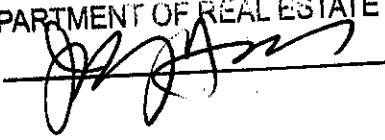


1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4
5 Telephone: (213) 576-6982
6
7

FILED

OCT - 6 2009

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

* * *

10 In the Matter of the Accusation of)
11) No. H-35855 LA
12)) L-2009050681
13) AIRWAY LENDING INC.; and) STIPULATION AND
14) LESTER L. PYEATT, individually) AGREEMENT
15) and as designated officer of)
16) Airway Lending Inc.,)
17)
18) Respondents.)

16 It is hereby stipulated by and between LESTER L.
17 PYEATT, individually, and as designated broker-officer of Airway
18 Lending Inc., (sometimes referred to as "Respondent"), and the
19 Complainant, acting by and through Cheryl Keily, Counsel for the
20 Department of Real Estate, as follows for the purpose of settling
21 and disposing of the Accusation filed on April 10, 2009, in this
22 matter.

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27

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.

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
7 ("Department") in this proceeding.

8 3. On April 27, 2009, Respondent filed a Notice of
9 Defense, pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that he will waive
17 other rights afforded to him in connection with the hearing, such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation filed in this proceeding.
23 In the interest of expedience and economy, Respondent chooses not
24 to contest these factual allegations, but to remain silent and
25 understands that, as a result thereof, these factual statements,
26 will serve as a prima facie basis for the disciplinary action
27

1 stipulated to herein. The Real Estate Commissioner shall not be
2 required to provide further evidence to prove such allegations.

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

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

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

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

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions and
5 waivers 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 of Respondent is in violation of Business
9 and Professions Code ("Code") Sections 10148 and 10159.2, and is
10 grounds for the suspension or revocation of all of the real
11 estate licenses and license rights of Respondent under the
12 provisions of Code Section 10177 subdivisions (d) and (h):

13 ORDER

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

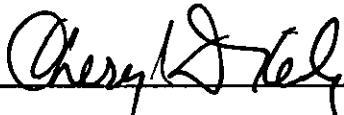
15
16 1. ALL licenses and licensing rights of Respondent
17 LESTER L. PYEATT under the Real Estate Law are suspended for a
18 period of ninety (90) days from the effective date of this
19 Decision; provided, however, that sixty (60) days of said
20 suspension shall be stayed for two (2) years upon the following
21 terms and 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 2. That no final subsequent determination be made,
27 after hearing or upon stipulation, that cause for disciplinary

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

9 DATED: Sept 2, 2009

10 
11 _____
12 CHERYL D. KELLY, Counsel
13 DEPARTMENT OF REAL ESTATE

14 * * *

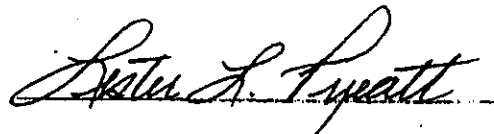
15 I have read the Stipulation and Agreement, and its
16 terms are understood by me and are agreeable and acceptable to
17 me. I understand that I am waiving rights given to me by the
18 California Administrative Procedure Act (including but not
19 limited to Sections 11506, 11508, 11509 and 11513 of the
20 Government Code), and I willingly, intelligently and voluntarily
21 waive those rights, including the right of requiring the
22 Commissioner to prove the allegations in the Accusation at a
23 hearing at which I would have the right to cross-examine
24 witnesses against me and to present evidence in defense and
25 mitigation of the charges.

26 Respondent can signify acceptance and approval of the
27

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

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DATED: Sept. 1, 2009



LESTER L. PYEATT,
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 _____, 2009.

IT IS SO ORDERED _____, 2009.

JEFF DAVI
Real Estate Commissioner

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

10
11 DATED: _____

12 _____
13
14 LESTER L. PYEATT,
Respondent

15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision in this matter and shall become effective
18 at 12 o'clock noon on October 26, 2009.

19 IT IS SO ORDERED 9. 27. 09, 2009.

20
21 
22 _____
23 JEFF DAVI
Real Estate Commissioner
24
25
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27

7/2/09
FILED

JUL 02 2009

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-35855 LA
) L-2009050681
AIRWAY LENDING INC.; and LESTER L.)
PYEATT, individually, and as)
designated officer of Airway)
Lending Inc.,)
Respondent.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On April 10, 2009, an Accusation was filed in this matter against Respondent AIRWAY LENDING INC..

On June 1, 2009, Respondent petitioned the Commissioner to voluntarily surrender its real estate license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent AIRWAY LENDING INC.'s petition for voluntary surrender of its real estate license(s) 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 June 1, 2009 (attached as Exhibit "A" hereto). Respondent's license

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

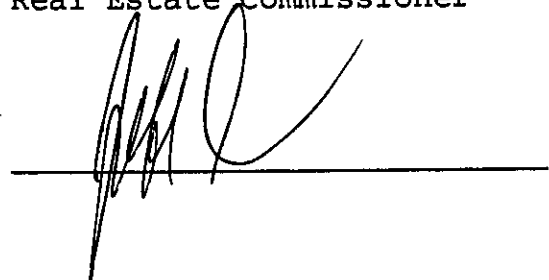
5 DEPARTMENT OF REAL ESTATE
6 Attn: Licensing Flag Section
7 P. O. Box 187000
8 Sacramento, CA 95818-7000

8 This Order shall become effective at 12 o'clock noon
9 on July 22, 2009.

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DATED: 7-22, 2009

JEFF DAVI
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'JEFF DAVI', is written over a horizontal line.

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Exhibit "A"

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-35855 LA
)	
AIRWAY LENDING INC.; and)	
LESTER L. PYEATT, indivi-)	
dually, and as designated)	
officer of Airway Lending)	
Inc.,)	
)	
Respondents.)	
_____)	

DECLARATION

My name is Paul Rosow. AIRWAY LENDING INC. is licensed as a real estate corporation and/or has license rights with respect to said license. I am currently an officer of AIRWAY LENDING INC., and am authorized and empowered to sign this declaration on behalf of AIRWAY LENDING INC.

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) AIRWAY LENDING INC. wishes to voluntarily surrender its real estate license issued by the

1 Department of Real Estate ("Department"), pursuant to the
2 provisions of Business and Professions Code Section 10100.2.

3 I understand that AIRWAY LENDING INC., by so
4 voluntarily surrendering its license, can only have it reinstated
5 in accordance with the provisions of Section 11522 of the
6 Government Code. I also understand that by so voluntarily
7 surrendering its license, AIRWAY LENDING INC. agrees to the
8 following:

9 1. The filing of this Declaration shall be deemed as
10 the petition of AIRWAY LENDING INC. for voluntary surrender.

11 2. It shall also be deemed to be an understanding and
12 agreement by AIRWAY LENDING INC. that it waives all rights it has
13 to require the Commissioner to prove the allegations contained in
14 the Accusation filed in this matter at a hearing held in
15 accordance with the provisions of the Administrative Procedure
16 Act (Government Code Sections 11400 et seq.), and that AIRWAY
17 LENDING INC. also waives other rights afforded to it in
18 connection with the hearing such as the right to discovery, the
19 right to present evidence in defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

21 3. AIRWAY LENDING INC. further agrees that upon
22 acceptance by the Commissioner, as evidenced by an appropriate
23 order, all affidavits and all relevant evidence obtained by the
24 Department in this matter prior to the Commissioner's acceptance,
25 and all allegations contained in the Accusation filed by the
26 Department in Case No. H-35855 LA, may be considered by the
27 Department to be true and correct for the purpose of deciding


1 whether to grant relicensure or reinstatement of AIRWAY LENDING
2 INC.'s license pursuant to Government Code Section 11522.

3 4. I am acting freely and voluntarily on behalf of
4 AIRWAY LENDING INC. to surrender its license and all license
5 rights attached thereto.

6 I declare under penalty of perjury under the laws of
7 the State of California that the above is true and correct.

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6/1/07 Costa Mesa, CA
Date and Place

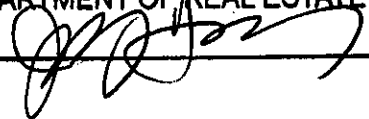


1 CHERYL D. KEILY, SBN 94008
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6905 (direct)
6 -or- (213) 576-6982 (office)

FILED

APR 10 2009

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)	No. H-35855LA
)	
12 AIRWAY LENDING INC.; and)	<u>A C C U S A T I O N</u>
13 LESTER L. PYEATT, individually)	
14 and as designated officer of)	
Airway Lending Inc.,)	
)	
15 Respondents.)	

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against AIRWAY LENDING INC. and LESTER L. PYEATT, individually
19 and as designated officer of Airway Lending Inc. as follows:

20 1.

