

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

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FILED

OCT 7 2015

BUREAU OF REAL ESTATE

By H. Contreas

7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)	
)	NO. H-2891 FR
11 HIRAM EARL KEMP,)	
12 <u>ROBERT ALLEN FEATHERSTONE,</u>)	STIPULATION AND AGREEMENT
13 SHIRLEY LEE SULLIVAN-HABLE, and)	IN SETTLEMENT AND ORDER
14 KEMP-HABLE, INC., a Corporation,)	
)	<u>AS TO ROBERT ALLEN</u>
15 Respondents.)	<u>FEATHERSTONE ONLY</u>

16 It is hereby stipulated by and between Respondent ROBERT ALLEN
17 FEATHERSTONE (herein "Respondent") acting by and through Jakrun Sodhi, attorney of
18 record for Respondent, and the Complainant, acting by and through Mary F. Clarke, Counsel for
19 the Bureau of Real Estate (herein "the Bureau"), as follows for the purpose of settling and
20 disposing the Accusation filed on June 18, 2014, in this matter (herein "Accusation"):

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
23 was to be held in accordance with the provisions of the Administrative Procedure Act (herein
24 "APA"), shall instead and in place thereof be submitted on the basis of the provisions of this
25 Stipulation and Agreement in Settlement and Order (herein "Stipulation").

1 2. Respondent has received, read and understands the Statement to Respondent,
2 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

3 3. A Notice of Defense was filed on June 25, 2014 by Respondent pursuant to
4 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
5 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
6 Respondent acknowledges he understands that by withdrawing said Notice of Defense he will
7 thereby waive his rights to require the Real Estate Commissioner (herein "the Commissioner") to
8 prove the allegations in the Accusation at a contested hearing held in accordance with the
9 provisions of the APA and that he will waive other rights afforded to him in connection with the
10 hearing such as the right to present evidence in defense of the allegations in the Accusation and
11 the right to cross-examine witnesses.

12 4. Respondent, pursuant to the "Determination of Issues" set forth below, hereby
13 admits that the factual allegations in the Accusation filed in this proceeding are true and correct
14 and the Commissioner shall not be required to provide further evidence of such allegations.

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

21 6. The "Order" or any subsequent Order of the Commissioner made pursuant to
22 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
23 civil proceedings by the Bureau with respect to any matters which were not specifically alleged to
24 be causes for accusation in this proceeding.

1 7. Respondent understands that by agreeing to this Stipulation, Respondent
2 agrees to pay, pursuant to Section 10106(a) of the Code, investigative and enforcement costs of
3 \$3,439.39 which led to this disciplinary action.

4 DETERMINATION OF ISSUES

5 The acts and/or omissions of Respondent as described in the Accusation
6 are grounds for the suspension or revocation of the licenses and license rights of
7 Respondent under Section 10177(g) of the Code.

8 ORDER

9 All licenses and licensing rights of Respondent under the Real Estate Law are
10 revoked; provided, however, a restricted real estate salesperson license shall be issued to
11 Respondent pursuant to Section 10156.5 of the Code if, within 90 days from the effective date
12 of the Decision entered pursuant to this Order, Respondent, prior to and as a condition of the
13 issuance of said restricted license makes application for the restricted license and pays to the
14 Bureau the appropriate fee therefor.

15 The restricted license issued to Respondent shall be subject to all of the
16 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
17 restrictions imposed under authority of Section 10156.6 of that Code:

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

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

26 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
27 license.

1 real estate license or for the removal of any of the conditions, limitations, or restrictions of a
2 restricted license until three (3) years have elapsed from the effective date of this Decision.

3 4. Respondent shall submit with any application for license under an employing
4 broker, or any application for transfer to a new employing broker, a statement signed by the
5 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
6 shall certify:

7 (a) That the employing broker has read the Decision of the
8 Commissioner which granted the right to a restricted license; and

9 (b) That the employing broker will exercise close supervision over
10 the performance by the restricted licensee relating to activities for
11 which a real estate license is required.

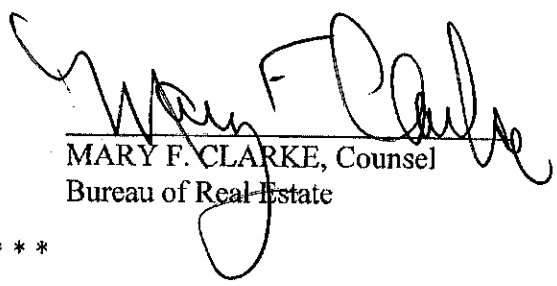
12 5. Respondent shall, within nine (9) months from the effective date of this
13 **Decision**, present evidence satisfactory to the Commissioner that Respondent has, since the most
14 recent issuance of an original or renewal real estate license, taken and successfully completed the
15 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
16 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
17 license shall automatically be suspended until Respondent presents evidence satisfactory to the
18 Commissioner of having taken and successfully completed the continuing education
19 requirements. **Proof of completion of the continuing education courses must be delivered to**
20 **the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

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

26 7. All licenses and licensing rights of Respondent are indefinitely suspended

1 unless or until Respondent pays the sum of \$3,439.39 for the Commissioner's reasonable cost
2 of the investigation and enforcement which led to this disciplinary action. Said payment shall
3 be in the form of a cashier's check made payable to the Bureau of Real Estate. **The**
4 **investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag**
5 **Section at P.O. Box 137007, Sacramento, CA 95813-7007, prior to the effective date of**
6 **this Decision.**

7
8 9-11-15
9 DATED


10 MARY F. CLARKE, Counsel
Bureau of Real Estate

11 * * *

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

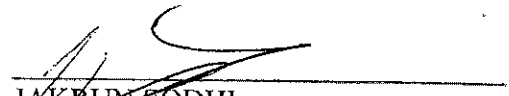
19 Sept 9, 2015
20 DATED


21 ROBERT ALLEN FEATHERSTONE
Respondent

22 * * *

23 I have reviewed the Stipulation and Agreement in Settlement and Order as to form
24 and content and have advised my client accordingly.

25 9/9/15
26 DATED


27 JAKKUN SODHI
Attorney for Respondent

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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
OCT 27 2015, 2015.

IT IS SO ORDERED OCTOBER 6, 2015.

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner