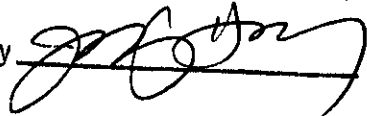


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**FILED**  
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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-30407 LA
	)	
WAYNE A. RAPP,	)	L-2003110375
	)	
	)	
Respondent.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 21, 2003, an Accusation was filed in this matter against Respondent WAYNE A. RAPP.

On April 9, 2004, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent WAYNE A. RAPP's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated April 9, 2004 (attached as Exhibit "A" hereto). Respondent's license certificate(s), pocket


1 card(s) and any branch office license certificate shall be sent  
2 to the below listed address so that they reach the Department on  
3 or before the effective date of this Order:

4 Department of Real Estate  
5 Atten: Licensing Flag Section  
6 P.O. Box 187000  
7 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock noon on  
9 May 18, 2004

10 DATED: April 22, 2004

11 JOHN R. LIBERATOR  
12 Acting Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-30407 LA
WAYNE A. RAPP,	)	
	)	
	)	
Respondent.	)	

DECLARATION

My name is WAYNE A. RAPP and I am currently licensed as a real estate broker and have license rights with respect to said license. I am represented by Ron Cordova, Attorney at Law. In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

///

1 I understand that by so voluntarily surrendering my  
2 license(s) that it can only be reinstated in accordance with the  
3 provisions of Section 11522 of the Government Code. I also  
4 understand that by so voluntarily surrendering my license(s), I  
5 agree to the following:

6 The filing of this Declaration shall be deemed as my  
7 petition for voluntary surrender. It shall also be deemed to be  
8 an understanding and agreement by me that, I waive all rights I  
9 have to require the Commissioner to prove the allegations  
10 contained in the Accusation filed in this matter at a hearing  
11 held in accordance with the provisions of the Administrative  
12 Procedure Act (Government Code Sections 11400 et seq.), and that  
13 I also waive other rights afforded to me in connection with the  
14 hearing such as the right to discovery, the right to present  
15 evidence in defense of the allegations in the Accusation and the  
16 right to cross-examine witnesses. I further agree that upon  
17 acceptance by the Commissioner, as evidenced by an appropriate  
18 order, all affidavits and all relevant evidence obtained by the  
19 Department in this matter prior to the Commissioner's  
20 acceptance, and all allegations, except the allegations that I  
21 suffered a felony conviction, contained in the Accusation filed  
22 in the Department Case No. H-30407 LA may be considered by the  
23 Department to be true and correct for the purpose of deciding  
24 whether or not to grant reinstatement of my license(s) pursuant  
25 to Government Code Section 11522.

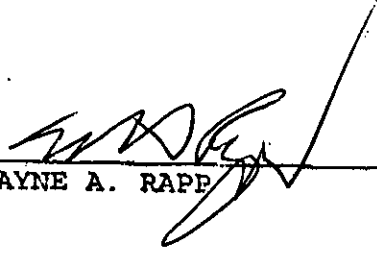
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that I freely and voluntarily surrender my license(s) and all license rights attached thereto.

Dated this 9<sup>th</sup> day of April, 2004, at Newport Beach (city), State of California.

  
\_\_\_\_\_  
WAYNE A. RAPP



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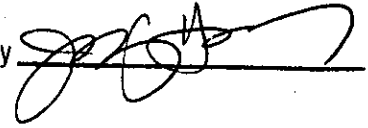
**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

In the Matter of the Accusation of )  
 )  
 **WAYNE A. RAPP,** )  
 )  
 \_\_\_\_\_ )  
 Respondent.

Case No. **H-30407 LA**  
OAH No. L-2003110375

**FILED**  
DEC 11 2003  
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 MONDAY, MARCH 22, 2004, 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: December 11, 2003

By   
MARY E. WORK, Counsel

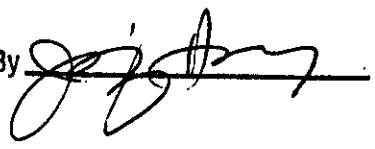
cc: Wayne A. Rapp  
Ron Cordova  
Sacto.  
OAH

FOR

52510

1 MARY E. WORK, Counsel  
SBN 175887  
2 Department of Real Estate  
320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone (213) 576-6982  
-Direct- (213) 576-6916  
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7

**FILED**  
OCT 21 2003  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

10	In the Matter of the Accusation of	)	No. H-30407LA
11	WAYNE A. RAPP,	)	
12		)	<u>ACCUSATION</u>
13	Respondent.	)	

14 The Complainant, Maria Suarez, a Deputy Real Estate  
15 Commissioner of the State of California, for cause of Accusation  
16 against WAYNE A. RAPP (hereinafter "Respondent"), is informed and  
17 alleges as follows:

I

19 The Complainant, Maria Suarez, a Deputy Real Estate  
20 Commissioner of the State of California, makes this Accusation  
21 against Respondent in her official capacity.

II

23 Respondent is presently licensed and/or has license  
24 rights under the Real Estate Law, Part 1 of Division 4 of the  
25 Business and Professions Code (hereinafter "Code") as a real  
26 estate broker.  
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III

On or about January 22, 2001 before the U.S. District Court, District of Utah (Central), in case number 2:00CR-0310, Respondent was found guilty of and sentenced for violating 17A:506A.F CRIMINAL INFRINGEMENT ON COPYRIGHTS and 18:2319 a felony crime of moral turpitude that is substantially related under Section 2910, Title 10, Chapter 6, of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

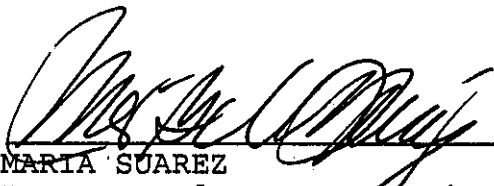
IV

The facts set forth above constitute cause for under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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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 Respondent WAYNE A. RAPP 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 provisions of law.

  
\_\_\_\_\_  
MARIA SUAREZ  
Deputy Real Estate Commissioner

Dated at Los Angeles, California,  
this 15<sup>th</sup> day of October, 2003.

cc: Wayne A. Rapp  
Maria Suarez  
SACTO  
AE