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FILED

MAR 10 2015

BUREAU OF REAL ESTATE

By *K. Contreras*

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
EARL GENE KILMER,) NO. H-2912 SAC
)
Respondent.)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE
[Order II, Condition #1(b) of Stipulation and Agreement in Settlement and Order]

TO: EARL GENE KILMER, Respondent:

On May 9, 1994, a restricted real estate broker license was issued by the Bureau of Real Estate to Respondent EARL GENE KILMER, on the terms, conditions, and restrictions set forth in the Real Estate Commissioner's Decision effective May 9, 1994, in Case No. H-2912 SAC. That Decision granted Respondent EARL GENE KILMER the right to the issuance of a restricted real estate broker license subject to the provisions of Section 10156.7 of the California Business and Professions Code (herein "Code") and to enumerated additional terms, conditions, and restrictions imposed under authority of Sections 10156.6 and 10156.7 of said Code.

Among those terms and conditions, Condition #1(b) of the Order stated that Respondent's restricted real estate broker license may be suspended prior to hearing by Order of the Real Estate Commissioner (the "Commissioner") on evidence satisfactory to the

1 Commissioner that Respondent EARL GENE KILMER has violated provisions of the
2 California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
3 Commissioner, or conditions attaching to the restricted license.

4 In or about the period of August 2, 2013, and continuing intermittently
5 through October 25, 2013, an audit was conducted of Respondent by an auditor from the
6 Bureau, where the auditor examined the records for the period of November 1, 2010,
7 through October 31, 2013. The audit revealed violations by Respondent of Sections 10140.6
8 (disclosure of license status in advertising), 10145 (trust fund handling), 10176(g)
9 (undisclosed compensation – affiliated company) and 10177(d) (willful disregard of Real
10 Estate Law) and/or 10177(g) (negligence or incompetence) of the Code, and Sections
11 2831(a)(6) (requirement to maintain record of trust funds not deposited into broker's trust
12 account), 2831.2 (trust fund reconciliation requirement), 2832 (trust fund handling), and
13 2832.1 (trust fund handling for multiple beneficiaries) of Title 10 of the California Code of
14 Regulations (the "Regulations").

15 On February 24, 2015, in Case No. H-6225 SAC, an Accusation by a
16 Deputy Real Estate Commissioner of the State of California was filed charging Respondent
17 EARL GENE KILMER with violating Sections 10140.6, 10145, 10176(g), 10177(d), and
18 10177(g) of the Code, and Sections 2773, 2831.(a)(6), 2831.2, 2832, 2832.1 of the
19 Regulations.

20 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of
21 the Code that the restricted real estate broker license heretofore issued to Respondent EARL
22 GENE KILMER and the exercise of any privileges thereunder is hereby suspended pending
23 final determination made after the hearing on the aforesaid Accusation.

24 IT IS FURTHER ORDERED that all license certificates and identification
25 cards issued by the Bureau of Real Estate which are in the possession of Respondent
26 EARL GENE KILMER be immediately surrendered by personal delivery or by mailing in
27 the enclosed, self-addressed envelope to:

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BUREAU OF REAL ESTATE
ATTN: FLAG SECTION
1651 Exposition Boulevard
P. O. Box 137013
Sacramento, CA 95813-7013

This Order shall be effective immediately.

DATED: MAR 02 2015

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner