

1 DEPARTMENT OF REAL ESTATE  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 620-2072

**FILED**

AUG 21 2019

DEPT. OF REAL ESTATE

*Angela Stinner*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation against  
12 MESA MANAGEMENT, INC. and  
13 CORTNEY ARTHUR ENSIGN,  
14 individually and as designated officer of  
15 Mesa Management, Inc.,  
Respondents.

DRE No. H-41248 LA  
OAH No. 2019020854

**STIPULATION AND  
AGREEMENT IN SETTLEMENT  
AND ORDER**

16 It is hereby stipulated by and between Respondents MESA MANAGEMENT, INC. and  
17 CORTNEY ARTHUR ENSIGN, individually, and as designated officer for Mesa Management,  
18 Inc. (collectively "Respondents"), both represented by Michael R. Tenerelli, Esq. and the  
19 Complainant, acting by and through Lissete Garcia, Counsel for the Department of Real Estate  
20 ("Department"), as follows for the purpose of settling and disposing the Accusation filed on  
21 December 18, 2018, with Department Case No. H-41248 LA ("Accusation") in this matter:

22 1. All issues which were to be contested and all evidence which was to be presented by  
23 Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be  
24 held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall

1 instead and in place thereof be submitted on the basis of the provisions of this Stipulation and  
2 Agreement in Settlement and Order ("Stipulation").

3 2. Respondents have received, read, and understand the Statement to Respondent, the  
4 Discovery Provisions of the APA, and Accusation filed by the Department in this proceeding.

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

14 4. This Stipulation is based on the factual allegations contained in the Accusation filed in  
15 this proceeding. In the interest of expedience and economy, Respondents choose not to contest  
16 these factual allegations, but to remain silent and understand that, as a result thereof, these  
17 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to  
18 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
19 such allegations.

20 5. This Stipulation and Respondents' decision not to contest the Accusation are made for  
21 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this  
22 proceeding and any other proceeding or case in which the Department, or another licensing  
23 agency of this state, another state or if the federal government is involved and otherwise shall not  
24 be admissible in any other criminal or civil proceedings.

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

8           7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to  
9 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further  
10 administrative or civil proceedings by the Department of Real Estate with respect to any matters  
11 which were not specifically alleged to be causes for accusation in this proceeding.

12           8. Respondents further understand that by agreeing to this Stipulation, Respondents  
13 agree to pay, pursuant to California Business and Professions Code ("Code"), section 10106(a),  
14 the investigative and enforcement costs of \$2,586.15 which led to this disciplinary action.

15           9. Respondents understand that by agreeing to this Stipulation, Respondents agree to  
16 pay, pursuant to section 10148 of the Code, the cost of the audit which resulted in the  
17 determination that Respondent committed the violations found in the "Determination of Issues"  
18 below. The amount of said cost is \$6,597.68.

19           10. Respondents understand that by agreeing to this Stipulation, the findings set forth  
20 below in the Determination of Issues become final, and the Commissioner may charge  
21 Respondents for the cost of any subsequent audit conducted pursuant to Code section 10148 to  
22 determine if the violations have been corrected.

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulation and agreement and solely for the purpose of  
3 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the  
4 following determination of issues shall be made:

5 I.

6 The conduct, acts and/or omissions of Respondent MMI as set forth herein above in  
7 Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses and  
8 license rights of Respondent MMI under the provisions of Code sections 10176(e), 10176(i),  
9 10177(d) and 10177(g) for violation of Code sections 10145, 10140.6, 10176(e), 10176(i), and  
10 10148 and Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of  
11 Regulations (“Regulations”) 2831, 2831.1, 2831.2, 2832, 2832.1, 2834, and 2773.

12 II.

13 The conduct, acts and/or omissions of Respondent ENSIGN as set forth herein above in  
14 Paragraph 4, constitute cause for the suspension or revocation of all real estate licenses and  
15 license rights of Respondent ENSIGN under the provisions of Code section 10177(h) for  
16 violation of Code sections 10159.2 and 10177(h) and Regulation 2725.

