


FILED
AUG 16 2008
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27839 LA
STEPHEN SANFORD YEAGER,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 24, 1999, a Decision was rendered herein
revoking Respondent's real estate broker license, 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 or about May 21, 1999, and Respondent has
operated as a restricted licensee without cause for disciplinary
action against Respondent since that time.

On or about July 22, 2004, 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.

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

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 satisfies
12 the following conditions within nine (9) months from the date
13 of this Order:

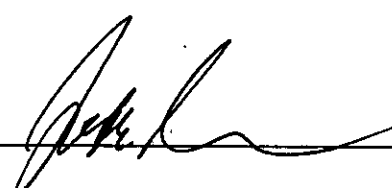
14 1. Submittal of a completed application and payment
15 of the fee for a real estate broker license.

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

21 This Order shall become effective immediately.

22 DATED: 6-27-06.

23 JEFF DAVI
24 Real Estate Commissioner

25 
26

27 cc: ~~Stephen~~ S. Yeager
335 Alamosa Drive
Claremont, CA 91711

5/20/99
K/laq

FILED
APR 16 1999
DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
STEPHEN SANFORD YEAGER,) NO. H-27839 LA
Respondent.) L-1998120295

ORDER STAYING EFFECTIVE DATE

On February 24, 1999, a Decision was rendered in the above-entitled matter to become effective April 21, 1999.

IT IS HEREBY ORDERED that the effective date of the Decision of February 24, 1999, is stayed for a period of thirty (30) days.

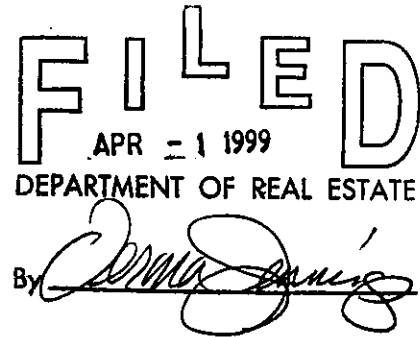
The Decision of February 24, 1999, shall become effective at 12 o'clock noon on May 21, 1999.

DATED: April 16, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

By: *Randolph Brendia* by *Betty Paderno*
RANDOLPH BRENDIA
Regional Manager

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012
4
5 Telephone (213) 897-3937
6
7



8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	NO. H-27839 LA
12 STEPHEN SANFORD YEAGER,)	L-1998120295
13 Respondent.)	<u>STIPULATION AND AGREEMENT</u>
14 _____)	

15 It is hereby stipulated by and between STEPHEN SANFORD
16 YEAGER (sometimes referred to herein as "Respondent"), acting by
17 and through Robert J. Spitz, Esq., Counsel for Respondent, and
18 the Complainant, acting by and through Darlene Averetta, Counsel
19 for the Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on October 15,
21 1998, 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.

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

5 3. On October 28, 1998, 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. In order to effectuate this settlement, Respondent
9 hereby freely and voluntarily withdraws said Notice of Defense.
10 Respondent acknowledges that he understands that by withdrawing
11 said Notice of Defense, he will thereby waive his right to
12 require the Commissioner to prove the allegations in the
13 Accusation at a contested hearing held in accordance with the
14 provisions of the APA and that he will waive other rights
15 afforded to him in connection with the hearing such as the right
16 to present evidence in defense of the allegations in the
17 Accusation and the right to cross-examine witnesses.

18 4. This Stipulation and Agreement is based on the
19 factual allegations contained in the Accusation filed in this
20 proceeding. In the interest of expedience and economy,
21 Respondent chooses not to litigate these allegations at a formal
22 administrative hearing, but to remain silent and understands
23 that, as a result thereof, these factual allegations, without
24 being admitted or denied, will serve as a prima facie basis for
25 the disciplinary action stipulated to herein. This Stipulation
26 and Agreement and Respondent's decision not to contest the
27 Accusation are hereby expressly limited to this proceeding and



1 made for the sole purpose of reaching an agreed disposition of
2 this proceeding. Respondent's decision not to contest the
3 factual allegations at a formal administrative hearing is made
4 solely for the purpose of effectuating this Stipulation and
5 Agreement and is intended to be non-binding upon him in any
6 actions against Respondent by third parties. The Real Estate
7 Commissioner shall not be required to provide further evidence to
8 prove said factual allegations.

