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**FILED**

AUG 26 2008

DEPARTMENT OF REAL ESTATE

BY: *A. F. Realty*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )

H-33952 LA

ARIL LEE MANNING, doing business )  
as Century 21 Imperial 7 Realty, )  
Imperial 7 Mortgage Division, and )  
Imperial 7 Escrow Division, )

Respondent )

ORDER NUNC PRO TUNC

STIPULATION AND AGREEMENT

It having been called to the attention of the Real Estate Commissioner that there are errors in the Decision by Stipulation and Agreement dated April 30, 2008, effective August 14, 2008, and good cause appearing therefor, the Stipulation and Agreement is amended as follows:

The ORDER on pages 4 and 5 is deleted and in its place the following paragraph is substituted:

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent ARIL LEE MANNING under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision, all stayed."

This Order, nunc pro tunc to August 14, 2008, shall become effective immediately.

IT IS SO ORDERED 8/20/08

JEFF DAVI  
Real Estate Commissioner

Barbara J. Bigby

BY: Barbara J. Bigby  
Chief Deputy Commissioner



1 Procedure Act ("APA"), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement ("Stipulation").

4 2. Respondent has received, read and understands the  
5 Statement to Respondent, the Discovery Provisions of the APA and  
6 the Accusation filed by the Department of Real Estate in this  
7 proceeding.

8 3. Respondent timely filed a Notice of Defense  
9 pursuant to Section 11506 of the Government Code for the purpose  
10 of requesting a hearing on the allegations in the Accusation.  
11 Respondent hereby freely and voluntarily withdraws said Notice of  
12 Defense. Respondent acknowledges that he understands that by  
13 withdrawing said Notice of Defense he thereby waives his right to  
14 require the Commissioner to prove the allegations in the  
15 Accusation at a contested hearing held in accordance with the  
16 provisions of the APA and that he will waive other rights  
17 afforded to him in connection with the hearing such as the right  
18 to present evidence in his defense and the right to cross-examine  
19 witnesses.  
20

21 4. This Stipulation is based on the factual  
22 allegations contained in the Accusation. In the interest of  
23 expedience and economy, Respondent chooses not to contest these  
24 allegations, but to remain silent and understands that, as a  
25 result thereof, these factual allegations, without being admitted  
26 or denied, will serve as a prima facie basis for the disciplinary  
27

1 action stipulated to herein. The Real Estate Commissioner shall  
2 not be required to provide further evidence to prove said factual  
3 allegations.

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

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

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

1 Estate with respect to any matters which were not specifically  
2 alleged to be causes for Accusation in this proceeding but do  
3 constitute a bar, estoppel and merger as to any allegations  
4 actually contained in the Accusations against Respondent herein.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing, it is stipulated and agreed  
7 that the following determination of issues shall be made:

8 The conduct of ARIL LEE MANNING as described in  
9 Paragraph 4, above, is in violation of Business and Professions  
10 Code Section 10137 of Title 10, Chapter 6 of the California Code  
11 of Regulations and is a basis for the suspension or revocation of  
12 Respondent's license and license rights as violations of the Real  
13 Estate Law pursuant to Code Section 10177(d).

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and licensing rights of Respondent ARIL  
17 LEE MANNING under the Real Estate Law are suspended for a period  
18 of thirty (30) days from the effective date of this Decision;  
19 provided, however, that all thirty days of said suspension shall  
20 be stayed for two (2) years upon the following terms and  
21 conditions:

22 1. Respondent shall obey all laws, rules and  
23 regulations governing the rights, duties and responsibilities of  
24 a real estate licensee in the State of California; and  
25

26 ///



\* \* \*

EXECUTION OF THE STIPULATION

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

MAILING AND FACSIMILE

14  
15 Respondent (1) shall mail the original signed signature  
16 page of the stipulation herein to Elliott Mac Lennan: Attention:  
17 Legal Section, Department of Real Estate, 320 W. Fourth St.,  
18 Suite 350, Los Angeles, California 90013-1105.  
19

20 Additionally, Respondent shall also (2) facsimile a  
21 copy of signed signature page, to the Department at the following  
22 telephone/fax number: (213) 576-6917, a facsimile constitutes  
23 acceptance and approval of the terms and conditions of this  
24 stipulation. Respondent agrees, acknowledges and understands  
25 that by electronically sending to the Department a facsimile  
26 copy of Respondent's actual signature as it appears on  
27



1 the stipulation, that receipt of the facsimile copy by the  
2 Department shall be as binding on Respondent as if the Department  
3 had received the original signed stipulation.

