

1 Bureau of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

FILED

OCT - 2 2014

BUREAU OF REAL ESTATE

By *quiles*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

) CalBRE No. H-39334 LA
) OAH No. 2014030834
)

12 CAPITAL REAL ESTATE GROUP,)
13 a corporate real estate broker,)
14 and BRUCE KEICHO KUSADA,)
15 individually and as designated)
officer of Capital Real Estate)
Group,)

STIPULATION AND
AGREEMENT

16 Respondents.)

17 It is hereby stipulated by and between Respondent BRUCE
18 KEICHO KUSADA (Respondent), represented by Frank M. Buda, Esq.,
19 and the Complainant, acting by and through Lissete Garcia, Counsel
20 for the Bureau of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation in this matter, filed on
22 February 26, 2014:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent

1 BRUCE KEICHO KUSADA at a formal hearing on the Accusation, which
2 hearing was to be held in accordance with the provisions of the
3 Administrative Procedure Act (APA), shall instead and in place
4 thereof be submitted solely on the basis of the provisions of this
5 Stipulation and Agreement (Stipulation).

6 2. Respondent BRUCE KEICHO KUSADA has received, read
7 and understands the Statement to Respondent, the Discovery
8 Provisions of the APA and the Accusation filed by the Bureau of
9 Real Estate in this proceeding.

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

22 4. This Stipulation is based on the factual allegations
23 contained in the Accusation. In the interest of expedience and
24 economy, Respondent BRUCE KEICHO KUSADA chooses not to contest

1 these allegations, but to remain silent and understands that, as a
2 result thereof, these factual allegations, without being admitted
3 or denied, will serve as a prima facie basis for the disciplinary
4 action stipulated to herein. The Real Estate Commissioner shall
5 not be required to provide further evidence to prove said factual
6 allegations.

7 5. This Stipulation and Respondent's decision not to
8 contest the Accusation are made for the purpose of reaching an
9 agreed disposition of this proceeding and are expressly limited to
10 this proceeding and any other proceeding or case in which the
11 Bureau of Real Estate, or another licensing agency of this state,
12 another state or if the federal government is involved and
13 otherwise shall not be admissible in any other criminal or civil
14 proceedings.

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

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1 7. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Bureau of Real Estate
5 with respect to any conduct which was not specifically alleged to
6 be causes for accusation in this proceeding.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and solely for
9 the purpose of settlement of the Accusation without a hearing, it
10 is stipulated and agreed that the following determination of
11 issues shall be made:

12 The conduct of BRUCE KEICHO KUSADA, as described in
13 Paragraph 4, above, is a basis for discipline of BRUCE KEICHO
14 KUSADA's license and license rights pursuant to Section 10177,
15 subdivisions (h) and (a), of the Business and Professions Code.

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ORDER

WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE WRITTEN STIPULATION OF THE PARTIES:

I.

All licenses and licensing rights of Respondent BRUCE KEICHO KUSADA under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

- 1. Respondent shall obey all laws, rules, and regulations governing the rights, duties, and responsibilities of a real estate licensee in the State of California; and
- 2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

II.

If Respondent petitions, the latter thirty (30) days (or a portion thereof) of said sixty (60) day suspension shall be stayed upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Code at the rate of \$150 for each day of the suspension for a total monetary penalty of \$4,500.
2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Bureau prior to the effective date of the Decision in this matter.
3. No further cause for disciplinary action against the real estate license of Respondent occurs within one year from the effective date of the Decision in this matter.
4. If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension in which event the Respondent shall not be entitled to any

1 repayment nor credit, prorated or otherwise, for
2 money paid to the Bureau under the terms of this
3 Decision.

4 5. If Respondent pays the monetary penalty and if
5 no further cause for disciplinary action against
6 the real estate license of Respondent occurs
7 within one year from the effective date of the
8 Decision, the stay hereby granted shall become
9 permanent.

10 III.

11 Respondent BRUCE KEICHO KUSADA shall pay \$1,671 for the
12 Commissioner's reasonable costs of the investigation and
13 enforcement which led to this disciplinary action. Said payment
14 shall be in the form of a cashier's check made payable to the Real
15 Estate Fund. The investigative costs must be delivered to the
16 Bureau of Real Estate, Legal & Recovery Account Mail, at P.O. Box
17 137007, Sacramento, CA 95813-7007, prior to the effective date of
18 this Order.

19 If Respondent BRUCE KEICHO KUSADA fails to satisfy this
20 condition, the Commissioner shall order the suspension of the
21 Respondent's license until the Respondent presents evidence of
22 payment. The Commissioner shall afford Respondent the opportunity
23 for a hearing pursuant to the Administrative Procedure Act to
24 present such evidence that payment was timely made. The

1 suspension shall remain in effect until payment is made in full or
2 until a decision providing otherwise is adopted following a
3 hearing held pursuant to this condition.

4 IV.

5 Respondent BRUCE KEICHO KUSADA shall, within six (6)
6 months from the effective date of the Decision herein, take and
7 pass the Professional Responsibility Examination administered by
8 the Bureau including the payment of the appropriate examination
9 fee. If Respondent fails to satisfy this condition, the
10 Commissioner shall order the suspension of Respondent's license
11 until Respondent passes the examination.


12 V.

13 Respondent BRUCE KEICHO KUSADA shall, within nine (9)
14 months from the effective date of the Decision herein, present
15 evidence satisfactory to the Real Estate Commissioner that
16 Respondent has, since the most recent issuance of an original or
17 renewal real estate license, taken and successfully completed the
18 continuing education requirement of Article 2.5 of Chapter 3 of
19 the Real Estate Law for renewal of a real estate license. If
20 Respondent fails to satisfy this condition, the Commissioner shall
21 order the suspension of Respondent's license until Respondent
22 presents such evidence. The Commissioner shall afford Respondent
23 the opportunity for a hearing pursuant to the Administrative
24 Procedure Act to present such evidence.

VI.

A copy of all proofs of payment and completed coursework shall be submitted to Bureau Counsel Lissete Garcia, Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105, on or before the dates set forth above.

DATED: 9/10/2014


LISSETE GARCIA, Counsel for the
Bureau of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation and discussed it with my counsel. 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 Administrative Procedure Act (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 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 by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at the following telephone/fax number: Lissete Garcia at (213) 576-6917. Respondent agrees, acknowledges and understands that by

1 electronically sending to the Bureau a fax copy of Respondent's
 2 actual signature, as it appears on the Stipulation, that receipt
 3 of the faxed copy by the Bureau shall be as binding on Respondent
 4 as if the Bureau had received the original signed Stipulation.

5
 6 DATED: September 9, 2014 Bruce K. Kusada
 7 BRUCE KEICHO KUSADA, Respondent

8
 9 DATED: 9-9-14 Frank M. Buda
 10 Frank M. Buda, Attorney for
 Respondent Bruce Keicho Kusada

11 ***

12 The foregoing Stipulation and Agreement is hereby
 13 adopted as my Decision as to Respondent BRUCE KEICHO KUSADA and
 14 shall become effective at 12 o'clock noon on _____.

15 IT IS SO ORDERED _____,

16 REAL ESTATE COMMISSIONER

17
 18
 19 By: JEFFREY MASON
 Chief Deputy Commissioner

1 electronically sending to the Bureau a fax copy of Respondent's
2 actual signature, as it appears on the Stipulation, that receipt
3 of the faxed copy by the Bureau shall be as binding on Respondent
4 as if the Bureau had received the original signed Stipulation.

5
6 DATED: _____
BRUCE KEICHO KUSADA, Respondent

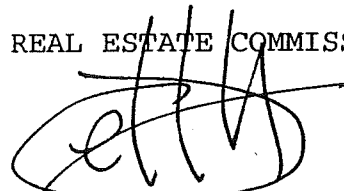
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8
9 DATED: _____
Frank M. Buda, Attorney for
10 Respondent Bruce Keicho Kusada

11 ***

12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision as to Respondent BRUCE KEICHO KUSADA and
14 shall become effective at 12 o'clock noon on OCT 22 2014

15 IT IS SO ORDERED SEP 26 2014,

16 REAL ESTATE COMMISSIONER

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19 By: JEFFREY MASON
Chief Deputy Commissioner