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FILED
JUL 12 2002
DEPARTMENT OF REAL ESTATE

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-29310 LA
)	
KENNETH L. AIKENS; BALDWIN REALTY)	L-2001120540
COMPANY, INC. doing business as)	
Baldwin Financial Services and)	<u>STIPULATION AND AGREEMENT</u>
Baldwin Real Estate Services and)	
GORDON HARRY MADDOCK, individually)	
and as designated officer of)	
Baldwin Realty Company, Inc.)	
)	
Respondents.)	

It is hereby stipulated by and between KENNETH L. AIKENS (referred to as Respondent), acting in pro per, and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 4, 2001, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation And Agreement (hereafter Stipulation).

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation, filed by the Department of Real Estate in this
7 proceeding.

8 3. On December 20, 2001, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense, he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that he will waive
17 other rights afforded to him in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

20 4. This Stipulation and Agreement relates to the
21 factual allegations contained in paragraphs one (1), through ten
22 (10) in the Accusation filed in this proceeding. Respondent
23 chooses not to contest these factual allegations and to remain
24 silent and understands that, as a result thereof, these factual
25 allegations, without being admitted or denied, will serve as a
26 basis for the discipline stipulated to herein. This Stipulation
27 and Agreement and the findings based on Respondent's decision not

1 to contest the Accusation is hereby expressly limited to this
2 proceeding and made for the sole purpose of reaching an agreed
3 disposition of this proceeding, only. Respondent's decision not
4 to contest the factual allegations is made solely for the purpose
5 of effectuating this Stipulation and is intended by Complainant
6 and Respondent to be non-binding upon him in any actions against
7 Respondent by third parties and shall not be deemed, used, or
8 accepted as an acknowledgement or admission. The Real Estate
9 Commissioner shall not be required to provide further evidence to
10 prove such allegations.

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

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

1 Decision. Should such a determination be made, the Commissioner
2 may, in her discretion, vacate and set aside the
3 stay order and reimpose all or a portion of the stayed
4 suspension. Should no such determination be made, the stay
5 imposed herein shall become permanent.

6
7 DATED: 5-28-02 Sean Crahan
8 SEAN CRAHAN, Counsel for
9 Complainant.

* * * * *

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

21 Respondent can signify acceptance and approval of the
22 terms and conditions of this stipulation and Agreement by faxing
23 a copy of the signature page, as actually signed by Respondent,
24 to the Department at the following telephone/fax number: (213)
25 576-6917. Respondent agrees, acknowledges and understands that
26 by electronically sending to the Department a fax copy of his
27

1 actual signature as it appears on the Stipulation and Agreement,
2 that receipt of the faxed copy by the Department shall be as
3 binding on Respondent as if the Department had received the
4 original signed Stipulation and Agreement.

5 Further, Respondent will, after signing the original
6 stipulation, deliver the Stipulation and Agreement to the
7 Department.

8 DATED: 5-22-2002


KENNETH L. AIKENS, Respondent.

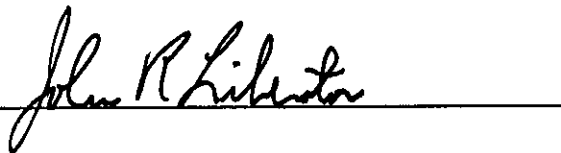
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The foregoing Stipulation And Agreement is hereby
adopted as my Decision as to Respondent KENNETH L. AIKENS and
shall become effective at 12 o'clock noon on
August 1, 2002.

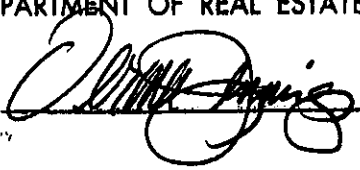
IT IS SO ORDERED July 9, 2002.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BY: John R. Liberator
Chief Deputy Commissioner

5/20/02
KLM

FILED
JUL 12 2002
DEPARTMENT OF REAL ESTATE
By 

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DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-29310 LA
)	
KENNETH L. AIKENS; BALDWIN REALTY)	L-2001120540
COMPANY, INC. doing business as)	
Baldwin Financial Services and)	<u>STIPULATION AND AGREEMENT</u>
Baldwin Real Estate Services and)	
GORDON HARRY MADDOCK, individually)	
and as designated officer of)	
Baldwin Realty Company, Inc.)	
)	
Respondents.)	