4  
5 DATED: 3/11/08

*Aril Lee Manning*  
ARIL LEE MANNING, Respondent

6  
7  
8 DATED: 3/16/08

*Jeffrey A. Hartwick*  
JEFFREY A. HARTWICK, ESQ.  
Attorney for Respondent  
Approved as to form

12 \* \* \*

13 The foregoing Stipulation and Agreement is hereby  
14 adopted as my Decision as to Respondent ARIL LEE MANNING and  
15 shall become effective at 12 o'clock noon on  
16 August 14, 2008

17 IT IS SO ORDERED 4/30, 2008.

19 JEFF DAVIS  
20 Real Estate Commissioner  
*Jeff Davis*

*Santo*

1 ELLIOTT MAC LENNAN, SBN 66674  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)  
6 -or- (213) 576-6982 (office)

**FILED**

NOV 28 2007

DEPARTMENT OF REAL ESTATE  
BY: *Asky*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ARIL LEE MANNING, doing business )  
13 as Century 21 Imperial 7 Realty, )  
14 Imperial 7 Mortgage Division, and )  
15 Imperial 7 Escrow Division, )  
Respondent. )

No. H-33952 LA  
FIRST AMENDED  
ACCUSATION

16 The Accusation filed May 3, 2007, is hereby amended in  
17 its entirety.

18 The Complainant, Robin Trujillo, a Deputy Real Estate  
19 Commissioner, for cause of Accusation against ARIL LEE MANNING,  
20 dba as Century 21 Imperial 7 Realty, Imperial 7 Mortgage  
21 Division, and Imperial 7 Escrow Division, is informed and alleges  
22 as follows:

23 1.

24 The Complainant, Robin Trujillo, a Deputy Real Estate  
25 Commissioner of the State of California, makes this Accusation in  
26 her official capacity.  
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2.

LICENSING

Respondent ARIL LEE MANNING (hereinafter "Respondent" or "MANNING") is presently licensed and at all times relevant herein was licensed under the Code. Respondent MANNING has been, since September 21, 1989, at all times herein mentioned, and is, licensed by the Department as a real estate broker.

3.

LICENSED ACTIVITIES AND BROKERAGE

At all times mentioned, in the City of Carson, County of Los Angeles Respondent MANNING, through salespeople licensed to Respondent MANNING, acted as a real estate broker and conducted licensed activities within the meaning of:

A. Code Section 10131(a). MANNING operated a residential resale brokerage dba Century 21 Imperial 7 Realty, wherein he was engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker within for another or others, for or in expectation of compensation to solicit sellers and buyers for listing, sale and purchase of real property and to negotiate the purchase and sale of real property on behalf of buyers and sellers.

B. Code Section 10131(d). MANNING operated a mortgage and loan brokerage dba Imperial 7 Mortgage Division; and,

C. Conducted broker-controlled escrows through his escrow division, Imperial 7 Escrow Division, under the exemption

1 set forth in California Financial Code Section 17006(a)(4) for  
2 real estate brokers performing escrows incidental to a real  
3 estate transaction where the broker is a party and where the  
4 broker is performing acts for which a real estate license is  
5 required.

6 19833 Reinhart, Carson property

7 4.

8 GENERAL ALLEGATIONS

9 (a) Between in or about February 1, 2004 until June 1,  
10 2004, Respondent employed Winfred Roberson aka Winfred "Roger"  
11 Roberson "Roberson", a revoked real estate broker as his  
12 assistant.

13 (b) During the month of February 2004, Respondent  
14 ostensibly solicited Constance Nicholls to sell her residence  
15 located at 19833 Reinhart, Carson, California "the Carson  
16 property".

17 (c) During the month of February 2004, Respondent  
18 ostensibly listed seller Constance Nicholls' Carson property for  
19 sale.