17 ORDER

18 I.

19 All licenses and licensing rights of Respondent MMI under the Real Estate Law are  
20 revoked; provided, however, a restricted corporate real estate broker license shall be issued to  
21 Respondent MMI pursuant to Section 10156.5 of the Code if Respondent makes application  
22 therefor and pays to the Department the appropriate fee for the restricted license within 90 days  
23 from the effective date of this Decision and Order. The restricted license issued to Respondent  
24

1 MMI shall be subject to all of the provisions of Section 10156.7 of the Code and to the following  
2 limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

3 1. The restricted license issued to Respondent may be suspended prior to hearing by  
4 Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere to  
5 a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

6 2. The restricted license issued to Respondent may be suspended prior to hearing by  
7 Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
8 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
9 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
10 license.

11 3. Respondent shall not be eligible to petition for the issuance of any unrestricted real  
12 estate license nor for removal of any of the conditions, limitations or restrictions of a restricted  
13 license until two (2) years have elapsed from the effective date of this Decision and Order.  
14 Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions  
15 attaching to the license have been removed.

16 4. All licenses and licensing rights of Respondent MMI are indefinitely suspended unless  
17 or until Respondents pay, jointly or severally, the sum of \$2,586.15 for the Commissioner's  
18 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
19 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.  
20 **The investigative and enforcement costs must be delivered to the Department of Real**  
21 **Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective**  
22 **date of this Decision and Order. Payment of investigation and enforcement costs should**  
23 **not be made until the Stipulation has been approved by the Commissioner.**

24 5. Pursuant to Section 10148 of the Code, Respondents shall pay, jointly or severally, the

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

8 6. Pursuant to Section 10148 of the Code, Respondent MMI shall pay the  
9 Commissioner's reasonable cost (said costs may not to exceed a maximum of \$17,464.00) for  
10 any subsequent audit to determine if Respondent MMI has corrected the violations found in the  
11 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the  
12 Commissioner may use the estimated average hourly salary for all persons performing audits of  
13 real estate brokers, and shall include an allocation for travel time to and from the auditor's place  
14 of work. **Respondent MMI shall pay such cost within sixty (60) days of receiving an invoice**  
15 **therefore from the Commissioner. Payment of the audit costs should not be made until**  
16 **Respondent receives the invoice.** If Respondent MMI fails to satisfy this condition in a timely  
17 manner as provided for herein, Respondent's real estate license shall automatically be suspended  
18 until payment is made in full, or until a decision providing otherwise is adopted following a  
19 hearing held pursuant to this condition.

20 II.

21 All licenses and licensing rights of Respondent ENSIGN under the Real Estate Law are  
22 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent  
23 ENSIGN pursuant to Section 10156.5 of the Code if Respondent makes application therefor and  
24 pays to the Department the appropriate fee for the restricted license within 90 days from the

1 effective date of this Decision and Order. The restricted license issued to Respondent ENSIGN  
2 shall be subject to all of the provisions of Section 10156.7 of the Code and to the following  
3 limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

4 1. The restricted license issued to Respondent may be suspended prior to hearing by  
5 Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere to  
6 a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

7 2. The restricted license issued to Respondent may be suspended prior to hearing by  
8 Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
9 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
10 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
11 license.

12 3. Respondent shall not be eligible to petition for the issuance of any unrestricted real  
13 estate license nor for removal of any of the conditions, limitations or restrictions of a restricted  
14 license until two (2) years have elapsed from the effective date of this Decision and Order.  
15 Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions  
16 attaching to the license have been removed.