21 The Complainant, Robin Trujillo, acting in her official
22 capacity as a Deputy Real Estate Commissioner of the State of
23 California, makes this Accusation against AIRWAY LENDING INC. and
24 LESTER L. PYEATT.

25
26 ///
27 ///

2.

1 All references to the "Code" are to the California
2 Business and Professions Code and all references to "Regulations"
3 are to Title 10, Chapter 6, California Code of Regulations.
4

5 LICENSE HISTORY

6 3.

7 A. At all times mentioned herein, AIRWAY LENDING INC.
8 ("AIRWAY") and LESTER L. PYEATT ("PYEATT") were licensed or had
9 license rights issued by the Department of Real Estate
10 ("Department") as real estate brokers.

11 B. At all times material herein, AIRWAY was licensed
12 by the Department as a corporate real estate broker by and
13 through PYEATT, as the designated officer and broker responsible,
14 pursuant to Code Section 10159.2 of the Business and Professions
15 Code ("Code") for supervising the activities requiring a real
16 estate license conducted on behalf AIRWAY by AIRWAY's officers,
17 agents and employees, including PYEATT. AIRWAY was originally
18 licensed as a corporate real estate broker on July 31, 2006.
19 PYEATT was initially licensed as a real estate broker on February
20 17, 1981. Since AIRWAY's inception, PYEATT has been the
21 designated officer.
22

23 FIRST CAUSE OF ACCUSATION
24 (Record Retention Violations)

25 4.

26 At all times mentioned herein, in the City of Costa
27 Mesa, County of Orange, Respondents engaged in activities with

1 the public wherein lenders and borrowers were solicited for loans
2 secured directly or collaterally by liens on real property,
3 wherein such loans were arranged, negotiated, processed and
4 consummated on behalf of others for compensation or in
5 expectation of compensation and for fees often collected in
6 advance within the meaning of Code Section 10131(d).

7 5.

8 During January 2009, the Department conducted an
9 investigation of the books and records of AIRWAY pertaining to
10 the mortgage loan activities described in Paragraph 4, that
11 require a real estate license. The investigation revealed
12 violations of the Code and the Regulations now set forth.

13 6.

14 In the course of activities described in Paragraphs 4
15 and 5, above, Respondents AIRWAY and PYEATT, acted in violation
16 of the Code and the Regulations in that they failed to retain all
17 records of AIRWAY's activities requiring a real estate broker
18 license during the past three years including sales and loan
19 transaction files for AIRWAY's real estate clients and further
20 including listings, real estate contracts, canceled checks,
21 escrow and trust records, and specifically including the sale
22 and/or loan documentation pertaining to the real properties
23 located at 7811 Ledon Way, Midway City, California, 7762 Arbor
24 Circle #65A, Huntington Beach, California, and 201 S. Courtney
25 Place, Fullerton, California, as required by Code Section 10148.

26 ///
27

1 revoke the real estate licenses and license rights of PYEATT
2 under Code Sections 10177(d), 10177(g) and/or 10177(h).

3 DISCIPLINARY STATUTES AND REGULATIONS

4 11.

5 The conduct of Respondents PYEATT and AIRWAY described
6 above violate the Code and the Regulations as set forth below:

7 PARAGRAPH

PROVISIONS VIOLATED

8 6

Code Sections 10148, 10177(d)
and/or 10177(g)

9 9

Code Sections 10159.2 and 10177(d),
10177(g), and/or 10177(h)

12 12.

13
14 The foregoing violations constitute cause for the
15 suspension or revocation of the real estate license and license
16 rights of AIRWAY and PYEATT under the provisions of Code Sections
17 10177(d) and/or 10177(g) and/or 10177(h).

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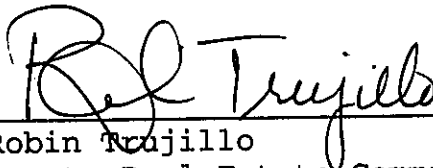
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 AIRWAY LENDING INC. and LESTER L. PYEATT, under the Real Estate
6 Law (Part 1 of Division 4 of the Business and Professions Code)
7 and for such other and further relief as may be proper under
8 other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 9 day of April, 2009

11
12 
13 _____
14 Robin Trujillo
15 Deputy Real Estate Commissioner
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25 cc: Airway Lending Inc.
26 Lester L. Pyeatt
27 Robin Trujillo
Sacto.