20 (d) On February 24, 2004, Respondent ostensibly  
21 completed negotiations for the sale of the Carson property by  
22 seller to buyers Jose and Susan Espino.

23 (e) The parties entered into a Residential Purchase  
24 Agreement and Joint Escrow Instructions "Sales/Escrow Agreement")  
25 therewith.

26 (f) The Sales/Escrow Agreement was signed by Respondent  
27

1 MANNING on February 24, 2004, as the listing agent, Century 21  
2 Imperial 7. On or about February 24, 2004, escrow was opened at  
3 Imperial 7 Escrow Division. "Sale of Escrow Instructions" (sic)  
4 by Imperial 7 Escrow Division were dated March 4, 2004. Escrow  
5 was scheduled to close on March 30, 2004. Escrow in fact never  
6 closed. It was mutually cancelled by the parties on January 13,  
7 2005.

8 (g) Respondent MANNING signed as the broker/listing  
9 agent for seller Constance Nicholls on the following documents:

- 10 (1) Disclosures Regarding Real Estate Agency Relationships
- 11 (2) Real Estate Transfer Disclosure Statement
- 12 (3) Seller's Advisory
- 13 (4) Residential Listing Agreement
- 14 (5) Disclosure Regarding Real Estate Agency Relationships
- 15 (6) Lead-Based Hazards Disclosure; and
- 16 (7) Seller's Affidavit of Non-Foreign Status and/or  
17 California Residency.

18 (h) In truth and in fact, Roberson and not Respondent  
19 MANNING solicited and negotiated the terms and conditions of the  
20 Carson property purchase and sale.

21 (i) Specifically, Roberson, on behalf of seller  
22 Constance Nicholls negotiated the offer, sale price and terms,  
23 and selection of escrow company, with real estate salesperson  
24 Harry Williams and Nicholas Edmund David Wolf ("Nick Wolf"), real  
25 estate broker, who employed Harry Williams, as selling agent,  
26 representing the buyers, the Espinos.

27 (j) Additionally, Roberson negotiated the and the

1 counter-offer on February 24, 2004, and Addendum on May 4, 2004.

2 (k) Moreover, Roberson negotiated the sales commission  
3 to be paid on the transaction by Constance Nicholls.

4 (l) Roberson coordinated the repairs and payment  
5 therefor on behalf of seller Constance Nicholls' Carson property.

6 (m) Roberson signed the California Realtor Form  
7 "Estimated Sellers Proceeds" Attachment D in the capacity as a  
8 licensee.

9 (n) In fact, Respondent MANNING did not take part in  
10 the solicitation or negotiation of the purchase and sale of the  
11 Carson property.

12 (o) Neither seller Nicholls, or seller's agent Nick  
13 Wolf, or the buyers, the Espinos, had ever met Respondent until  
14 March 30, 2004, the aborted escrow closing date, several weeks  
15 after the sale terms had been finalized; and.

16 (p) Roberson, a revoked broker, was acting as the  
17 broker or in a licensed capacity with respect to the Carson  
18 property transaction.

19 (q) Additionally, Roberson represented himself as a  
20 real estate licensee and attempted to sell the Constance  
21 Nicholl's Carson property to Carl Jordan Jr. and Paul and Sharon  
22 Small, representing Respondent as his partner in the transaction.

23 5.

24 CONDUCT

25 Respondent intentionally engaged in the conduct above  
26 set forth. Alternatively, Respondent engaged in negligence in a  
27 transaction for which a real estate license is required.

CAUSES FOR DISCIPLINARY ACTION

Respondent MANNING's conduct as hereinabove set forth, subjects his real estate broker license and license rights to discipline including suspension or revocation, under the provisions of the following Code Sections:

(a) 10176(a) for the substantial misrepresentation that Respondent MANNING was the real estate broker who solicited and negotiated the Carson property transaction when in fact Winfred "Roger" Roberson solicited the seller and negotiated the terms and conditions of the sale.

(b) 10176(i) for fraud or dishonest dealing in falsely claiming that he solicited and negotiated the Carson property transaction.

