

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

**FILED**

JAN 19 2016

BUREAU OF REAL ESTATE

By *Julie L. To*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-39572 LA  
12 )  
13 MESA MANAGEMENT INC.; and )  
14 )  
15 CORTNEY ARTHUR ENSIGN, ) STIPULATION  
16 individually and as designated ) AND  
17 officer of Mesa Management Inc., ) AGREEMENT  
18 )  
19 Respondents. )

20 It is hereby stipulated by and between Respondents MESA MANAGEMENT  
21 INC. (“MMI” or “Respondent MMI”), CORTNEY ARTHUR ENSIGN (“ENSIGN” or  
22 “Respondent ENSIGN”), both represented by Michael R. Tenerelli, Esq., and the Complainant,  
23 acting by and through Julie L. To, Counsel for the Bureau of Real Estate, as follows for the  
24 purpose of settling and disposing of the Accusation (“Accusation”) filed on August 8, 2014.

25 1. All issues which were to be contested and all evidence which was to be  
26 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing  
27 was to be held in accordance with the provisions of the Administrative Procedure Act (“APA”),  
shall instead and in place thereof be submitted solely on the basis of the provisions of this

1 Stipulation and Agreement (“Stipulation”).

2           2. Respondents have received, read and understand the Statement to Respondent,  
3 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate  
4 (“Bureau”) in this proceeding.

5           3. Respondents timely filed a Notice of Defense pursuant to Section 11506 of the  
6 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
7 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
8 acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive  
9 their right to require the Commissioner to prove the allegations in the Accusation at a contested  
10 hearing held in accordance with the provisions of the APA and that they will waive other rights  
11 afforded to them in connection with the hearing such as the right to present evidence in their  
12 defense and the right to cross-examine witnesses.

13           4. This Stipulation is based on the factual allegations contained in the Accusation.  
14 In the interest of expedience and economy, Respondents choose not to contest these allegations,  
15 but to remain silent and understand that, as a result thereof, these factual allegations, without  
16 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to  
17 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
18 said factual allegations.

19           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
20 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
21 which the Bureau of Real Estate, the state or federal government, or any agency of this state,  
22 another state or federal government is involved, and otherwise shall not be admissible in any  
23 other criminal or civil proceeding.

24 ///

25 ///

1                   6. It is understood by the parties that the Real Estate Commissioner may adopt  
2 this Stipulation as the Commissioner's Decision in this matter thereby imposing the penalty and  
3 sanctions on Respondent's real estate licenses and license rights as set forth in the "Order" herein  
4 below. In the event that the Commissioner in his discretion does not adopt the Stipulation, it  
5 shall be void and of no effect and Respondents shall retain the right to a hearing and proceeding  
6 on the Accusation under the provisions of the APA and shall not be bound by any stipulation or  
7 waiver made herein.

8                   7. The Order or any subsequent Order of the Real Estate Commissioner made  
9 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
10 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters  
11 which were not specifically alleged to be causes for Accusation in this proceeding but do  
12 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations  
13 against Respondents herein.

14                   8. Respondents understand that by agreeing to this Stipulation, Respondents agree  
15 to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit. The  
16 amount of said cost for the original audit (LA130154) is \$6,597.68.

17                   9. Respondents have received, read, and understand the "Notice Concerning  
18 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,  
19 the findings set forth below in the Determination of Issues become final, and the Commissioner  
20 may charge Respondent for the cost of any subsequent audits conducted pursuant to Business and  
21 Professions Code Section 10148 to determine if the violations have been corrected. The  
22 maximum cost of the follow-up audits will not exceed \$6,597.68.

23                   10. Respondents understand that by agreeing to this Stipulation, Respondents  
24 agree to pay, pursuant to Business and Professions Code Section 10106, the Commissioner's cost  
25 of investigation and enforcement. The amount of said costs is \$3,525.15.