9 5. It is understood by the parties that the Real
10 Estate Commissioner may adopt the Stipulation and Agreement as
11 his Decision in this matter, thereby imposing the penalty and
12 sanctions on Respondent's real estate license and license rights
13 as set forth in the below "Order". In the event that the
14 Commissioner in his discretion does not adopt the Stipulation and
15 Agreement, it shall be void and of no effect, and Respondent
16 shall retain the right to a hearing and proceeding on the
17 Accusation under all the provisions of the APA and shall not be
18 bound by any stipulation or waiver made herein.

19 6. The Order or any subsequent Order of the Real
20 Estate Commissioner made pursuant to this Stipulation and
21 Agreement shall not constitute an estoppel, merger or bar to any
22 further administrative proceedings by the Department of Real
23 Estate with respect to any matters which were not specifically
24 alleged to be causes for accusation in this proceeding.

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

The conduct, acts and/or omissions of STEPHEN SANFORD YEAGER, as alleged in the Accusation, are grounds for the suspension or revocation of the real estate license and license rights of STEPHEN SANFORD YEAGER under the provisions of Business and Professions Code Section 10177(d) for violations of Business and Professions Code Sections 10163, 10167.3(b), 10167.9(c) and 10167.10, and Section 2731 of Title 10, Chapter 6, California Code of Regulations.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent STEPHEN
SANFORD YEAGER, under the Real Estate Law are revoked; provided,
however, a restricted real estate broker license shall be issued
to Respondent pursuant to Section 10156.5 of the Business and
Professions Code if Respondent:

(a) makes application therefor and pays to the
Department of Real Estate the appropriate fee for the restricted
license within 90 days from the effective date of this Decision.

(b) submits proof satisfactory to the Real Estate Commissioner, or his designated representative, that Respondent has reimbursed any of the parties listed in the Accusation who have not received a refund of money paid to Rent Pro or makes

1 other arrangements satisfactory to the Real Estate Commissioner.

2 The restricted license issued to Respondent shall be
3 subject to all of the provisions of Section 10156.7 of the
4 Business and Professions Code and to the following limitations,
5 conditions and restrictions imposed under authority of Section
6 10156.6 of that Code:

7 1. The restricted real estate license issued to
8 Respondent may be suspended prior to hearing by Order of the Real
9 Estate Commissioner in the event of Respondent's conviction or
10 plea of nolo contendere to a crime which is substantially related
11 to Respondent's fitness or capacity as a real estate licensee.

12 2. The restricted license issued to Respondent may
13 be suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner that
15 Respondent has violated provisions of the California Real Estate
16 Law, the Subdivided Lands Law or Regulations of the Real Estate
17 Commissioner or conditions attaching to the restricted license.

18 3. Respondent shall not be eligible to apply for the
19 issuance of an unrestricted real estate license nor for the
20 removal of any of the conditions, limitations or restrictions
21 of a restricted license until one (1) year has elapsed from the
22 effective date of this Decision.

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1 4. Respondent shall, within nine months from the
2 effective date of this Decision, present evidence satisfactory to
3 the Real Estate Commissioner that Respondent has, since the most
4 recent issuance of an original or renewal real estate license,
5 taken and successfully completed the continuing education
6 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for
7 renewal of a real estate license. If Respondent fails to satisfy
8 this condition, the Commissioner may order the suspension of the
9 restricted license until the Respondent presents such evidence.
10 The Commissioner shall afford Respondent the opportunity for a
11 hearing pursuant to the Administrative Procedure Act to present
12 such evidence.

13 5. Respondent shall, within six (6) months from the
14 effective date of this Decision, take and pass the Professional
15 Responsibility Examination administered by the Department
16 including the payment of the appropriate examination fee. If
17 Respondent fails to satisfy this condition, the Commissioner may
18 order suspension of Respondent's license until Respondent passes
19 the examination.