It is hereby stipulated by and between BALDWIN REALTY COMPANY, INC and GORDON HARRY MADDOCK (referred to as Respondents BRCI and MADDOCK, respectively, herein), acting by and through their Counsel, Frank M. Buda, Esq., and the Complainant, acting by and through Sean Crahan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 4, 2001, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be

1 held in accordance with the provisions of the Administrative
2 Procedure Act (APA), shall instead and in place thereof be
3 submitted solely on the basis of the provisions of this
4 Stipulation And Agreement (hereafter Stipulation).

5 2. Respondents have received, read and understand the
6 Statement to Respondent, the Discovery Provisions of the APA and
7 the Accusation, filed by the Department of Real Estate in this
8 proceeding.

9 3. On December 18, 2001, February 25 and 26, 2002,
10 Respondents filed Notices of Defense pursuant to Section 11506 of
11 the Government Code for the purpose of requesting a hearing on
12 the allegations in the Accusation. Respondents hereby freely and
13 voluntarily withdraw said Notices of Defense. Respondents
14 acknowledge that they understand that by withdrawing said Notices
15 of Defense, they will thereby waive their right to require the
16 Commissioner to prove the allegations in the Accusation at a
17 contested hearing held in accordance with the provisions of the
18 APA and that they will waive other rights afforded to them in
19 connection with the hearing such as the right to present evidence
20 in defense of the allegations in the Accusation and the right to
21 cross-examine witnesses.

22 4. This Stipulation and Agreement relates to the
23 factual allegations contained in paragraphs one (1) through four
24 (4), nine (9) and ten (10), as to failure to have a Mortgage Loan
25 Disclosure Statement properly executed, only, in the Accusation
26 filed in this proceeding. Respondents choose not to contest
27 these factual allegations and to remain silent and understand

1 that, as a result thereof, these factual allegations, without
2 being admitted or denied, will serve as a basis for the
3 discipline stipulated to herein. This Stipulation and Agreement
4 and the findings based on Respondents' decision not to contest
5 the Accusation is hereby expressly limited to this proceeding and
6 made for the sole purpose of reaching an agreed disposition of
7 this proceeding, only. Respondents' decision not to contest the
8 factual allegations is made solely for the purpose of
9 effectuating this Stipulation and is intended by Complainant and
10 Respondents to be non-binding upon them in any actions against
11 Respondents by third parties and shall not be deemed, used, or
12 accepted as an acknowledgement or admission. The Real Estate
13 Commissioner shall not be required to provide further evidence to
14 prove such allegations.

15 5. It is understood by the parties that the Real
16 Estate Commissioner may adopt the Stipulation And Agreement as
17 her Decision in this matter, thereby imposing the penalty and
18 sanctions on Respondents' real estate licenses and/or license
19 rights as set forth in the below Order. In the event that the
20 Commissioner in her discretion does not adopt the Stipulation And
21 Agreement, it shall be void and of no effect, and Respondents
22 shall retain the right to a hearing and proceeding on the
23 Accusation under all the provisions of the APA and shall not be
24 bound by any admission or waiver made herein.

25 6. The Order or any subsequent Order of the Real
26 Estate Commissioner made pursuant to this Stipulation And
27 Agreement shall not constitute an estoppel, merger or bar to any

1 further administrative or civil proceedings by the Department of
2 Real Estate with respect to any matters which were not
3 specifically alleged to be causes for accusation in this
4 proceeding.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations and waivers,
7 made solely for the purpose of settlement of the pending
8 Accusation without a hearing, it is stipulated and agreed that
9 the following Determination of Issues shall be made:

10 1. The conduct or omissions of Respondent BALDWIN
11 REALTY COMPANY, INC., under Part 1 of Division 4 of the Business
12 and Professions Code are, as set forth in paragraphs one (1)
13 through nine (9) in the Accusation, constitute cause to suspend
14 or revoke its corporate real estate broker license and/or license
15 rights under the provisions of Code Section 10177(d) for
16 violation of Code Section 10240.

