

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, CA 90012
4 (213) 897-3937
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FILED
JUL 18 1996
DEPARTMENT OF REAL ESTATE

By Laura B. Orger

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-26465 LA
12 NORMAN WAYNE MEAD,) STIPULATION AND
13) AGREEMENT IN
14 Respondent.) SETTLEMENT AND ORDER
15

16 It is hereby stipulated by and between NORMAN WAYNE
17 MEAD (sometimes referred to as Respondent), and his attorney
18 Timothy McCandless, and the Complainant, acting by and through
19 James R. Peel, Counsel for the Department of Real Estate, as
20 follows, for the purpose of settling and disposing of the
21 Accusation filed on February 7, 1996 in this matter.

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

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

5 3. On February 13, 1996, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that he
10 understands that by withdrawing said Notice of Defense he will
11 thereby waive his right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he will waive
14 other rights afforded to him in connection with the hearing,
15 such as the right to present evidence in defense of the
16 allegations in the Accusation and the right to cross-examine
17 witnesses.

18 4. Respondent, pursuant to the limitations set forth
19 below, although not admitting or denying the truth of the
20 allegations, will not contest the factual allegations contained
21 in the Accusation filed in this proceeding and the Real Estate
22 Commissioner shall not be required to provide further evidence
23 of such allegations.

24 5. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement in
26 Settlement as his decision in this matter thereby imposing the
27 penalty and sanctions on Respondent's real estate license and
license rights as set forth below in the "Order". In the event

1 that the Commissioner in his discretion does not adopt the
2 Stipulation and Agreement in Settlement, it shall be void and of
3 no effect, and Respondent shall retain the right to a hearing
4 and proceeding on the Accusation under all the provisions of the
5 APA and shall not be bound by any stipulation or waiver made
6 herein.

7 6. The Order or any subsequent Order of the Real
8 Estate Commissioner made pursuant to this Stipulation and
9 Agreement in Settlement shall not constitute an estoppel, merger
10 or bar to any further administrative or civil proceedings by the
11 Department of Real Estate with respect to any matters which were
12 not specifically alleged to be causes for accusation in this
13 proceeding.

14 7. The foregoing stipulations are made by Respondent
15 and received by the Commissioner and the Department of Real
16 Estate with the express understanding and agreement that they
17 are for the purposes of settling these proceedings only and that
18 these stipulations are not intended as, and shall not be deemed,
19 used, or accepted as an acknowledgment or stipulations in any
20 other civil or administrative proceeding to which this
21 Department is not a party.

22 DETERMINATION OF ISSUES

23 By reason of the foregoing stipulations and waivers
24 and solely for the purpose of settlement of the pending
25 Accusation without a hearing, it is stipulated and agreed that
26 the following determination of issues shall be made:

The conduct of Respondent, NORMAN WAYNE MEAD, as alleged in the Accusation, is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provision of Regulations 2831, 2831.1, 2831.2, 2970 and Sections 10146, 10240 and 10177(d) of the Business and Professions Code

ORDER

A. All licenses and license rights of Respondent NORMAN WAYNE MEAD under the Real Estate law are hereby revoked; provided, however, that a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor, and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of the Order herein. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions, and restrictions imposed under authority of Section 10156.6 of the Code.

1. The restricted license may be suspended pending final determination made after formal hearing, by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which bears a significant relationship to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license may be suspended, pending final determination made after formal hearing, by order of the

1 Real Estate Commissioner based upon evidence satisfactory to the
2 Commissioner that Respondent has violated provisions of the
3 California Real Estate Law, the Subdivided Lands Law,
4 Regulations of the Real Estate Commissioner or conditions
5 attaching to the restricted license.

6 3. Respondent shall not be eligible to apply for the
7 issuance of an unrestricted real estate license nor the removal
8 of any of the conditions, limitations or restrictions of the
9 restricted license until at least one (1) year has elapsed from
10 the effective date of this Order.