20 DATED: February 8, 1999

Darlene Averetta

DARLENE AVERETTA
Counsel for Complainant

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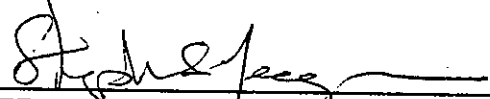
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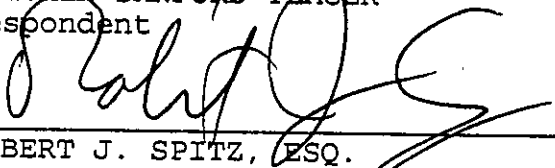
* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, 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 us and to present evidence in defense and mitigation of the charges.

DATED: 2/5/99


STEPHEN SANFORD YEAGER
Respondent

DATED: 2/5/99

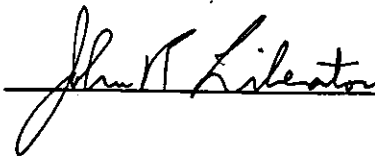

ROBERT J. SPITZ, ESQ.
Counsel for Respondent
Approved as to Form

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on April 21, 1999.

IT IS SO ORDERED February 24, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
DEC 31 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

STEPHEN SANFORD YEAGER,)

Respondent.)

Case No. H-27839 LA
OAH No. L-1998120295

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, 107 South Broadway, 2nd Floor, Los Angeles, California, on **February 2 and 3, 1999**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: December 31, 1998.

DEPARTMENT OF REAL ESTATE

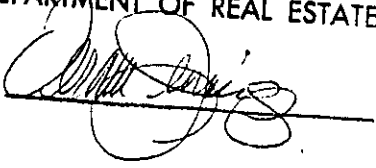
cc: Stephen Sanford Yeager
Robert J. Spitz, Esq.
Sacto.
OAH

By: 

DARLENE AVERETTA, Counsel

SACD.
F1119

1 DARLENE AVERETTA, Counsel
2 State Bar No. 159969
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California 90012
6
7 (213) 897-3937
8

FILED
OCT 15 1998
DEPARTMENT OF REAL ESTATE
dy 

9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of) No. H-27839 LA
13 STEPHEN SANFORD YEAGER,)
14 Respondent.)
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The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against STEPHEN SANFORD YEAGER is informed and alleges as follows:

1.

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2.

STEPHEN SANFORD YEAGER (hereinafter "Respondent") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code"), as a real estate broker.

3.

Effective June 22, 1993, to present, Respondent was and now is licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a real estate broker.

4.

Whenever reference is made in an allegation of this Accusation to Respondent or "Rent Pro", or conduct, acts and/or omissions of Respondent or "Rent Pro", such reference shall include the party identified in Paragraphs 2 and 3, above, and also include the managers, employees, agents and/or real estate licensees employed by or associated with said party, who at all times herein mentioned were engaged in the furtherance of the business or operations of said party and who were acting within the course and scope of their authority, agency or employment.

FIRST CAUSE OF ACCUSATION

5.

On or about November 27, 1996, Respondent executed a "Business Proposal", which was to commence on December 1, 1996, wherein he agreed to become the designated broker for "Rent Pro". Respondent agreed to review and initial residential leases for Rent Pro customers, and ensure that transaction files were in order, so as to comply with Department rules and regulations as well as other applicable laws. Respondent was to be compensated Four Hundred Dollars (\$400) a month and 20% of the commissions earned on the leases.

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6.

Rent Pro was a prepaid rental listing service (hereinafter "PRLS"), pursuant to Code Section 10167, wherein prospective tenants were supplied with listings of residential real properties for tenancy pursuant to an arrangement under which the prospective tenants were required to pay a fee in advance of or contemporaneously with the supplying of the listings.

7.

Respondent was the designated broker for Rent Pro until approximately June 26, 1998, however, Respondent did not have a license from the Department bearing the fictitious business name "Rent Pro".

8.

Respondent used the unlicensed fictitious business name "Rent Pro" in violation of Code Section 10159.5 and Section 2731 of Title 10, Chapter 6, California Code of Regulations.

9.

At all times material herein, Respondent maintained on file with the Department the location of 974 West Foothill Boulevard, Upland, California, as Respondent's main office address for his principal place of business for the conduct of his real estate broker activities and further as his mailing address. Respondent did not have any branch office license from the Department.

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10.

Rent Pro was operated at 5050 Palo Verde Avenue, Suite 217, Montclair, California. At no time did Respondent notify the Department of said branch office in Montclair, California, or obtain a branch office license therefor, in violation of Code Sections 10163 and 10167.3(b).