(c) 10177(d) for violation of the Real Estate Law in falsely claiming that he solicited the seller and negotiated the terms and conditions of the sale of Constance Nicholls' Carson property transaction; and

(d) 10177(g) for negligence in the Carson property transaction for which a real estate license is required; and

(g) 10137 and 10177(d) for employment of Roberson in the Carson property transaction for which a real estate license is required; and

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1                   WHEREFORE, Complainant prays that a hearing be ..  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondent  
5 ARIL LEE MANNING, doing business as Century 21 Imperial 7 Realty,  
6 Imperial 7 Mortgage Division, and Imperial 7 Escrow Division,  
7 under the Real Estate Law and for such other and further relief  
8 as may be proper under applicable provisions of law.

9 Dated at Los Angeles, California  
10 this 28th day of November, 2007.

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14 Robin Trujillo,  
15 Deputy Real Estate Commissioner  
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26 cc:           Aril Lee Manning  
27               Robin Trujillo  
              Sacto.



*Mac*

**FILED**  
MAY - 3 2007  
DEPARTMENT OF REAL ESTATE

ELLIOTT MAC LENNAN, SBN 66674  
Department of Real Estate  
320 West 4th Street, Ste. 350  
Los Angeles, California 90013-1105  
  
Telephone: (213) 576-6911 (direct)  
-or- (213) 576-6982 (office)

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-33952 LA
ARIL LEE MANNING, doing business	)	<u>A C C U S A T I O N</u>
as Century 21 Imperial 7 Realty,	)	
Imperial 7 Mortgage Division, and	)	
Imperial 7 Escrow Division,	)	
	)	
Respondent.	)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner, for cause of Accusation against ARIL LEE MANNING, dba as Century 21 Imperial 7 Realty, Imperial 7 Mortgage Division, and Imperial 7 Escrow Division, is informed and alleges as follows:

1.

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

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2.

LICENSING

Respondent ARIL LEE MANNING (hereinafter "Respondent" or "MANNING") is presently licensed and at all times relevant herein was licensed under the Code. Respondent MANNING has been, since September 21, 1989, at all times herein mentioned, and is, licensed by the Department as a real estate broker.

3.

LICENSED ACTIVITIES AND BROKERAGE

At all times mentioned, in the City of Carson, County of Los Angeles Respondent MANNING, through salespeople licensed to Respondent MANNING, acted as a real estate broker and conducted licensed activities within the meaning of:

A. Code Section 10131(a). MANNING operated a residential resale brokerage dba Century 21 Imperial 7 Realty, wherein he was engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker within for another or others, for or in expectation of compensation to solicit sellers and buyers for listing, sale and purchase of real property and to negotiate the purchase and sale of real property on behalf of buyers and sellers.

B. Code Section 10131(d). MANNING operated a mortgage and loan brokerage dba Imperial 7 Mortgage Division; and,

C. Conducted broker-controlled escrows through his escrow division, Imperial 7 Escrow Division, under the exemption

1 set forth in California Financial Code Section 17006(a)(4) for  
2 real estate brokers performing escrows incidental to a real  
3 estate transaction where the broker is a party and where the  
4 broker is performing acts for which a real estate license is  
5 required.

6 19833 Reinhart, Carson property

7 4.

8 GENERAL ALLEGATIONS

9 (a) Between in or about February 1, 2004 until June 1,  
10 2004, Respondent employed Winfred Roberson aka Winfred "Roger"  
11 Roberson "Roberson", a revoked real estate broker as his  
12 assistant.

13 (b) During the month of February 2004, Roberson  
14 ostensibly solicited Constance Nicholls to sell her residence  
15 located at 19833 Reinhart, Carson, California "the Carson  
16 property".

17 (c) During the month of February 2004, Respondent  
18 ostensibly listed seller Constance Nicholls' Carson property for  
19 sale.

20 (d) On February 24, 2004, Respondent ostensibly  
21 completed negotiations for the sale of the Carson property by  
22 seller to buyers Jose and Susan Espino.

23 (e) The parties entered into a Residential Purchase  
24 Agreement and Joint Escrow Instructions "Sales/Escrow Agreement")  
25 therewith.