11 4. Respondent shall, within 12 months from the
12 effective date of the Order, present evidence satisfactory to
13 the Real Estate Commissioner that Respondent has, since the most
14 recent issuance of an original or renewal real estate license,
15 taken and successfully completed the continuing education
16 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
17 for renewal of a real estate license. If Respondent fails to
18 satisfy this condition, the Commissioner may order the
19 suspension of the restricted license until the Respondent
20 presents such evidence. The Commissioner shall afford
21 Respondent the opportunity for a hearing pursuant to the
22 Administrative Procedure Act to present such evidence.

23 5. Respondent shall, within six months from the
24 effective date of the restricted license, take and pass the
25 Professional Responsibility Examination administered by the
26 Department including the payment of the appropriate examination
27 fee. If Respondent fails to satisfy this condition, the

1 Commissioner may order suspension of the restricted license
2 until Respondent passes the examination.

3 6. Respondent shall report in writing to the
4 Department of Real Estate as the Real Estate Commissioner shall
5 direct by his Order herein or by separate written order issued
6 while Respondent holds a restricted license, such information
7 concerning Respondent's activities for which a real estate
8 license is required as the Commissioner shall deem to be
9 appropriate to protect the public interest.

10 7. Within two years from the effective date of this
11 Order, the Commissioner may audit the books and records of
12 Respondent to determine compliance with the Real Estate Law and
13 Regulations of the Real Estate Commissioner, pursuant to Section
14 10148.

15 (a) The Real Estate Commissioner may charge

16 Respondent the reasonable cost of this audit.

17 In calculating the amount of the reasonable
18 costs, the Commissioner may use the estimated
19 average hourly salary for all Department
20 of Real Estate Audit Personnel, and shall
21 include mileage, time to and from the
22 auditor's place of work, and per diem. The
23 Commissioner's reasonable costs shall in no
24 event exceed \$2,500.

25 (b) Respondent shall pay, within 45 days from

26 receipt of the invoice, the Commissioner's
27 reasonable costs for the chargeable follow-up
audit.

1 (c) If Respondent fails to pay, within 45 days
2 from receipt of the invoice, for the
3 Commissioner's reasonable costs for an
4 Audit, the Commissioner may order the
5 suspension of Respondent's real estate
6 license and license rights. The suspension
7 shall remain in effect until payment is made
8 in full, or until Respondent enters into an
9 agreement satisfactory to the Commissioner to
10 provide for such payment. The Commissioner may
11 impose further reasonable disciplinary terms and
12 conditions upon Respondent's real estate license
13 and license rights as part of any such
14 agreement.

15 8. Respondent shall handle all advance fees
16 collected in accordance with the provisions of the Real Estate
17 Law, and Respondent will have all advance fee agreements
18 approved by the Department of Real Estate prior to their use.

19 DATED:

July 9, 1996

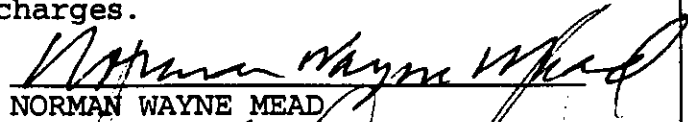
James R. Peel
JAMES R. PEEL
Counsel for Complainant

22 * * * *

23 I have read the Stipulation and Agreement in
24 Settlement, and its terms are understood by me and are agreeable
25 and acceptable to me. I understand that I am waiving rights
26 given to me by the California Administrative Procedure Act
27 (including but not limited to Sections 11506, 11508, 11509 and

1 11513 of the Government Code), and I willingly, intelligently
2 and voluntarily waive those rights, including the right of
3 requiring the Commissioner to prove the allegations in the
4 Accusation at a hearing at which I would have the right to
5 cross-examine witnesses against me and to present evidence in
6 defense and mitigation of the charges.

