

FILED

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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-38041 LA
12	EVANS/SIPES INC)	<u>A C C U S A T I O N</u>
13	and MICHAEL GRANT SIPES,)	
14	individually and as designated)	
15	officer of Evans/Sipes Inc,)	
16	Respondents.)	

17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against EVANS/SIPES INC and MICHAEL GRANT SIPES, individually,
20 and as designated officer of Evans/Sipes Inc, alleges as follows:

21 1.

22 The Complainant, Robin Trujillo, acting in his official
23 capacity as a Deputy Real Estate Commissioner of the State of
24 California, makes this Accusation against EVANS/SIPES INC and
25 MICHAEL GRANT SIPES, individually, and as designated officer of
26 Evans/Sipes Inc.

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

LICENSE HISTORY

3.

A. At all times mentioned, EVANS/SIPES INC ("ESI") was licensed or had license rights issued by the Department of Real Estate ("Department") as a corporate real estate broker.

B. At all times mentioned, MICHAEL GRANT SIPES ("SIPES") was licensed or had license rights issued by the Department as a real estate broker. From January 22, 2011 through the present, SIPES has been the designated officer for ESI.

C. On October 7, 2008, ESI and SIPES signed a Stipulation and Agreement before the Department in Case No. H-34945 LA, in which ESI and SIPES stipulated to violations of Code Sections 10145, 10177(d) and 10177(g), as well as Regulations 2832 and 2950(d). SIPES also stipulated to violations of Code Sections 10159.2 and 10177(h). The Stipulation and Agreement, which became effective on May 29, 2009, suspended the license and license rights of ESI for sixty (60) days, with thirty (30) stayed upon payment of a monetary penalty and thirty (30) more days stayed upon certain terms and conditions. The license and license rights of SIPES were suspended for ninety (90) days, with thirty (30) stayed upon payment of a monetary penalty and sixty (60) more days stayed upon certain terms and conditions.

1 VIOLATIONS OF THE REAL ESTATE LAW

2 6.

3 In the course of activities described in Paragraph 4
4 above, and during the examination period described in Paragraph
5 5, ESI and SIPES acted in violation of the Code and the
6 Regulations in that:

7 (a) ESI's record of trust funds received for resale
8 activities was not accurate and/or complete, in violation of Code
9 Section 10145(a) and Regulation 2831.

10 (b) The escrow instructions ESI used in its broker-
11 escrow activities did not disclose to all parties that SIPES has
12 an interest as stockholder and/or officer of the agency holding
13 escrow, in violation of Code Section 10176(g) and Regulation
14 2950(h).

15 (c) ESI's license identification number was missing on
16 real property purchase agreements in three (3) of the twelve (12)
17 transaction files examined, in violation of Code Section
18 10140.6(b).

19 (d) ESI used the fictitious business names "RE/MAX
20 Gold Coast", "RE/MAX GOLD COAST REALTORS INC" and "RE/MAX Gold
21 Coast Beach & Marina Office" in connection with its resale
22 activities without a license bearing such fictitious names, in
23 violation of Code Section 10159.5 and Regulation 2731.

24 7.

25 The conduct of Respondents, as described in Paragraph
26 6, above, violated the Code and the Regulations as set forth
27 below:

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 EVANS/SIPES INC
5 and MICHAEL GRANT SIPES, individually, and as designated officer
6 of Evans/Sipes Inc, under the Real Estate Law, that Complainant
7 be awarded its costs of investigation and prosecution of this
8 case, and for such other and further relief as may be proper
9 under other applicable provisions of law.

10 Dated at Los Angeles, California

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12 this 3 day of April, 2012.

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14 _____
15 Robin Trujillo
16 Deputy Real Estate Commissioner
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24 cc: MICHAEL GRANT SIPES
25 EVANS/SIPES INC
26 Robin Trujillo
27 Sacto
Audits