17 4. All licenses and licensing rights of Respondent ENSIGN are indefinitely suspended  
18 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and  
19 successfully completed the continuing education course on trust fund accounting and handling  
20 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions  
21 Code. Proof of satisfaction of this requirement includes evidence that Respondent has  
22 successfully completed the trust fund account and handling continuing education course, no  
23 earlier than 120 days prior to the effective date of the Decision and Order in this matter. **Proof**  
24 **of completion of the trust fund accounting and handling course must be delivered to the**

1 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013**  
2 **or by fax at 916-263-8758, prior to the effective date of this Decision and Order.**

3 5. All licenses and licensing rights of Respondent ENSIGN are indefinitely suspended  
4 unless or until Respondents pay, jointly or severally, the sum of \$2,586.15 for the  
5 Commissioner's reasonable cost of the investigation and enforcement which led to this  
6 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the  
7 Department of Real Estate. **The investigative and enforcement costs must be delivered to the**  
8 **Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,**  
9 **prior to the effective date of this Decision and Order. Payment of investigation and**  
10 **enforcement costs should not be made until the Stipulation has been approved by the**  
11 **Commissioner.**

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

20 7. Respondent shall, within six (6) months from the effective date of this Decision and  
21 Order, take and pass the Professional Responsibility Examination administered by the  
22 Department including the payment of the appropriate examination fee. If Respondent fails to  
23 satisfy this condition, Respondent's real estate license shall automatically be suspended until  
24 Respondent passes the examination.



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DATED: 8/12/2019

Lisette Garcia  
Lisette Garcia, Counsel  
Department of Real Estate

\* \* \*

We have read this Stipulation and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California APA (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually signed by Respondents, to the Department. Respondents agree, acknowledge, and understand that by electronically sending to the Department an electronic copy of Respondents' actual signature, as it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents may not withdraw Respondents' agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to the effective date of the Stipulation and Order.

DATED: \_\_\_\_\_

Respondent MESA MANAGEMENT, INC.

By (Printed Name): \_\_\_\_\_

Title: \_\_\_\_\_

1 DATED: \_\_\_\_\_

\_\_\_\_\_  
Lisette Garcia, Counsel  
Department of Real Estate

3 \* \* \*

4 We have read this Stipulation and its terms are understood by us and are agreeable and  
5 acceptable to us. We understand that we are waiving rights given to us by the California APA  
6 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government  
7 Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of  
8 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we  
9 would have the right to cross-examine witnesses against us and to present evidence in defense  
10 and mitigation of the charges.

11 Respondents can signify acceptance and approval of the terms and conditions of this  
12 Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually  
13 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand  
14 that by electronically sending to the Department an electronic copy of Respondents' actual  
15 signature, as it appears on the Stipulation, that receipt of the emailed copy by the Department  
16 shall be as binding on Respondents as if the Department had received the original signed  
17 Stipulation. By signing this Stipulation, Respondents understand and agree that Respondents  
18 may not withdraw Respondents' agreement or seek to rescind the Stipulation prior to the time the  
19 Commissioner considers and acts upon it or prior to the effective date of the Stipulation and  
20 Order.

21 DATED: 8/2/2019



\_\_\_\_\_  
Respondent MESA MANAGEMENT, INC.

23 By (Printed Name): Stephen M. Mensinger


24 Title: President

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DATED: 8/2/2019

  
Respondent CORTNEY ARTHUR ENSIGN

DATED: 8/2/19

  
Michael R. Tenerelli, Esq.  
Counsel for Respondents  
Approved as to Form

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by  
me as my Decision in this matter and shall become effective at 12 o'clock noon on  
\_\_\_\_\_, 2019.

IT IS SO ORDERED \_\_\_\_\_, 2019.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

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DATED: \_\_\_\_\_

Respondent CORTNEY ARTHUR ENSIGN

DATED: \_\_\_\_\_

Michael R. Tenerelli, Esq.  
Counsel for Respondents  
Approved as to Form

\* \* \*

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by  
me as my Decision in this matter and shall become effective at 12 o'clock noon on  
SEP 05 2019, 2019.

IT IS SO ORDERED August 15, 2019.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri