

1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982
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FILED
OCT 26 2005
DEPARTMENT OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-31750 LA
12)
12 SOARING EAGLES ENTERPRISE,)
12 INC., and YOLANDA MARIA) STIPULATION AND AGREEMENT
13 SORENSON, individually and as)
13 designated officer of)
14 Soaring Eagles Enterprise,)
14 Inc., and LEWELL LEE SORENSON,)
15)
16 Respondents.)
17)

18 It is hereby stipulated by and between SOARING EAGLES
19 ENTERPRISE, INC., YOLANDA MARIA SORENSON, and LEWELL LEE
20 SORENSON (sometimes referred to as Respondents), and their
21 attorney Frank M. Buda, and the Complainant, acting by and
22 through James R. Peel, Counsel for the Department of Real
23 Estate, as follows for the purpose of settling and disposing of
24 the Accusation filed on March 11, 2005, in this matter.
25

26 1. All issues which were to be contested and all
27 evidence which was to be presented by Complainant and

1 Respondents at a formal hearing on the Accusation, which hearing
2 was to be held in accordance with the provisions of the
3 Administrative Procedure Act ("APA"), shall instead and in place
4 thereof be submitted solely on the basis of the provisions of
5 this Stipulation and Agreement ("Stipulation").

6 2. Respondents have received, read and understand the
7 Statement to Respondent, the Discovery Provisions of the
8 Administrative Procedure Act ("APA") and the Accusation filed by
9 the Department of Real Estate in this proceeding.

10 3. On March 25, 2005, Respondents filed a Notice of
11 Defense pursuant to Section 11506 of the Government Code for the
12 purpose of requesting a hearing on the allegations in the
13 Accusation. Respondents hereby freely and voluntarily withdraw
14 said Notice of Defense. Respondents acknowledge that they
15 understand that by withdrawing said Notice of Defense they will
16 thereby waive their right to require the Commissioner to prove
17 the allegations in the Accusation at a contested hearing held in
18 accordance with the provisions of the APA and that they will
19 waive other rights afforded to them in connection with the
20 hearing, such as the right to present evidence in defense of the
21 allegations in the Accusation and the right to cross-examine
22 witnesses.

23 4. This Stipulation is based on the factual
24 allegations contained in the Accusation filed in this
25 proceeding. In the interest of expedience and economy,
26 Respondents choose not to contest these factual allegations, but
27

1 to remain silent and understand that, as a result thereof, these
2 factual statements, will serve as a prima facie basis for the
3 disciplinary action stipulated to herein. The Real Estate
4 Commissioner shall not be required to provide further evidence
5 to prove such allegations.

6 5. This Stipulation and Respondents' decision not to
7 contest the Accusation is made for the purpose of reaching an
8 agreed disposition of this proceeding and is expressly limited
9 to this proceeding and any other proceeding or case in which the
10 Department of Real Estate ("Department"), the state or federal
11 government, or an agency of this state, another state or the
12 federal government is involved.

13 6. It is understood by the parties that the Real
14 Estate Commissioner may adopt the Stipulation as his decision
15 in this matter thereby imposing the penalty and sanctions on
16 Respondents' real estate licenses and license rights as set
17 forth in the below "Order". In the event that the Commissioner
18 in his discretion does not adopt the Stipulation, the
19 Stipulation shall be void and of no effect, and Respondents
20 shall retain the right to a hearing on the Accusation under all
21 the provisions of the APA and shall not be bound by any
22 stipulation or waiver made herein.

24 7. The Order or any subsequent Order of the Real
25 Estate Commissioner made pursuant to this Stipulation shall not
26 constitute an estoppel, merger or bar to any further
27 administrative or civil proceedings by the Department of Real

1 Estate with respect to any conduct which was not specifically
2 alleged to be causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations and waivers
5 and solely for the purpose of settlement of the pending
6 Accusation without a hearing, it is stipulated and agreed that
7 the following determination of issues shall be made:

8 The conduct, acts and/or omissions of Respondents
9 SOARING EAGLES ENTERPRISE, INC., and YOLANDA MARIA SORENSON, as
10 set forth in the Accusation, constitute cause for the suspension
11 or revocation of all of the real estate licenses and license
12 rights of Respondents under the provisions of Section 10177(d)
13 of the Business and Professions Code ("Code") for violations of
14 Code Sections 10137, 10240 and 10145(a) and Regulations 2832,
15 and 2725, Title 10, Chapter 6, California Code of Regulations.
16

17 The conduct, acts and/or omissions of Respondent
18 LEWELL LEE SORENSON, as set forth in the Accusation, constitute
19 cause for the suspension or revocation of all of the real estate
20 licenses and license rights of Respondent under the provisions
21 of Section 10177(d) of the Code for violation of Code Sections
22 10130 and 10137.

23 ORDER

24 All licenses and licensing rights of Respondents
25 SOARING EAGLES ENTERPRISE, INC., YOLANDA MARIA SORENSON, and
26 LEWELL LEE SORENSON under the Real Estate Law are suspended for
27 a period of ninety (90) days from the effective date of this

1 Decision; provided, however, that sixty (60) days of said
2 suspension shall be stayed for two (2) years upon the following
3 terms and conditions:

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

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

15 3. Provided, however, that if Respondents petition,
16 the remaining thirty (30) days of said ninety (90) day
17 suspension shall be stayed upon condition that:

18 a. Respondents pay a monetary penalty pursuant to
19 Section 10175.2 of the Business and Professions Code at the rate
20 of \$33 for each day of the suspension for a total monetary
21 penalty of \$1,000 (\$3,000 for all Respondents).

22 b. Said payment shall be in the form of a
23 cashier's check or certified check made payable to the Recovery
24 Account of the Real Estate Fund. Said check must be received by
25 the Department prior to the effective date of the Decision in
26
27

1 this matter.

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

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

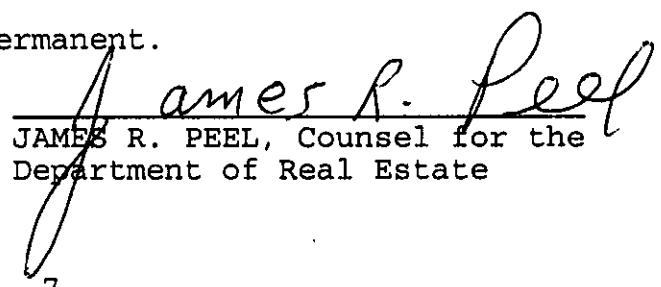
13 e. If Respondents pay the monetary penalty and if
14 no further cause for disciplinary action against the real estate
15 license of Respondent occurs within two (2) years from the
16 effective date of the Decision, the stay hereby granted shall
17 become permanent.

18
19 4. Respondents YOLANDA MARIA SORENSON and LEWELL
20 LEE SORENSON shall, within six months from the effective date of
21 this Decision, take and pass the Professional Responsibility
22 Examination administered by the Department including the payment
23 of the appropriate examination fee. If Respondents fail to
24 satisfy this condition, the Commissioner may order suspension of
25 Respondents' licenses until Respondents pass the examination.

26 5. Pursuant to Section 10148 of the Business and
27 Professions Code, Respondents SOARING EAGLES ENTERPRISE, INC.

1 and YOLANDA MARIA SORENSON shall pay the Commissioner's
2 reasonable cost for the audit which led to this disciplinary
3 action and Respondent SOARING EAGLES ENTERPRISE, INC. shall pay
4 the Commissioner's reasonable cost for a subsequent audit to
5 determine if Respondent SOARING EAGLES ENTERPRISE, INC. has
6 corrected the violations found in the Determination of Issues.
7 In calculating the amount of the Commissioner's reasonable cost,
8 the Commissioner may use the estimated average hourly salary for
9 all persons performing audits of real estate brokers, and shall
10 include an allocation for travel costs, including mileage, time
11 to and from the auditor's place of work and per diem.
12 Respondents shall pay such cost within 45 days of receiving an
13 invoice from the Commissioner detailing the activities performed
14 during the audit and the amount of time spent performing those
15 activities. The Commissioner may, in his discretion, vacate and
16 set aside the stay order, if payment is not timely made as
17 provided for herein, or as provided for in a subsequent
18 agreement between the Respondents and the Commissioner. The
19 vacation and the set aside of the stay shall remain in effect
20 until payment is made in full, or until Respondents enter into
21 an agreement satisfactory to the Commissioner to provide for
22 payment. Should no order vacating the stay be issued, either in
23 accordance with this condition or condition "2", the stay
24 imposed herein shall become permanent.

