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	2	BUREAU OF REAL ESTATE 320 West 4th Street, Suite 350
	3	Los Angeles, California 90013-1105
		FEB 2 4 2017
	4	BUREAU OE REAL ESTATE
	5	By congry panne
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	7,	
	8	BEFORE THE BUREAU OF REAL ESTATE
	9	STATE OF CALIFORNIA
	10	* * *
	11	In the Matter of the First Amended Accusation of ) CalBRE No. H-04745 SD
	12	) OAH No. 2015110117
		ALLISON JAMES OF CALIFORNIA, INC.; ) <u>KENNETH L. MOON</u> , individually and as ) <u>STIPULATION AND</u>
	13	designated officer of Allison James of)AGREEMENT INCalifornia, Inc.; and)SETTLEMENT AND ORDER
01	14	PAULA M. NARANJO,
	15	Respondents.
	6	)
1	7	It is hereby stipulated by and between Respondent KENNETH L. MOON
1	8	("Respondent"), Respondent's attorney Kelly A. Neavel, and Complainant, acting by and
1	9	through Lissete Garcia, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the
2		purpose of settling and disposing the First Amended Accusation filed on October 13, 2016, with
2	1	Bureau Case No. H-04745 SD in this matter:
2	2	1. All issues which were to be contested and all evidence which was to be presented by
2	3	Complainant and Respondent at a formal hearing on the First Amended Accusation, which
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		l H-04745 SD Stipulation and Agreement with Respondent Kenneth L. Moon
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hearing was to be held in accordance with the provisions of the Administrative Procedure Act
 (herein "APA"), shall instead and in place thereof be submitted on the basis of the provisions of
 this Stipulation and Agreement in Settlement and Order (herein "Stipulation").

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

3. Respondent filed a Notice of Defense pursuant to Section 11506 of the Government 7 Code for the purpose of requesting a hearing on the allegations in the First Amended Accusation. 8 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent 9 acknowledges and understands that by withdrawing said Notice of Defense he will thereby waive 10 his rights to require the Real Estate Commissioner ("Commissioner") to prove the allegations in 11 the First Amended Accusation at a contested hearing held in accordance with the provisions of 12 the APA and that he will waive other rights afforded to him in connection with the hearing such 13 as the right to present evidence in defense of the allegations in the First Amended Accusation 14 15 and the right to cross-examine witnesses.

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

5. This Stipulation and Respondent's decision not to contest the First Amended
Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are

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expressly limited to this proceeding and any other proceeding or case in which the Bureau of 1 Real Estate, or another licensing agency of this state, another state or if the federal government is 2 involved and otherwise shall not be admissible in any other criminal or civil proceedings. 3 6. It is understood by the parties that the Real Estate Commissioner may adopt the 4 Stipulation as his decision in this matter thereby imposing the penalty and sanctions on 5 Respondent's real estate licenses and license rights as set forth in the below "Order." In the 6 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall 7 be void and of no effect, and Respondent shall retain the right to a hearing on the First Amended 8 Accusation under all the provisions of the APA and shall not be bound by any stipulation or 9 10 waiver made herein. 7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to 11 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or 12 civil proceedings by the Bureau of Real Estate with respect to any conduct which was not 13 specifically alleged to be causes for accusation in this proceeding. 14 8. Respondent further understands that by agreeing to this Stipulation, Respondent 15 agrees to pay, pursuant to Section 10106(a) of the Code, his apportioned share totaling \$2,076.59 16 of the Bureau's investigative and enforcement costs which led to this disciplinary action. 17 18 DETERMINATION OF ISSUES 19 The conduct, acts and/or omissions of Respondent KENNETH L. MOON 20 ("Respondent MOON") as set forth in Paragraphs 10 through 20 of the First Amended Accusation, constitute cause for the suspension or revocation of all real estate licenses and 21 license rights of Respondent MOON pursuant to Code Section 10177(h) for violation of 22 23 Code Section 10159.2 and Regulation 2725. 24 3

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1	ORDER
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3	I.
	All licenses and licensing rights of Respondent KENNETH L. MOON under the Real
4	Estate Law are suspended for a period of ninety (90) days from the effective date of this
5	Decision and Order; provided, however, that:
6	1. Ninety (90) days of said suspension shall be stayed, upon the condition that
7	Respondent MOON petition pursuant to Section 10175.2 of the Code and pays a
8	monetary penalty pursuant to Section 10175.2 of the Code at a rate of $5.55$ for each
9	day of the suspension for a total monetary penalty of $500.00$ .
10	2. Said payment shall be in the form of a cashier's check made payable to the
11	Bureau of Real Estate. Said check must be delivered to the Bureau of Real
12	Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to
13	the effective date of this Decision and Order.
14	3. No further cause for disciplinary action against the Real Estate licenses of
15	Respondent MOON occurs within two (2) years from the effective date of the
16	Decision and Order in this matter.
17	4. If Respondent MOON fails to pay the monetary penalty in accordance with the terms
18	and conditions of this Decision and Order, the suspension shall go into effect
19	automatically. Respondent shall not be entitled to any repayment nor credit, prorated
20	or otherwise, for money paid to the Bureau under the terms of this Decision and
21	Order.
22	5. If Respondent MOON pays the monetary penalty and any other monies due under this
23	Stipulation and Agreement and if no further cause for disciplinary action against the
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	4 H-04745 SD Stipulation and Agreement with Respondent Kenneth L. Moon