17 2. The conduct or omissions of Respondent GORDON HARRY
18 MADDOCK under Part 1 of Division 4 of the Business and
19 Professions Code are, as set forth in paragraphs one (1) through
20 ten (10), as to failure to have a Mortgage Loan Disclosure
21 Statement properly executed, only, in the Accusation, constitute
22 cause to suspend or revoke his real estate broker license and/or
23 license rights under the provisions of Code Section 10177(d) for
24 violation of Code Section 10159.2.

25 ORDER

26 WHEREFORE, THE FOLLOWING ORDER is hereby made:
27

1 All licenses and licensing rights of Respondents
2 BALDWIN REALTY COMPANY, INC. and GORDON HARRY MADDOCK, and each
3 of them, under the Real Estate Law are publicly reprovod.

4
5 DATED: 6/14/02 
6 DARLENE AVERETTA on behalf of
7 SEAN CRAHAN, Counsel for
8 Complainant.

9 * * * * *


10 I, individually, and on behalf of Respondent BALDWIN
11 REALTY COMPANY, INC., have read the Stipulation And Agreement,
12 have discussed it with our counsel, and its terms are understood
13 by me and are agreeable and acceptable to me. I understand that
14 I am waiving rights given to me by the California Administrative
15 Procedure Act (including but not limited to Sections 11506,
16 11508, 11509 and 11513 of the Government Code), and I willingly,
17 intelligently and voluntarily waive those rights, including the
18 right of requiring the Commissioner to prove the allegations in
19 the Accusation at a hearing at which I would have the right to
20 cross-examine witnesses against me and to present evidence in
21 defense and mitigation of the charges.

22 Respondents can signify acceptance and approval of the
23 terms and conditions of this stipulation and Agreement by faxing
24 a copy of the signature page, as actually signed by Respondent,
25 to the Department at the following telephone/fax number: (213)
26 576-6917. Respondents agree, acknowledges and understand that by
27 electronically sending to the Department a fax copy of his actual


1 signature as it appears on the Stipulation and Agreement, that
2 receipt of the faxed copy by the Department shall be as binding
3 on Respondent as if the Department had received the original
4 signed Stipulation and Agreement.

5 Further, Respondents' counsel will, within 24 hours of
6 obtaining Respondents' original signatures to the Stipulation and
7 Agreement, deliver the Stipulation and Agreement to the
8 Department.

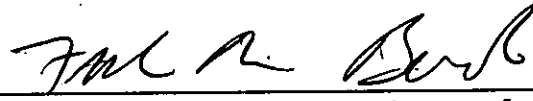
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10 DATED: JUNE 3, 2002


BALDWIN REALTY COMPANY, INC.,
Respondent, by Gordon Harry
Maddock, Designated Officer.

11
12
13 DATED: JUNE 3, 2002


GORDON HARRY MADDOCK, Respondent.

14
15 DATED: 6 - ~~1~~⁵ - 02


FRANK M. BUDA, ESQ. Counsel for
Respondents Baldwin Realty Company,
Inc. and Gordon Harry Maddock,
approved as to form.

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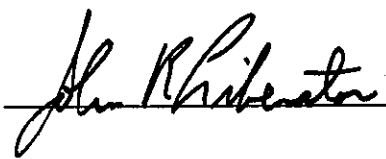
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The foregoing Stipulation And Agreement is hereby
adopted as my Decision as to Respondents BALDWIN REALTY COMPANY,
INC. and GORDON HARRY MADDOCK and shall become effective at 12
o'clock noon on August 1, 2002.