11.

The conduct, acts and/or omissions of Respondent, as described in Paragraphs 7 and 8, herein above, constitute cause for the suspension or revocation of Respondent's real estate licenses and license rights under the provisions of Code Section 10177(d) and/or 10177(g).

12.

The conduct, acts and/or omissions of Respondent, as described in Paragraphs 9 and 10, herein above, constitute cause for the suspension or revocation of Respondent's real estate licenses and license rights under the provisions of Code Sections 10165, 10167.12(a)(1), 10177(d) and/or 10177(g).

SECOND CAUSE OF ACCUSATION

13.

Complainant incorporates herein the Preamble and the allegations of Paragraphs 1 through 12, inclusive, herein above.

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14.

During a period of time in the past three years, Rent Pro supplied prospective tenants, including, but not necessarily limited to, Robert Brando Heflin, Paula A. Berneathy, Gail and Darrin Erb, Heidi Stokesberry, Michele Pierson and Gilbert and Genevieve Paniagua with a PRLS contract. Said contracts were made pursuant to an arrangement under which the prospective tenants were required to pay a fee in advance of, or contemporaneously with the supplying of, listings of residential real property for tenancy.

15.

Said contract was not submitted to the Department by Respondent for approval for PRLS use, in violation of Code Section 10167.9(c).

16.

The conduct, acts and/or omissions of Respondent, as described in Paragraphs 14 through 15, herein above, constitute cause for the suspension or revocation of Respondent's real estate licenses and license rights under the provisions of Code Sections 10167.12(a)(1), 10177(d) and/or 10177(g).

THIRD CAUSE OF ACCUSATION

17.

Complainant incorporates herein the Preamble and the allegations of Paragraphs 1 through 16, inclusive, herein above.

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18.

On or about May 18, 1997, Robert Brando Heflin and Paula A. Berneathy (hereinafter "Heflin and Berneathy") executed a PRLS contract with Rent Pro. Heflin and Berneathy paid Rent Pro One Hundred Sixty Dollars (\$160) for use of its rental listing service. Rent Pro in return supplied to Heflin and Berneathy a copy of their PRLS contract with Rent Pro, an explanation letter, and a list of properties available for viewing and renting.

19.

Said Rent Pro contract was not in compliance with Code Section 10167.9. Said contract did provide, "If after (90) days you have not located a property through the services of Rent Pro, in addition to coming into our office at least twice a week and signing our update book for the full period of (90) days, you will be entitled to a refund of the entire fee of \$160.00."

20.

For approximately ninety (90) days, Heflin and Berneathy picked up lists of available properties from the Rent Pro office at least twice a week. They viewed properties and applied to rent suitable properties. They were unable to locate a property to rent through Rent Pro. On or about August 17, 1997, Heflin and Berneathy submitted a written request for a refund to Rent Pro. Rent Pro did not refund Heflin and Berneathy's money to them.

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21.

On or about March 5, 1997, Gail Bakke-Erb and Darwin C. Erb (hereinafter "Erbs") executed a PRLS contract with Rent Pro. The Erbs paid Rent Pro One Hundred Sixty Dollars (\$160) for use of its rental listing service. Rent Pro in return supplied the Erbs a copy of their PRLS contract with Rent Pro, and a list of properties available for viewing and renting.

22.

The Erbs' contract with Rent Pro had the clause specified in Paragraph 19 above.

23.

For approximately ninety (90) days, the Erbs picked up lists of available properties from the Rent Pro office at least twice a week. They viewed properties, but didn't find suitable properties to apply to rent. They were unable to locate a property to rent through Rent Pro. On or about June 5, 1997, the Erbs submitted a written request for a refund to Rent Pro. Rent Pro did not refund the Erbs' money to them.

24.

Respondent's conduct, acts and/or omissions in not ensuring a contract was provided in compliance with Code Section 10167.9 and in not ensuring refunds were made to prospective tenants, in violation of Code Sections 10167.10 and 10167.11, constitute cause for the suspension or revocation of Respondent's real estate licenses and license rights under the provisions of Code Sections 10167.12(a)(1), 10177(d) and/or 10177(g).

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