25
26 DATED: Sept. 6, 2005


JAMES R. PEEL, Counsel for the
Department of Real Estate

1 * * *

2 We have read the Stipulation and Agreement, have
3 discussed it with our counsel, and its terms are understood by
4 us and are agreeable and acceptable to us. We understand that
5 we are waiving rights given to us by the California
6 Administrative Procedure Act (including but not limited to
7 Sections 11506, 11508, 11509 and 11513 of the Government Code),
8 and we willingly, intelligently and voluntarily waive those
9 rights, including the right of requiring the Commissioner to
10 prove the allegations in the Accusation at a hearing at which we
11 would have the right to cross-examine witnesses against us and
12 to present evidence in defense and 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 the signature page, as actually signed by Respondents,
16 to the Department at the following telephone/fax number:

17 (213) 576-6917. Respondents agree, acknowledge and understand
18 that by electronically sending to the Department a fax copy of
19 his or her actual signature as it appears on the Stipulation and
20 Agreement, that receipt of the faxed copy by the Department
21 shall be as binding on Respondents as if the Department had
22 received the original signed Stipulation and Agreement.

23 Further, if the Respondents are represented, the
24 Respondents' counsel can signify his or her agreement to the
25 terms and conditions of the Stipulation and Agreement by
26 submitting that signature via fax.
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DATED: 8-31-05

STANLEY LAGAN ENTERPRISES, INC.
Respondent

DATED: 8-31-05

FRANK BLDA ESQ
Respondent

DATED: 8-31-05

FRANK BLDA ESQ
Respondent

DATED: 8-31-05

FRANK BLDA
Respondent for Respondents

The foregoing Stipulation and Judgment is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on _____

IT IS SO ORDERED _____

JOSEY DAVI
Hall Entrance: Ground and/or near

1 DATED: _____

2 SOARING EAGLES ENTERPRISE, INC.,
3 Respondent

4 DATED: _____

5 YOLANDA MARIA SORENSON
6 Respondent

7 DATED: _____

8 LEWELL LEE SORENSON
9 Respondent

10 DATED: _____


11 FRANK M. BUDA
12 Counsel for Respondents

13 * * *

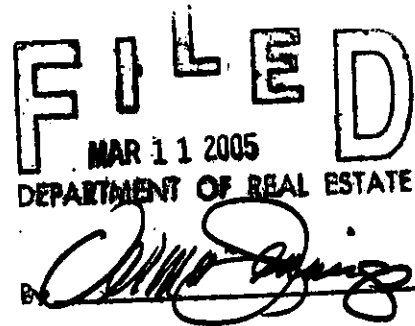
14 The foregoing Stipulation and Agreement is hereby
15 adopted as my Decision and Order in this matter, and shall
16 become effective at 12 o'clock noon on November 15, 2005.

17 IT IS SO ORDERED 9-14-05.

18 JEFF DAVI
19 Real Estate Commissioner

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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
5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)
7



8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA
10 * * *

11 In the Matter of the Accusation of)	No. H-31750 LA
12 SOARING EAGLES ENTERPRISE, INC.,)	A C C U S A T I O N
13 YOLANDA MARIA SORENSON,)	
14 individually and as designated)	
15 officer of Soaring Eagles)	
16 Enterprise, Inc., and)	
LEWELL LEE SORENSON,)	
Respondents.)	

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of accusation
19 against SOARING EAGLES ENTERPRISE, INC., YOLANDA MARIA SORENSON,
20 individually and as designated officer of Soaring Eagles
21 Enterprise, Inc., and LEWELL LEE SORENSON, alleges as follows:

22 I

23 The Complainant, Maria Suarez, acting in her official
24 capacity as a Deputy Real Estate Commissioner of the State of
25 California, makes this Accusation against SOARING EAGLES

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1 ENTERPRISE, INC., YOLANDA MARIA SORENSON, and LEWELL LEE
2 SORENSON.

3 II

4 SOARING EAGLES ENTERPRISE, INC., YOLANDA MARIA
5 SORENSON, individually and as designated officer of said
6 corporation, and LEWELL LEE SORENSON (hereinafter referred to as
7 "Respondents"), are presently licensed and/or have license rights
8 under the Real Estate Law (Part 1 of Division 4 of the Business
9 and Professions Code) (hereinafter Code).

10 III

11 At all times herein mentioned, Respondent SOARING
12 EAGLES ENTERPRISE, INC., was licensed as a real estate broker
13 with Respondent YOLANDA MARIA SORENSON as its designated officer,
14 and Respondent LEWELL LEE SORENSON was licensed as a real estate
15 salesperson employed by Troystar Investments. Respondent Lowell
16 Lee Sorenson was previously issued a Desist and Refrain Order by
17 the Department of Real Estate H-22765 LA filed December 11, 1986.
18 Respondent Yolanda Maria Sorenson previously has her real estate
19 license suspended which suspension was stayed on terms and
20 conditions in case no. H-22253 LA filed January 30, 1986.