1 DETERMINATION OF ISSUES

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

4 The conduct, acts or omissions of Respondents, as described in Paragraph 4,  
5 herein above, are in violation of Business and Professions Code ("Code") Section 10145 and  
6 Regulations 2831, 2831.1, 2831.2, 2832(a), 2832.1, 2834(a), and 2834(b) (MMI and ENSIGN);  
7 Code Section 10176(a) and 10176(g) (MMI and ENSIGN); Code Section 10163 and Regulation  
8 2715 (MMI and ENSIGN); Code Section 10140.6(b)(1) and Regulation 2773 (MMI and  
9 ENSIGN); Code Section 10161.8 and Regulation 2752 (MMI and ENSIGN); Code Section  
10 10177(g) (MMI and ENSIGN); Code Section 10176(k) (MMI and ENSIGN); and Code Section  
11 10159.2 and Regulation 2725 (ENSIGN only), and are bases for the suspension or revocation of  
12 Respondents' licenses and license rights as a violation of the Real Estate Law pursuant to Code  
13 Sections 10176(a), 10176(e), 10176(g), 10176(i), and 10177(d), 10177(g), 10177(j), and  
14 10177(h) as to Respondent ENSIGN.

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 All licenses and licensing rights of Respondents MESA MANAGEMENT INC.  
18 and CORTNEY ARTHUR ENSIGN under the Real Estate Law are suspended for a period of  
19 ninety (90) days from the effective date of this Decision; provided, however, that:

20  
21 1. Thirty (30) days of said suspension shall be stayed, upon the condition that  
22 Respondents petition pursuant to Section 10175 of the Code and pay a monetary penalty pursuant  
23 to Section 10175.2 of the Code at a rate of \$100.00 for each day of the suspension for a total  
24 monetary penalty of \$3,000.00 per Respondent, or \$6,000.00 total.

25 ///

1                    a) Said payment shall be in the form of a cashier's check made payable to the  
2 Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag Section,  
3 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and  
4 Order.

5  
6                    b) No further cause for disciplinary action against the Real Estate licenses of  
7 Respondents occurs within two (2) years from the effective date of the Decision and Order in this  
8 matter.

9                    c) If Respondents fail to pay the monetary penalty in accordance with the terms of  
10 and conditions of this Decision and Order, the suspension shall go into effect automatically.  
11 Respondents shall not be entitled to any repayment nor credit, prorated or otherwise, for money  
12 paid to the Bureau under the terms of this Decision and Order.

13                    d) If Respondents pay the monetary penalty and any other monies due under this  
14 Stipulation and Agreement, and if no further cause for disciplinary action against the real estate  
15 licenses of said Respondents occurs within two (2) years from the effective date of this Decision  
16 and Order, the entire stay hereby granted pursuant to this Decision and Order, as to said  
17 Respondents only, shall become permanent.

18                    2. Sixty (60) days of said suspension shall be stayed for two (2) years upon the  
19 following terms and conditions:

20                    a) Respondents shall obey all laws, rules and regulations governing the rights,  
21 duties and responsibilities of a real estate licensee in the State of California; and,

22                    b) That no final subsequent determination be made, after hearing or upon  
23 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
24 date of this Decision and Order. Should such a determination be made, the Commissioner may,  
25 in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
26

1 suspension. Should not such determination be made; the stay imposed herein shall become  
2 permanent.

3 3. Pursuant to Section 10148 of the Code, Respondents shall pay the sum of  
4 \$6,597.68 for the Commissioner's cost of the audit which led to this disciplinary action.  
5 Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the  
6 Commissioner. Payment of audit costs should not be made until Respondents receive the  
7 invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein,  
8 Respondents' real estate licenses shall automatically be suspended until payment is made in full,  
9 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
10 condition.


11 4. Pursuant to Section 10148 of the Code, Respondents shall pay the  
12 Commissioner's reasonable cost, not to exceed \$6,597.68, for an audit to determine if  
13 Respondents have corrected the violations found in the Determination of Issues. In calculating  
14 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated  
15 average hourly salary for all persons performing audits of real estate brokers, and shall include an  
16 allocation for travel time to and from the auditor's place of work. Respondents shall pay such  
17 cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of  
18 the audit costs should not be made until Respondents receive the invoice. If Respondents fail to  
19 satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses  
20 shall automatically be suspended until payment is made in full, or until a decision providing  
21 otherwise is adopted following a hearing held pursuant to this condition.