26 (f) The Sales/Escrow Agreement was signed by Respondent  
27

1 MANNING on February 24, 2004, as the listing agent, Century 21  
2 Imperial 7. On or about February 24, 2004, escrow was opened at  
3 Imperial 7 Escrow Division. "Sale of Escrow Instructions"(sic)  
4 by Imperial 7 Escrow Division were dated March 4, 2004. Escrow  
5 was scheduled to close on March 30, 2004. Escrow in fact never  
6 closed. It was mutually cancelled by the parties on January 13,  
7 2005.

8 (g) Respondent MANNING signed as the broker/listing  
9 agent for seller Constance Nicholls on the following documents:

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- 11 (2) Real Estate Transfer Disclosure Statement
- 12 (3) Seller's Advisory
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- 14 (5) Disclosure Regarding Real Estate Agency Relationships
- 15 (6) Lead-Based Hazards Disclosure; and
- 16 (7) Seller's Affidavit of Non-Foreign Status and/or  
17 California Residency.

18 (h) In truth and in fact, Roberson and not Respondent  
19 MANNING solicited and negotiated the terms and conditions of the  
20 Carson property purchase and sale.

21 (i) Specifically, Roberson, on behalf of seller  
22 Constance Nicholls negotiated the offer, sale price and terms,  
23 and selection of escrow company, with salesperson Harry Williams  
24 and Nick Wolf, real estate broker, as selling agent, representing  
25 the buyers.

26 (j) Additionally, Roberson negotiated the and the  
27 counter-offer on February 24, 2004, and Addendum on May 4, 2004.

1 (k) Moreover, Roberson negotiated the sales commission  
2 to be paid on the transaction by Constance Nicholls.

3 (l) Roberson coordinated the repairs and payment  
4 therefor on behalf of seller Constance Nicholls' Carson property.

5 (m) Roberson signed the California Realtor Form  
6 "Estimated Sellers Proceeds" Attachment D in the capacity as a  
7 licensee.

8 (n) In fact, Respondent MANNING did not take part in  
9 the solicitation or negotiation of the purchase and sale of the  
10 Carson property.

11 (o) Neither seller Nicholls, or seller's agent Nick  
12 Wolf, had ever met Respondent until March 30, 2004, the aborted  
13 escrow closing date, several weeks after the sale terms had been  
14 finalized; and.

15 (p) Roberson, a revoked broker, was acting as the  
16 broker of the Carson property transaction.

17 5.

18 CONDUCT

19 Respondent MANNING intentionally engaged in the conduct  
20 above set forth. In the alternative, Respondent MANNING engaged  
21 in negligence in a transaction for which a real estate license is  
22 required.

23 6.

24 CAUSES FOR DISCIPLINARY ACTION

25 Respondent MANNING's conduct as hereinabove set forth,  
26 subjects his real estate broker license and license rights to  
27 suspension or revocation, under the provisions of the following

1 Code Sections:

2 (a) 10176(a) for the substantial misrepresentation that  
3 Respondent MANNING was the real estate broker who solicited and  
4 negotiated the Carson property transaction when in fact Winfred  
5 Roberson solicited the seller and negotiated the terms and  
6 conditions of the sale.

7 (b) 10176(i) for fraud or dishonest dealing in falsely  
8 claiming that he solicited and negotiated the Carson property  
9 transaction.

10 (c) 10177(d) for violation of the Real Estate Law in falsely  
11 claiming that he solicited the seller and negotiated the terms  
12 and conditions of the sale of Constance Nicholls' Carson property  
13 transaction; and

14 (d) 10177(g) for negligence in the Carson property  
15 transaction for which a real estate license is required.

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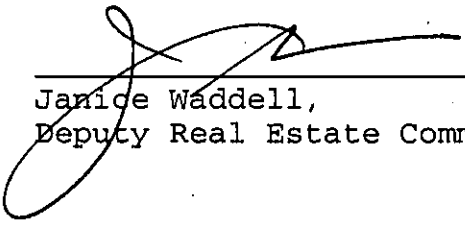
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent ARIL LEE MANNING, doing business as Century 21 Imperial 7 Realty, Imperial 7 Mortgage Division, and Imperial 7 Escrow Division, under the Real Estate Law and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles, California

this 24 day of April, 2007.

  
\_\_\_\_\_  
Janice Waddell,  
Deputy Real Estate Commissioner

cc: Aril Lee Manning  
Janice Waddell  
Sacto.