21 IV

22 At all times material herein, Respondents engaged in
23 the business of, acted in the capacity of, advertised or assumed
24 to act as a real estate broker in the State of California, within
25 the meaning of Section 10131(a) and (d) of the Code.

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1 V

2 On or about August 20, 2004, the Department completed
3 an examination of Respondent SOARING EAGLES ENTERPRISE's books
4 and records, pertaining to the activities described in Paragraph
5 IV above, covering a period from November 1, 2001, through July
6 31, 2004, which examination revealed violations of the Code and
7 of Title 10, Chapter 6, California Code of Regulations
8 (hereinafter Regulations) as set forth below.

9 VI

10 The examination described in Paragraph V, above,
11 determined that, in connection with the activities described in
12 Paragraph IV above, Respondent SOARING EAGLES ENTERPRISE accepted
13 or received funds, including funds in trust (hereinafter "trust
14 funds") from or on behalf of principals, and thereafter made
15 deposit or disbursement of such funds.

16 VII

17 In the course of activities described in Paragraphs IV
18 through VI and during the examination period described in
19 Paragraph V, Respondents SOARING EAGLES ENTERPRISE, INC. and
20 YOLANDA MARIA SORENSON acted in violation of the Code and the
21 Regulations as follows, and as more specifically set forth in
22 Audit Report No. LA 030467 and related exhibits:

23 (1) Violated Section 10145(a) of the Code and
24 Regulation 2832 by failing to deposit credit report fees into a
25 real estate broker trust account.

26 (2) Violated Section 10137 of the Code by employing
27 Respondent LEWELL LEE SORENSON, while he was employed by another

1 real estate broker, to solicit and negotiate loans on real
2 property, for borrowers R. Jimenez, R. Robinson, R. Martin, M.
3 Lockamy, M. Wilson, and E. Martinez.

4 (3) Violated Section 10240 of the Code in that
5 Mortgage Loan Disclosure Statements were not retained on file for
6 a period of three years.

7 (4) Violated Regulation 2715 by failing to notify the
8 Department of Real Estate that its branch office in Chino was
9 closed.

10 (5) Violated Regulation 2731 by using the unlicensed
11 fictitious business name America Mortgage in its real estate
12 brokerage business.

13 (6) Violated Regulation 2725 by failing to establish
14 policies, rules, procedures, and systems to review, oversee,
15 inspect and manage transactions requiring a real estate license,
16 documents which may have a material effect upon the rights or
17 obligations of a party to the transaction, etc.

18 VIII

19 The conduct of Respondents SOARING EAGLES ENTERPRISE,
20 INC., and YOLANDA MARIA SORENSON, as alleged above, subjects
21 their real estate licenses and license rights to suspension or
22 revocation pursuant to Sections 10137, 10177(d), 10177(g) and
23 10177(j) of the Code.

24 The conduct of Respondent YOLANDA MARIA SORENSON, as
25 alleged above, subjects her real estate licenses and license
26 rights to suspension or revocation pursuant to Section 10177(h)
27 of the Code.

1 The conduct of Respondent L WELL LEE SORENSON, as
2 alleged above, subjects his real estate license and license
3 rights to suspension or revocation pursuant to Sections 10130,
4 10137, 10177(d), 10177(g) and 10177(j) of the Code.

5 WHEREFORE, Complainant prays that a hearing be
6 conducted on the allegations of this Accusation and that upon
7 proof thereof, a decision be rendered imposing disciplinary
8 action against all licenses and license rights of Respondents
9 SOARING EAGLES ENTERPRISE, INC., YOLANDA MARIA SORENSON,
10 individually and as designated officer of Soaring Eagles
11 Enterprise, Inc., and LEWELL LEE SORENSON under the Real Estate
12 Law (Part 1 of Division 4 of the Business and Professions Code)
13 and for such other and further relief as may be proper under
14 other applicable provisions of law.

15 Dated at Los Angeles, California
16 this 15 day of March, 2005.

17
18 
19 Deputy Real Estate Commissioner
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21

22 cc: Soaring Eagles Enterprise Inc.
23 Yolanda Maria Sorenson
24 Lewell Lee Sorenson
25 Janice A. Waddell
26 Sacto.
27 LM