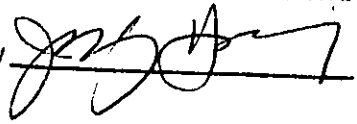


1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone (213) 576-6982

FILED
SEP 12 2002
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-29444 LA
)	
JAMES MICHAEL LA PETER)	OAH No. L-2002040748
)	
Respondent.)	<u>STIPULATION AND</u>
)	<u>AGREEMENT</u>

14 It is hereby stipulated by and between JAMES MICHAEL LA
15 PETER (sometimes referred to herein as "Respondent"), his
16 attorney of record, Carl F. Agren, and the Complainant acting by
17 and through Mary E. Work, Counsel for the Department of Real
18 Estate, as follows for the purpose of settling and disposing of
19 the Accusation filed on April 4, 2002, in this matter:

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

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 April 22, 2002, Respondent filed a Notice of
6 Defense pursuant to Section 11506 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 such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. This Stipulation and Agreement (hereinafter
18 "Stipulation") is based on the factual allegations contained in
19 the Accusation filed in this proceeding. In the interest of
20 expedience and economy, Respondent chooses not to contest these
21 factual allegations, but to remain silent and understands that,
22 as a result thereof, these factual statements, without being
23 admitted or denied, will serve as a prima facie basis for the
24 disciplinary action stipulated to herein. This Stipulation and
25 Agreement and Respondent's decision not to contest the Accusation
26 are hereby expressly limited to this proceeding and made for the
27 sole purpose of reaching an agreed disposition of this

1 proceeding. Respondent's decision not to contest the factual
2 allegations is made solely for the purpose of effectuating this
3 Stipulation and is intended by Respondent to be non-binding upon
4 any actions against Respondent by third parties. The Real Estate
5 Commissioner shall not be required to provide further evidence to
6 prove such allegations.

7 5. This Stipulation and any Order made pursuant to the
8 Stipulation shall have no collateral estoppel or res judicata
9 effect in any proceedings in which Respondent and the Department
10 (or the Department's representative) are not parties. The
11 Stipulation is made by Respondent and received by the
12 Commissioner and the Department, with the express understanding
13 and agreement that it is for the purpose of settling these
14 proceedings only, and that this Stipulation is not intended as,
15 and shall not be deemed, used, or accepted as an acknowledgment
16 or admission of fact in any other judicial, administrative, or
17 other proceeding to which the Department is not a party.

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

1 3. No further cause for disciplinary action against
2 the real estate license of Respondent occurs within two (2) years
3 from the effective date of the Decision in this matter.

4 4. If Respondent fails to pay the monetary penalty in
5 accordance with the terms and conditions of the Decision, the
6 Commissioner may, without a hearing, order the immediate
7 execution of all or part of the stayed suspension in which event
8 Respondent shall not be entitled to any repayment nor credit,
9 prorated or otherwise, for money paid to the Department under the
10 terms of this Decision.

11 5. If Respondent pays the monetary penalty and if no
12 further cause for disciplinary action against the real estate
13 license of Respondent occurs within two (2) years from the
14 effective date of the Decision, the stay hereby granted shall
15 become permanent.

16 DATED: _____

8/27/02

17 
18 MARY E. WORK, Counsel for the
Department of Real Estate

19 * * *

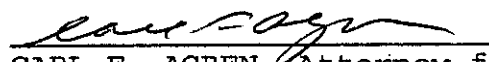
20 I have read the Stipulation and Agreement, and its
21 terms are understood by me and are agreeable and acceptable to
22 me. I understand that I am waiving rights given to me by the
23 California Administrative Procedure Act (including but not
24 limited to Sections 11506, 11508, 11509 and 11513 of the
25 Government Code), and I willingly, intelligently and voluntarily
26 waive those rights, including the right of requiring the
27 Commissioner to prove the allegations in the Accusation at a

1 hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and
3 mitigation of the charges.

4 Respondent can signify acceptance and approval of the
5 terms and conditions of this Stipulation and Agreement by faxing
6 a copy of the signature page, as actually signed by Respondent,
7 to the Department at the following telephone/fax number: (213)
8 576-6917. Respondent agrees, acknowledges and understands that
9 by electronically sending to the Department a fax copy of his
10 actual signature as it appears on the Stipulation and Agreement,
11 that receipt of the faxed copy by the Department shall be as
12 binding on Respondent as if the Department had received the
13 original signed Stipulation and Agreement.

14 DATED: 9-5-02 
15 JAMES MICHAEL LA PETER, Respondent

16 Approved as to form and content:

17 DATED: 9-5-02 
18 CARL F. AGREN, Attorney for
19 Respondent.

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision as to Respondent JAMES MICHAEL LA PETER
22 And shall be effective at 12 o'clock noon on
23 _____.

24 IT IS SO ORDERED _____.

25 PAULA REDDISH ZINNEMANN
26 Real Estate Commissioner
27 _____

1 hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and
3 mitigation of the charges.

4 Respondent can signify acceptance and approval of the
5 terms and conditions of this Stipulation and Agreement by faxing
6 a copy of the signature page, as actually signed by Respondent,
7 to the Department at the following telephone/fax number: (213)
8 576-6917. Respondent agrees, acknowledges and understands that
9 by electronically sending to the Department a fax copy of his
10 actual signature as it appears on the Stipulation and Agreement,
11 that receipt of the faxed copy by the Department shall be as
12 binding on Respondent as if the Department had received the
13 original signed Stipulation and Agreement.