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1	real estate license of said Respondent MOON occurs within two (2) years from the
2	effective date of this Decision and Order, the entire stay hereby granted pursuant to
3	this Decision and Order, as to said Respondent MOON only, shall become
4	permanent.
5	6. Respondent MOON shall, within six (6) months from the effective date of this
6	Decision and Order, take and pass the Professional Responsibility Examination
7	administered by the Bureau including the payment of the appropriate examination fee.
8	If Respondent fails to satisfy this condition, Respondent's real estate license shall
9	automatically be suspended until Respondent passes the examination.
10	7. Respondent MOON shall, within nine (9) months from the effective date of this
11	Decision and Order, present evidence satisfactory to the Commissioner that
- 12	Respondent has, since the most recent issuance of an original or renewal real estate
13	license, taken and successfully completed the continuing education requirements of
14	Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If
15	Respondent fails to satisfy this condition, Respondent's real estate license shall
16	automatically be suspended until Respondent presents evidence satisfactory to the
17	Commissioner of having taken and successfully completed the continuing education
18	requirements. Proof of completion of the continuing education courses must be
19	delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
20	Sacramento, CA 95813-7013.
21	IV.
22	All licenses and licensing rights of Respondent MOON are indefinitely suspended unless
23	or until either Respondent MOON or Respondent ALLISON JAMES OF CALIFORNIA, INC.
24	5
	H-04745 SD Stipulation and Agreement with Respondent Kenneth L. Moon

pays the sum of \$2,076.59 for MOON's apportioned share of the Commissioner's reasonable
 costs of the investigation and enforcement which led to this disciplinary action. Said payment
 shall be in the form of a cashier's check made payable to the Bureau of Real Estate. The
 investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag
 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
 Decision and Order.

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DATED

Lissete Garcia, Counsel Bureau of Real Estate

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

Respondent can signify acceptance and approval of the terms and conditions of this
Stipulation and Agreement by electronically emailing a copy of the signature page, as actually
signed by Respondent, to the Bureau's counsel. Respondent agrees, acknowledges, and
understands that by electronically sending to the Bureau an electronic copy of Respondent's
actual signature, as it appears on the Stipulation, that receipt of the emailed copy by the Bureau
shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.
By signing this Stipulation, Respondent understands and agrees that Respondent may not

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withdraw his agreement or seek to rescind the Stipulation prior to the time the Commissioner 1 considers and acts upon it or prior to the effective date of the Stipulation and Order. 2 3 DATED: AEC. 6, 2016 Moon Respondent KENNETH L. MOON 4 5 I have reviewed the Stipulation and Agreement in Settlement and Order as to form and 6 content and have advised my client accordingly. 7 8 DATED: 129 9 KELLY A NEAVEL, ESQ. Attorney for Respondent KENNETH L. MOON 10 \* \* 11 12 The foregoing Stipulation and Agreement in Settlement and Order is hereby 13 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on 14 . 2016. 15 16 IT IS SO ORDERED , 2016. 17 18 WAYNE S. BELL 19 REAL ESTATE COMMISSIONER 20 21 22 23 24 7 H-04745 SD Stipulation and Agreement with Respondent Kenneth L. Moon

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1	withdraw his agreement or seek to rescind the Stipulation prior to the time the Commissioner			
2	considers and acts upon it or prior to the effective date of the Stipulation and Order.			
3	DATED: AEC. 8, 2016 Alloon			
4	Respondent KENNETH L. MOON			
5	I have reviewed the Stipulation and Agreement in Settlement and Order as to form and			
6	content and have advised my client accordingly.			
7				
8	DATED:			
9	KELLY A. NEAVEL, ESQ. Attorney for Respondent KENNETH L. MOON			
10	* * *			
11				
12 13	The foregoing Stipulation and Agreement in Settlement and Order is hereby			
13	adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on			
15	, 2016.			
16				
17	IT IS SO ORDERED, 2016.			
18				
19	WAYNE S. BELL REAL ESTATE COMMISSIONER			
20	KLAL ESTATE COMMISSIONER			
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	H-04745 SD Stipulation and Agreement with Respondent Kenneth L. Moon			

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1	withdraw his agreement or seek to rescind the Stipulation prior to the time the Commissioner
2	considers and acts upon it or prior to the effective date of the Stipulation and Order.
3	
4	DATED: Respondent KENNETH L. MOON
5	
6	I have reviewed the Stipulation and Agreement in Settlement and Order as to form and
7	content and have advised my client accordingly.
8	
9	DATED:KELLY A. NEAVEL, ESQ.
10	Attorney for Respondent KENNETH L. MOON
11	* * *
12	
13	The foregoing Stipulation and Agreement in Settlement and Order is hereby
14	adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
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16	a la la marka
17	IT IS SO ORDERED, 2015.
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19	WAYNE S. BELL
20	REAL ESTATE COMMISSIONER
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22	Allan
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	Stipulation and Agreement with Respondent Kenneth L. Moon