IT IS SO ORDERED July 9, 2002

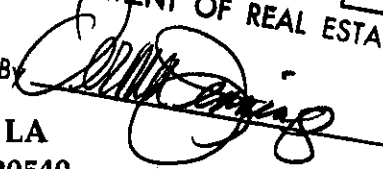
PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BY: **John R. Liberator**
Chief Deputy Commissioner

SACD
File

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR 29 2002
DEPARTMENT OF REAL ESTATE
By 

In the Matter of the Accusation of)
)
KENNETH L. AIKENS, et al.,)
)
Respondents.)

Case No. H-29310 LA
OAH No. L-2001120540

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on **May 28, 2002**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: March 29, 2002.

cc: Kenneth L. Aikens
Baldwin Realty Co. Inc.
Gordon Harry Maddock
Frank M. Buda, Esq.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: 
SEAN CRAHAN, Counsel

ALTO.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

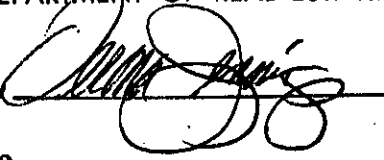
FILED
JAN 25 2002

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
KENNETH L. AIKENS, et al.,)
)
Respondents.)

Case No. H-29310 LA
OAH No. L-2001120540

By



NOTICE OF HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on **March 26, 2002**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: January 25, 2002.

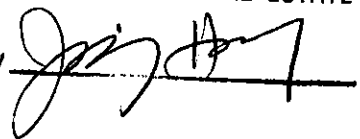
cc: Kenneth L. Aikens
Baldwin Realty Co. Inc.
Gordon Harry Maddock
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: 
SEAN CRAHAN, Counsel

SALTO

1 SEAN CRAHAN, SBN 49351
Department of Real Estate
2 320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105
3
4 Telephone: (213) 576-6907 (direct)
-or- (213) 576-6982 (office)

FILED
DEC 4 2001
DEPARTMENT OF REAL ESTATE
By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 KENNETH L. AIKENS; BALDWIN REALTY)
COMPANY, INC. doing business as)
13 Baldwin Financial Services and)
Baldwin Real Estate Services and)
14 GORDON HARRY MADDOCK, individually)
and as designated officer of)
15 Baldwin Realty Company, Inc.)
16 Respondents.)
17)

No. H-29310 LA

ACCUSATION

18 The Complainant, Maria Suarez, a Deputy Real Estate
19 Commissioner of the State of California, acting in her official
20 capacity, for cause of accusation against KENNETH L. AIKENS;
21 BALDWIN REALTY COMPANY, INC. doing business as Baldwin Financial
22 Services and Baldwin Real Estate Services and GORDON HARRY
23 MADDOCK, individually and as designated officer of Baldwin Realty
24 Company, Inc. is informed and alleges as follows:
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1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in her official capacity.

2.

LICENSING

(a) KENNETH L. AIKENS, sometimes referred to as Respondent AIKENS, is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, hereafter cited as the "Code").

(b) From March 29, 1999 and continuing, Respondent AIKENS was licensed by the Department of Real Estate of the State of California (hereafter Department), as a real estate salesperson.

(c) At no time prior to March 29, 1999, was Respondent AIKENS licensed by the Department as a real estate broker or salesperson.

(d) Respondent AIKENS was licensed to Respondent BALDWIN REALTY COMPANY, Inc., doing business as Baldwin Financial Services from March 29, 1999 through April 21, 1999.

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1 3.

2 BALDWIN REALTY COMPANY, INC., sometimes referred to as
3 Respondent BRCI, is presently licensed and/or has license rights
4 under the Real Estate Law. At all times herein mentioned,
5 Respondent BRCI was licensed by the Department as a corporate
6 real estate broker, doing business as Baldwin Financial Services
7 and Baldwin Real Estate Services.

8 4.

9 GORDON HARRY MADDOCK, sometimes referred to as
10 Respondent MADDOCK, is presently licensed and/or has license
11 rights under the Real Estate Law. At all times herein mentioned,
12 Respondent MADDOCK was licensed by the Department as a real estate
13 broker. Respondent MADDOCK was the designated officer of
14 Respondent BRCI. Pursuant to Code Section 10159.2, Respondent
15 MADDOCK was responsible for the supervision of the officers,
16 agents and employees of Respondent BRCI in the performance of
17 activities for which a real estate license was required.