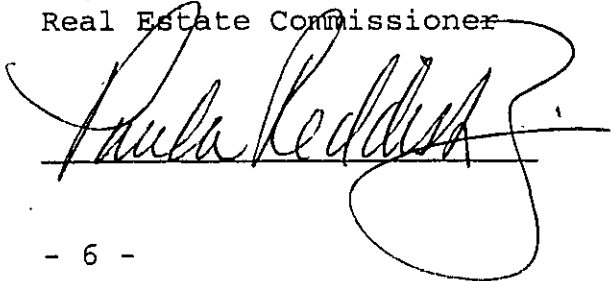
14
15 DATED: _____ JAMES MICHAEL LA PETER, Respondent

16 Approved as to form and content:

17 DATED: _____
18 CARL F. AGREN, Attorney for
19 Respondent.

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision as to Respondent JAMES MICHAEL LA PETER
22 And shall be effective at 12 o'clock noon on
23 October 2, 2002

24 IT IS SO ORDERED

September 6, 2002
25 PAULA REDDISH ZINNEMANN
26 Real Estate Commissioner
27 

SACTO

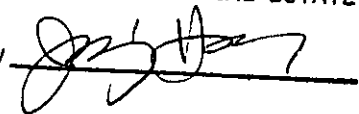
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 JAMES MICHAEL LA PETER,)
)
)
 _____)
 Respondent (s)

Case No. H-29444 LA
OAH No. L-2002040748

FILED
MAY 22 2002
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION

By 

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, Suite 630, Los Angeles, CA 90013-1105 on FRIDAY, AUGUST 16, 2002, at the hour of 1:30 P.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.

DEPARTMENT OF REAL ESTATE

Dated: May 22, 2002

By 
MARY E. WORK, Counsel

cc: James Michael La Peter
Carl F. Agren, Esq.

✓ Sacto.
OAH

59210

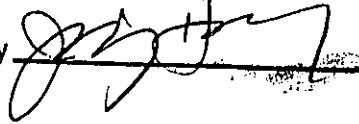
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 JAMES MICHAEL LA PETER,)
)
 _____)
 Respondent.

Case No. **H-29444 LA**
OAH No. L-2002040748

FILED
MAY 08 2002
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

By 

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, Suite 630, Los Angeles, CA 90013-1105 on THURSDAY, JUNE 20, 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 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.

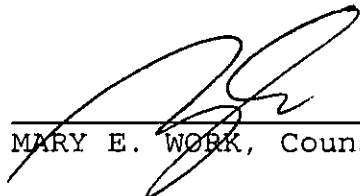
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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.

DEPARTMENT OF REAL ESTATE

Dated: May 8, 2002

By 

MARY E. WORK, Counsel

cc: James Michael La Peter
Carl F. Agren, Esq.
✓ Sacto.
OAH

1 MARY E. WORK, Counsel
2 State Bar No. 175887
3 Department of Real Estate
4 320 W. 4th St., Suite 350
5 Los Angeles, CA 90013-1105

6 Telephone: (213) 576-6982
7 -Direct- (213) 576-6916

FILED
APR 04 2002

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 JAMES MICHAEL LA PETER,)
13)
14 Respondent.)

NO. H- 29444 LA
A C C U S A T I O N

15 I

16 The Complainant, Maria Suarez, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against JAMES MICHAEL LA PETER is informed and
19 alleges in her official capacity as follows:

20 II

21 At all times mentioned herein (except for the period
22 February 20, 1996 to June 15, 1998 which is addressed in
23 further detail below at Paragraph III), JAMES MICHAEL LA PETER
24 (hereinafter sometimes referred to as "Respondent") was and
25 still is licensed by the Department of Real Estate of the State
26 of California ("Department") as a real estate broker under the
27

1 Real Estate Law (Part 1 of Division 4 of the Business and
2 Professions Code, hereinafter Code).

3
4 III

5 On or about August 23, 1995, the Department filed an
6 Accusation against Respondent based on the allegation that
7 Respondent violated Section 10177(h) of the Code. On or about
8 February 20, 1996, in Department of Real Estate Case Number H-
9 26009 LA, Respondent entered into a Stipulation and Agreement
10 in Settlement and Order with the Department. Said Order
11 revoked the real estate broker license of Respondent and
12 granted him the right to a restricted broker license on certain
13 terms and conditions. Said restricted license remained in
14 effect until May 18, 1998, when the Real Estate Commissioner
15 issued an Order Granting the Reinstatement of Respondent's Real
16 Estate Broker License.

17 IV

18 On or about October 23, 2000, an entity known as
19 Escrow Network Company applied to the State of California
20 Department of Corporations for a change of ownership, asking to
21 transfer 100% of its stock to Respondent JAMES MICHAEL LA
22 PETER, pursuant to Sections 17201 and 17213 of the California
23 Escrow Law. As part of the application process, Respondent
24 submitted a Statement of Identity and Questionnaire
25 (hereinafter "SIQ"), dated October 24, 2000. Respondent failed
26 to disclose in the SIQ that during 1996, the real estate broker
27 license issued to him by the Department of Real Estate had been

1
2 WHEREFORE, Complainant prays that a hearing be
3 conducted on the allegations of this Accusation and that upon
4 proof thereof, a decision be rendered imposing disciplinary
5 action against all licenses and/or license rights of JAMES
6 MICHAEL LA PETER under the Real Estate Law and for such other
7 and further relief as may be proper under applicable provisions
8 of law.

9 Dated at Los Angeles, California

10 this 29th day of March, 2002.

11
12 
13 Deputy Real Estate Commissioner

14
15
16
17
18 cc: James Michael La Peter
19 Maria Suarez
20 ✓ SACTO
21 AP
22
23
24
25
26
27