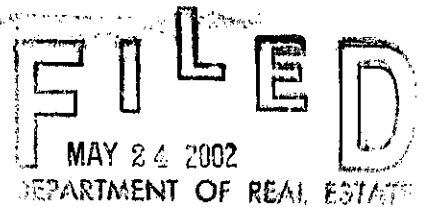


1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013

4 (213) 576-6913



James B. Prone

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-29049 LA
12 STEVE MARK MILLER, and) STIPULATION AND AGREEMENT
13 SUSAN MARIE PAILLASSOU,)
14 Respondents.)

15
16 It is hereby stipulated by and between STEVE MARK MILLER,
17 and SUSAN MARIE PAILLASSOU, (sometimes referred to as
18 Respondents), and the Complainant, acting by and through James R.
19 Peel, Counsel for the Department of Real Estate, as follows for
20 the purpose of settling and disposing of the Accusation filed on
21 May 14, 2001, in this matter.

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

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

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

7 3. On May 30, 2001, Respondents filed a Notice of
8 Defense, pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. Respondents hereby freely and voluntarily withdraw
11 said Notice of Defense. Respondents acknowledge that they
12 understand that by withdrawing said Notice of Defense they will
13 thereby waive their right to require the Commissioner to prove
14 the allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that they will
16 waive other rights afforded to them in connection with the
17 hearing, such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

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

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as

1 her decision in this matter thereby imposing the penalty and
2 sanctions on Respondents' real estate licenses and license rights
3 as set forth below in the "Order". In the event that the
4 Commissioner in her discretion does not adopt the Stipulation and
5 Agreement, it shall be void and of no effect, and Respondents
6 shall retain the right to a hearing and proceeding on the
7 Accusation under all the provisions of the APA and shall not be
8 bound by any stipulation or waiver made herein.

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

16 7. This Stipulation is entered into by each party with
17 the express understanding and agreement that it is to be used for
18 the purposes of settling these proceedings only and that this
19 Stipulation shall not be deemed, used, or accepted as an
20 acknowledgment or stipulation in any other civil or
21 administrative proceeding to which this Department is not a
22 party.

23 DETERMINATION OF ISSUES

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

I

The conduct of Respondents, STEVE MARK MILLER, and SUSAN MARIE PAILLASSOU, as alleged in the Accusation, may be grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondents under the provisions of Sections 10130 and 10177(d) of the Business and Professions Code.

ORDER

All licenses and licensing rights of Respondents STEVE MARK MILLER and SUSAN MARIE PAILLASSOU under the Real Estate Law are suspended for a period of one-hundred and twenty (120) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

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

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

//

1 3. Provided, however, that if Respondent petitions,
2 the remaining sixty (60) days of said 120 day suspension shall be
3 stayed upon condition that:

- 4 a. Respondents pay a monetary penalty pursuant to
5 Section 10175.2 of the Business and Professions
6 Code at the rate of \$166.66 for each day of the
7 suspension for a total monetary penalty of \$20,000
8 for both Respondents or \$10,000 for only one
9 Respondent.
- 10 b. Said payment shall be in the form of a cashier's
11 check or certified check made payable to the
12 Recovery Account of the Real Estate Fund. Said
13 check must be received by the Department prior to
14 the effective date of the Decision in this matter.
- 15 c. No further cause for disciplinary action against
16 the real estate license of Respondent occurs within
17 two years from the effective date of the Decision
18 in this matter.
- 19 d. If Respondent fails to pay the monetary penalty in
20 accordance with the terms and conditions of the
21 Decision, the Commissioner may, without a hearing,
22 order the immediate execution of all or any part of
23 the stayed suspension in which event the Respondent
24 shall not be entitled to any repayment nor credit,
25 prorated or otherwise, for money paid to the
26 Department under the terms of this Decision.
- 27

1 e. If Respondent pays the monetary penalty and if no
2 further cause for disciplinary action against the
3 real estate license of Respondent occurs within
4 two years from the effective date of the Decision,
5 the stay hereby granted shall become permanent.

6 5. Respondents STEVE MARK MILLER and SUSAN MARIE
7 PAILLASSOU shall, within nine months from the effective date of
8 this Decision, present evidence satisfactory to the Real Estate
9 Commissioner that they have, since the most recent issuance of an
10 original or renewal real estate license, taken and successfully
11 completed the continuing education requirements of Article 2.5 of
12 Chapter 3 of the Real Estate Law for renewal of a real estate
13 license. If Respondent fails to satisfy this condition, the
14 Commissioner may order the suspension of Respondent's license
15 rights until the Respondent presents such evidence.