18 5.

19 From October 22, 1998 to on or about April 21, 1999,
20 Respondent BRCI employed Respondent AIKENS as a loan
21 representative to solicit borrowers for loans secured by real
22 property. Respondent was required under his employment agreement
23 to have a real estate license.

24 6.

25 At all times herein mentioned Chukwuemeka Agu
26 (hereafter Agu) was the owner of real property at 24075 Willow
27 Creek Road, Diamond Bar, California (hereafter the Property).

1 7.

2 Between December 1, 1998 through Jan 31, 1999
3 Respondent AIKENS, acting within the scope of his employment
4 with Respondent BRCI, for or in expectation of compensation,
5 solicited and negotiated with Agu for a refinance loan from a
6 third party lender secured by his Property. On or about
7 December 22, 1998, Respondent AIKENS, on behalf of Respondent
8 BRCI, took a loan application from Agu.

9 8.

10 Respondent AIKEN'S solicitation and negotiation with
11 Agu for a loan secured by his property required Respondent AIKEN
12 to be licensed during the times he solicited and negotiated with
13 Agu, under the provisions of Code Section 10131(d). Respondent
14 AIKEN'S conduct violated Code Section 10130.

15 9.

16 On or about December 22, 1998, Respondents AIKENS and
17 BRCI obtained Agu's signature to a Mortgage Loan Disclosure
18 Statement (Borrower) [hereafter MLDS]. Respondents BRCI and
19 MADDOCK failed to have the MLDS, which was signed by Agu, signed
20 by a licensee of Respondent BRCI, in violation of Code Section
21 10240.

22 10.

23 Respondent MADDOCK failed to exercise reasonable
24 supervision over the officers, agents and employees of Respondent
25 BRCI, doing business as Baldwin Financial Service so as to ensure

26 //

27

1 that Respondent AIKENS was properly licensed and that Agu's MLDS
2 was properly signed by a licensee of Respondent BRCI.

3 11.

4 The conduct or omissions of Respondent AIKENS set forth
5 above was in violation of Code Section 10130 and subjects his
6 real estate license to suspension or revocation under the
7 provisions of Code Section 10177(d).

8 12.

9 The conduct or omissions of Respondent BRCI subjects
10 its real estate license to suspension or revocation under the
11 following Code Sections:

12 (a) Section 10137 for employing unlicensed AIKENS to
13 solicit and negotiate loans.

14 (b) Section 10177(d) for violating Code Section 10240
15 in failing to have the Agu MLDS signed by a licensee of BRCI.

16 13.

17 The conduct or omissions of Respondent MADDOCK subjects
18 his real estate license to suspension or revocation under the
19 provision of Code Section 10177(d) for violation of Code Section
20 10159.2.

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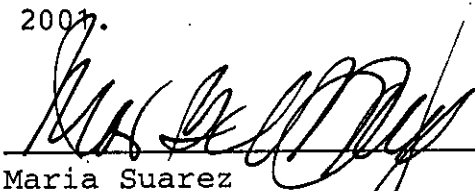
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the licenses and license rights of Respondents
5 KENNETH L. AIKENS; BALDWIN REALTY COMPANY, INC. doing business as
6 Baldwin Financial Services and Baldwin Real Estate Services and
7 GORDON HARRY MADDOCK, individually and as designated officer of
8 Baldwin Realty Company, Inc. under the Real Estate Law (Part 1 of
9 Division 4 of the Business and Professions Code) and for such
10 other and further relief as may be proper under other applicable
11 provisions of law.

12
13 Dated at Los Angeles, California
14 this 4th day of December, 2007.

15
16 
17 _____
18 Maria Suarez
19 Deputy Real Estate Commissioner

20
21
22
23 cc: Kenneth L. Aikens
24 Baldwin Realty Company, Inc.
25 Gordon Harry Maddock
26 MS
27 RJ
Sacto

SC/sc