22 5. All licenses and licensing rights of Respondents are indefinitely suspended  
23 unless or until Respondents pay the sum of \$3,525.15 for the Commissioner's reasonable costs of  
24 investigation and enforcement which led to this disciplinary action. Said payment shall be in the  
25 form of a cashier's check or certified check made payable to the Bureau of Real Estate. The  
26

1 investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section  
2 at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision  
3 and Order.

4 6. All licenses and licensing rights of Respondent CORTNEY ARTHUR  
5 ENSIGN, are indefinitely suspended unless or until Respondent ENSIGN provides proof  
6 satisfactory to the Commissioner, of having taken and successfully completed the continuing  
7 education course on trust fund accounting and handling specified in paragraph (3) of subdivision  
8 (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of these  
9 requirements includes evidence that Respondent has successfully completed the trust fund  
10 account and handling continuing education course, no earlier than 120 days prior to the effective  
11 date of the Decision and Order in this matter. Proof of completion of the trust fund accounting  
12 and handling course must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box  
13 137013, Sacramento, CA 95813-7013, or by fax at 916-263-8758, prior to the effective date of  
14 this Decision and Order.

15  
16 DATED: 12-1-15

  
\_\_\_\_\_  
17 Julie L. To, Counsel for  
18 Bureau of Real Estate

19 \* \* \*

20 EXECUTION OF THE STIPULATION

21 I have read the Stipulation and Agreement and discussed it with my attorney. Its  
22 terms are understood by me and are agreeable and acceptable to me. I understand that I am  
23 waiving rights given to us by the California Administrative Procedure Act (including but not  
24 limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,  
25 intelligently and voluntarily waive those rights, including the right of requiring the  
26


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

4 MAILING AND FACSIMILE

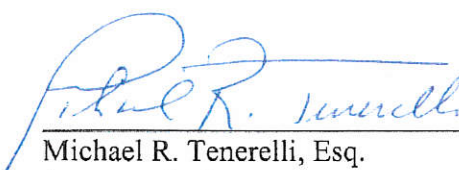
5 Respondents (1) shall mail the original signed signature page of the stipulation  
6 herein to Julie L. To, Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los  
7 Angeles, California 90013-1105. Respondents shall also (2) transmit via facsimile a copy of  
8 signed signature page, to the Bureau at the following telephone/fax number: (213) 576-6917,  
9 Attention: Julie L. To.

10 A facsimile constitutes acceptance and approval of the terms and conditions of  
11 this stipulation. Respondent agrees, acknowledges and understands that by electronically sending  
12 to the Bureau a facsimile copy of Respondent's actual signature as it appears on the stipulation  
13 that receipt of the facsimile copy by the Bureau shall be as binding on Respondents as if the  
14 Bureau had received the original signed stipulation.

15  
16 DATED: 11/30/15

  
CORTNEY ARTHUR ENSIGN, Respondent,  
individually and as designated officer of  
Respondent MESA MANAGEMENT INC.

17  
18  
19  
20 DATED: 12/1/15

  
Michael R. Tenerelli, Esq.  
Attorney for Respondents  
Approved as to form and content

21  
22  
23  
24 \* \* \*

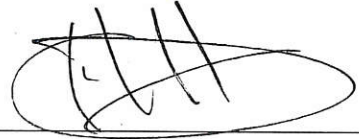
25 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
26



1 Respondents MESA MANAGEMENT INC. and CORTNEY ARTHUR ENSIGN, individually  
2 and as designated officer of MESA MANAGEMENT INC. and shall become effective at 12  
3 o'clock noon on JAN 01 2016, 2016.

4 IT IS SO ORDERED JANUARY 6, 2016

5 WAYNE S. BELL  
6 REAL ESTATE COMMISSIONER

7 

9 By: JEFFREY MASON  
10 Chief Deputy Commissioner

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27