7 DATED: 7-3-96


NORMAN WAYNE MEAD
Respondent

8
9 DATED: 7-3-96

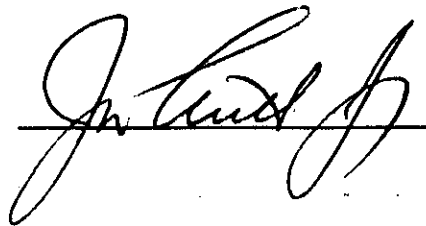

TIMOTHY MC CANDLESS
Respondent's Counsel

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13 The foregoing Stipulation and Agreement in Settlement
14 is hereby adopted as my Order and shall become effective at
15 12 o' clock noon on August 7, 1996.

16 IT IS SO ORDERED 7-16-96
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18 JIM ANTT, JR.
19 Real Estate Commissioner

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lbo

FILED
MAY 23 1996
DEPARTMENT OF REAL ESTATE

By Laura B. Crona

RE 501 (Mac 8/92lbo)

Sacto filing

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
MAR 21 1996
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

NORMAN WAYNE MEAD,

Case No.

By K. Friederich
H-26465 LA

OAH No.

L-9602183

Respondent

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

on May 17, 1996 **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.

DEPARTMENT OF REAL ESTATE

Dated: March 21, 1996

cc: Norman Wayne Mead
Sacto
OAH
BSV

By

James R. Peel
Counsel

RE 501 (1/92)

kw

1 JAMES R. PEEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, CA 90012
5 (213) 897-3937

FILED
FEB - 7 1996
DEPARTMENT OF REAL ESTATE

By Laura B. Oran

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

11 In the Matter of the Accusation of) NO. H-26465 LA
12)
13 NORMAN WAYNE MEAD,) ACCUSATION
14)
Respondent.)

15 The Complainant, Thomas Mc Crady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against NORMAN WAYNE MEAD, alleges as follows:

I

19 The Complainant, Thomas Mc Crady, a Deputy Real Estate
20 Commissioner of the State of California makes this Accusation in
21 his official capacity.

II

23 NORMAN WAYNE MEAD (hereinafter referred to as
24 respondent) is presently licensed and/or has license rights under
25 the Real Estate Law (Part 1 of Division 4 of the California
26 Business and Professions Code, hereinafter referred to as the
27 "Code")

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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate (hereinafter Department) as a real estate broker.

IV

At all times herein mentioned, respondent on behalf of others in expectation of compensation, engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d) of the Code, including soliciting borrowers and lenders and negotiating loans on real property.

V

During 1994 and 1995, in connection with the aforesaid real estate brokerage activities, respondent accepted or received funds from borrowers and lenders and thereafter made disbursements of such funds.

VI

In connection with respondent's activities as a real estate broker as described above, respondent acted in violation of the Real Estate Law, Business and Professions Code (hereinafter Code), and California Code of Regulations (hereinafter Regulations), Title 10, Chapter 6, as follows:

a. Respondent violated Sections 10145/10146 of the Code by collecting fees from potential borrowers and not placing the fees into a real state broker trust account. Examples are:

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	<u>Name</u>	<u>Contract Date</u>
1		
2	1. Milkotin	5/9/94
3	2. Neimar	6/28/94
4	3. Barnfather	7/7/94
5	4. Burry	7/29/94
6	5. Thomas	7/29/94
7	6. Mario Mera	8/15/94
8	7. Burry	9/15/95
9	8. Wesa	9/30/94
10	9. Marshak	10/21/94
11	10. Constance	12/16/94
12	11. Wesa	1/12/95
13	12. Kartchner	1/20/95
14	13. Cartin	2/7/95
15	14. Wesa	2/23/95
16	15. Franks	2/27/95
17	16. Wesa	3/21/95
18	17. Burry	3/1/95
19	18. Franks	3/31/95
20	19. Wesa	4/6/95
21	20. Hardrsty	6/7/95
22	21. Estrada	4/15/95
23	22. Hardesty	7/14/95
24	23. Kern	7/15/94
25	24. Thyne	7/19/95
26		/
27		/

