (1) from or on behalf
8 of actual or prospective buyers and sellers, and thereafter made
9 disposition of such funds; and (2) from or on behalf of
10 borrowers and lenders and thereafter made disbursements of such
11 funds including credit reports and appraisal fees. Respondent
12 does not maintain a trust account.

13 VI

14 On or about October 12, 1994, the Department completed
15 an examination of the books and records pertaining to the
16 activities described in Paragraph IV, above, for the period
17 beginning on January 1, 1992, and ending on September 30, 1994,
18 which revealed violations of the Code and the Regulations as set
19 forth in the following paragraphs.

20 VII

21 With respect to the trust funds referred to in Paragraph
22 V, it is alleged that respondent:

23 (a) Deposited a \$1,200 security deposit from the Eppler
24 lease transaction into his general account, in violation of
25 Section 10145 of the Code and Regulation 2830.

26 (b) Failed to maintain a control record for the daily
27 balance of the receipt and disposition of all trust funds received

1 by respondent in the form of credit reports and appraisal fees, as
2 required by Regulation 2831.

3 VIII

4 The conduct of respondent described in Paragraph VII
5 constitutes cause for the suspension or revocation of the real
6 estate license and license rights of respondent under the
7 provisions of Section 10177(d) of the Code.

8 IX

9 In connection with the Eppler lease transaction cited in
10 Paragraph VII, respondent's agreement called for him to receive,
11 as his commission, 6% of the monthly rent collected each month for
12 six months. Despite this agreement, respondent collected, in
13 advance, 6% of the rent to be collected, in the future, for a nine
14 month period. This conduct is dishonest and/or incompetent and
15 cause exists to revoke or suspend respondent's license per
16 Sections 10176(i) and 10177(g) of the Code.

17 X

18 In connection with the activities described above in
19 Paragraph IV, respondent failed to provide a statement in writing
20 containing all the information required by Section 10241 of the
21 Code to borrowers while doing business as Sunwest Mortgage before
22 said borrowers became obligated to perform under the terms of
23 their respective loans. This conduct constitutes a violation of
24 Section 10240 of the Code and Regulation 2840 and is cause to
25 suspend or revoke respondent's real estate license and license
26 rights under Section 10177(d) of the Code.

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XI

The audit examination further revealed that respondent used the fictitious names of "Sunwest Financial & Real Estate Services" and "Sunwest Mortgage" to conduct residential resale and mortgage loan activities on behalf of others without holding a license bearing these fictitious business names. The conduct of respondent in failing to obtain licenses for use of the aforesaid names is in violation of Regulation 2731 and is cause to suspend or revoke respondent's real estate license and license rights under Section 10177(d) of the Code.

XII

The conduct of respondent, in violating Sections 10145 and 10240 of the Code and Regulations 2731, 2831 and 2840, as described above in Paragraphs IV through X, constitutes negligence or incompetence in violation of Section 10177(g) of the Code. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of respondent.

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations made by the Accusation and, that upon proof
3 thereof, a decision be rendered imposing disciplinary action
4 against the license and license rights of respondent STEPHEN LANCE
5 PARKER under the Real Estate Law (Part 1 of Division 4 of the
6 Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.
8 Dated at Los Angeles, California
9 this 3rd day of March, 1995.

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11 
12 Deputy Real Estate Commissioner
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25 cc: Stephen Lance Parker
26 Sacto.
27 RL