16 6. Respondents STEVE MARK MILLER and SUSAN MARIE
17 PAILLASSOU shall, within six months from the effective date of
18 this Decision, take and pass the Professional Responsibility
19 Examination administered by the Department including payment of
20 the appropriate examination fee. If Respondent fails to satisfy
21 this condition, the Commissioner may order suspension of
22 Respondent's license until Respondent passes the examination.

23
24 DATED: April 17, 2002

James R. Peel
JAMES R. PEEL
Counsel for Complainant

25
26 //

27 //

* * * *

1
2 I have read the Stipulation and Agreement, and its
3 terms are understood by me and are agreeable and acceptable to
4 me. I understand that I am waiving rights given to me by the
5 California Administrative Procedure Act (including but not
6 limited to Sections 11506, 11508, 11509 and 11513 of the
7 Government Code), and I willingly, intelligently and voluntarily
8 waive those rights, including the right of requiring the
9 Commissioner to prove the allegations in the Accusation at a
10 hearing at which I would have the right to cross-examine
11 witnesses against me and to present evidence in defense and
12 mitigation of the charges.

13 Respondents can signify acceptance and approval of the
14 terms and conditions of this Stipulation and Agreement by faxing
15 a copy of its signature page, as actually signed by Respondents,
16 to the Department at the following telephone/fax number (213)
17 576-6917. Respondents agree, acknowledge and understand that by
18 electronically sending to the Department a fax copy of his or her
19 actual signature as it appears on the Stipulation and Agreement,
20 that receipt of the faxed copy by the Department shall be as
21 binding on Respondents as if the Department had received the
22 original signed Stipulation and Agreement.

23 //

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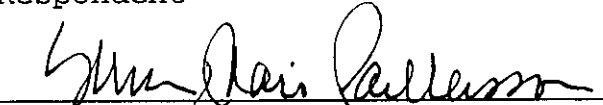
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DATED: 4/15/02



STEVE MARK MILLER
Respondent

DATED: 4/15/02



SUSAN MARIE PAILLASOU
Respondent

* * * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on June 13, 2002.

IT IS SO ORDERED May 20, 2002.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILE
FEB 13 2002
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation

) Case No. H-29049 LA

) OAH No. L-2001060409

STEVE MARK MILLER and
SUSAN MARIE PAILLASSOU,

Respondent(s).

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on APRIL 24, 2002, 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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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: February 13, 2002

DEPARTMENT OF REAL ESTATE

By:

JAMES R. PEEL, Counsel

cc:

Steve Mark Miller
Susan Marie Paillassou
Sacto., OAH

*Sacto
Hart*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

FILED
JUN 26 2001
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation

) Case No. H-29049 LA

) OAH No. L-2001060409

STEVE MARK MILLER,

)

)

Respondent(s).)

By *Paula B. Stone*

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on AUGUST 29, 2001, 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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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: June 26, 2001

DEPARTMENT OF REAL ESTATE

By:

James L. Peel
JAMES R. PEEL, Counsel

cc: Steve Mark Miller
Susan Marie Paillassou
Sacto., OAH

RE Form 501 (Rev. 8-97) JRP:lbo

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Zhang*

FILED
MAY 14 2001
DEPARTMENT OF REAL ESTATE
ex. Laura B. Davis

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
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6
7
8 Telephone: (213) 576-6982
9 -or- (213) 576-6913 (Direct)
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-29049 LA
)	
STEVE MARK MILLER, and)	<u>A C C U S A T I O N</u>
SUSAN MARIE PAILLASSOU,)	
)	
Respondents.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against STEVE MARK MILLER and SUSAN MARIE PAILLASSOU, alleges as follows:

I

The Complainant, Maria Suarez, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against STEVE MARK MILLER and SUSAN MARIE PAILLASSOU.

II

STEVE MARK MILLER and SUSAN MARIE PAILLASSOU (hereinafter referred to as "Respondents") are presently licensed

1 and/or have license rights under the Real Estate Law (Part 1 of
2 Division 4 of the Business and Professions Code) (hereinafter
3 Code).

4 III

5 At all times herein mentioned, respondent STEVE MARK
6 MILLER, was licensed by the Department of Real Estate of the
7 State of California as a real estate broker or expired broker,
8 and respondent SUSAN MARIE PAILLASSOU, was licensed as a real
9 estate salesperson or expired salesperson.

10 IV

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

18 V

19 During 1999 through 2000, in connection with the
20 aforesaid real estate brokerage activities, respondent STEVE MARK
21 MILLER, accepted or received funds from borrowers and lenders and
22 thereafter made disbursements of such funds.

23 VI

24 Respondents STEVE MARK MILLER and SUSAN MARIE
25 PAILLASSOU, acted in violation of the Real Estate Law, Business
26 and Professions Code (hereinafter Code), and California Code of
27

1 Regulations (hereinafter Regulations), Title 10, Chapter 6, as
2 follows:

3 1. Respondent MILLER violated Section 10137 of the
4 Code by employing respondent PAILLASSOU, who was not licensed as
5 a real estate salesperson or broker, to solicit and negotiate
6 loans on real property, as set forth below. These activities
7 require a real estate license under Section 10131(d) of the Code.

8 a) A loan on 315-317 N. Detroit St., Los Angeles, for
9 borrowers Kirk and Ashley Miller.

10 b) A loan on 7270 Mulholland Dr., Los Angeles, for
11 borrower Paul Beauvais.

12 c) A loan on 688 MacCulloch Dr., Los Angeles, for
13 borrower Steven Ranschoff.

14 d) A loan on 7915 Norton Ave., W. Hollywood, for
15 borrower Edward Moyal.

16 e) A loan on 27860 Winding Way, Malibu, for borrower
17 Wesley C. Walraven.

18 2. Respondent MILLER, while an expired real estate
19 broker, violated Section 10130 of the Code, by soliciting and
20 negotiating loans on real property, as set forth below. These
21 activities require a real estate license under Section 10131(d)
22 of the Code.

23 a) A loan on 77029 Iroquois, Indian Wells, for
24 borrowers David T. and Jacqueline L. Kaagan.

25 b) A loan on 5314 Melvin Ave., Tarzana, for borrowers
26 Neil B. & Bess Resnick.
27

1 c) A loan on 5034 Mecca Ave., Tarzana for borrower
2 Geoffrey Ian Abadee.

3 3. Respondent PAILLASSOU, while an expired real estate
4 salesperson, violated Section 10130 of the Code, by soliciting
5 and negotiating loans on real property, as set forth below.
6 These activities require a real estate license under Section
7 10131(d) of the Code.

8 a) A loan on 1050 S. Crescent Heights Blvd.,
9 Los Angeles, for borrowers Joseph F. and Vicky M. Curtis.

10 b) A loan on 3856 Military Ave., Los Angeles, for
11 borrowers Mats and Jeannie Elmstrom.

12 c) A loan on 2382 Nichols Canyon Ave., Los Angeles,
13 for borrower Stephen Anspach.

14 d) A loan on 2510 Jalmia Dr., Los Angeles, for
15 borrower Wesley Clifton Walraven.

16 e) A loan on 2279 Lariat Loop, Bradley, for borrower
17 Wesley Clifton Walraven.

18 f) A loan on 4148 Brunswick Ave., Los Angeles, for
19 borrowers Christian Aaron Castle and Jill Anne Castle.

20 g) A loan on 1014 N. Doheny Dr., #2, Los Angeles, for
21 borrower Judith Ann Kushnet.

22 4. Respondent Miller violated Section 10240 of the
23 Code by failing to provide a Mortgage Loan Disclosure Statement
24 to borrowers Moyal, Markheim, Claxton, and Lissauer.

25 5. Respondent MILLER violated Regulation 2950(h) by
26 failing to disclose to all parties in writing respondent's
27 interest as owner in the agency holding the escrow.

VII

The conduct of respondents STEVE MARK MILLER and SUSAN MARIE PAILLASSOU, as alleged above, was in violation of Section 10130 of the Code, and subjects their real estate licenses and license rights to suspension or revocation pursuant to Sections 10177(d), 10177(g), and 10176(i) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of respondents STEVE MARK MILLER and SUSAN MARIE PAILLASSOU under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 14th day of May, 2001.


Deputy Real Estate Commissioner

cc: Steve Mark Miller
Susan Marie Paillassou
Maria Suarez
Sacto
AK

lbo