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. '1	Bureau of Real Estate
2	320 West Fourth Street, #350 Los Angeles, California 90013 (213) 576-6982 SEP - 4 2015
3	(213) 576-6982 SEP - 4 2013 BUREAU OF REAL ESTATE
4	By CHILLES
5	
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7	
8	BEFORE THE BUREAU OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Accusation of $(1 - 39712 LA)$
12	AB AMERICAN DREAM HOMES, INC.; ) OAH No. 2015031091
13	SECURELINE REALTY AND FUNDING, INC.; ) KONSTANTINE KABILAFKAS, )
14	individually, and as designated officer of AB American Dream Homes, Inc. and ) <u>STIPULATION &amp; AGREEMENT</u> ) WITH RESPONDENT
15	Secureline Realty and Funding, Inc.; ) KONSTANTINE KABILAFKAS JULIO CESAR ANDIA; and )
16	TAMARA DADYAN,
17	Respondents.
18	
19	It is hereby stipulated by and between KONSTANTINE KABILAFKAS
20	("KABILAFKAS") and his attorney, Frank M. Buda, and the Complainant, acting by and
21	through Lissete Garcia, Counsel for the Bureau of Real Estate, as follows for the purpose of
22	settling and disposing of the Accusation filed on January 16, 2015, in this matter:
23	///
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	CALBRE H-39712 LA – ACCUSATION OF AB AMERICAN DREAM HOMES, INC., ET AL- STIPULATION AND AGREEMENT WITH RESPONDENT KONSTANTINE KABILAFKAS - PAGE 1 -

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1 1. All issues which were to be contested and all evidence which was to be
 2 presented by Complainant and Respondent KABILAFKAS at a formal hearing on the
 3 Accusation, which hearing was to be held in accordance with the provisions of the
 4 Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely
 5 on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2. Respondent KABILAFKAS has received, read and understands the Statement
to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Bureau of
Real Estate ("Bureau") in this proceeding.

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

4. This Stipulation is based on the factual allegations contained in the
 Accusation filed in this proceeding. In the interest of expedience and economy, Respondent
 KABILAFKAS chooses not to contest these factual allegations, but to remain silent and
 understands 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.

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' 1 5. This Stipulation and Respondent's decision not to contest the Accusation are 2 made for the purpose of reaching an agreed disposition of this proceeding and are expressly 3 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another state or if the federal government is 4 involved and otherwise shall not be admissible in any other criminal or civil proceedings. 5 6 6. Respondent understands that by agreeing to this Stipulation, he agrees to pay pursuant to Business and Professions Code Section 10106, his share of the investigation and 7 enforcement costs which led to this disciplinary action. The amount of said costs is \$3,015.41. 8 9 7. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on 10 11 Respondent KABILAFKAS's real estate licenses and license rights as set forth in the below 12 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation, the 13 Stipulation shall be void and of no effect, and Respondent KABILAFKAS shall retain the right 14 to a hearing on the Accusation under all the provisions of the APA and shall not be bound by 15 any stipulation or waiver made herein. 16 8. The Order or any subsequent Order of the Real Estate Commissioner 17 made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further 18 administrative or civil proceedings by the Bureau with respect to any conduct which was not specifically alleged to be causes for accusation in this proceeding. 19 20 111 21 111 22 III111 23 24 111

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. 1	DETERMINATION OF ISSUES
2	By reason of the foregoing stipulations and waivers and solely for the purpose of
3	settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
4	following determination of issues shall be made:
5	The conduct, acts and/or omissions of Respondent KONSTANTINE
6	KABILAFKAS as set forth in the Accusation, constitute cause for the suspension or revocation
7	of all the real estate licenses and license rights of Respondent KONSTANTINE KABILAFKAS
8	under the provisions of Section 10177(h) of the Business and Professions Code ("Code") for
9	violation of Code Section <u>10159.2</u> .
10	ORDER
11	WHEREFORE, THE FOLLOWING ORDER is hereby made:
12	· I.
13	All licenses and licensing rights of Respondent KONSTANTINE KABILAFKAS
14	under the Real Estate Law are suspended for a period of sixty (60) days from the effective date
15	of this Order; provided, however, that the initial thirty (30) days of said suspension shall be
16	stayed for two (2) years upon the following terms and conditions:
17	1. Respondent shall obey all laws, rules and regulations governing the rights,
18	duties and responsibilities of a real estate licensee in the State of California;
19	2. That no final subsequent determination be made, after hearing or upon
20	stipulation, that cause for disciplinary action occurred within two (2) year of the effective date of
21	this Decision. Should such a determination be made, the Commissioner may, in his discretion,
22	vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.
23	Should no such determination be made, the stay imposed herein shall become permanent; and
24	
	CALBRE H-39712 LA – ACCUSATION OF AB AMERICAN DREAM HOMES, INC., ET AL- STIPULATION AND AGREEMENT WITH RESPONDENT KONSTANTINE KABILAFKAS - PAGE 4 -

1	3. Respondent shall not act as designated broker or officer for any California	
2	corporate broker licensee unless Respondent has at least a fifty-one percent (51%) ownership	
3	interest or owns or controls at least fifty-one percent (51%) of the corporation's shares.	
4	II.	
5	All licenses and licensing rights of Respondent KONSTANTINE KABILAFKAS	
6	under the Real Estate Law are suspended for a period of sixty (60) days from the effective date	
7	of this Order; provided, however, that the latter thirty (30) days of said suspension shall be	
8	stayed for two (2) years upon the following terms and conditions:	
9	1) Respondent petition pursuant to Section 10175.2 of the Code and pays a	
10	monetary penalty pursuant to Section 10175.2 of the Code at a rate of	
11	\$100 for each day of the suspension for a total monetary penalty of	
12	\$3,000.	
13	a) Said payment shall be in the form of a cashier's check made payable to	
14	the Bureau of Real Estate. Said check must be delivered to the Bureau	
15	of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA	
16	95813-7013, prior to the effective date of this Order.	
17	b) No further cause for disciplinary action against the Real Estate licenses	
18	of Respondent occurs within two (2) years from the effective date of	
19	the Order in this matter.	
20	c) If Respondent fails to pay the monetary penalty in accordance with the	
21	terms and conditions of this Order, the suspension shall go into effect	
22	automatically and remain in effect until Respondent pays the monetary	
23	penalty in full.	
24		
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	STIPULATION AND AGREEMENT WITH RESPONDENT KONSTANTINE KABILAFKAS - PAGE 5 -	

1	d) If Respondent pays the monetary penalty and any other moneys due
2	under this Stipulation and Agreement and if no further cause for
3	disciplinary action against the real estate license of said Respondent
4	occurs within two (2) years from the effective date of this Order, the
5	entire stay hereby granted pursuant to this Order, as to said Respondent
6	only, shall become permanent.
7	III.
8	Respondent shall, within six (6) months from the effective date of this Order, take
9	and pass the Professional Responsibility Examination administered by the Bureau including the
10	payment of the appropriate examination fee. If Respondent fails to satisfy this condition,
11	Respondent's real estate licenses shall automatically be suspended until Respondent passes the
12	examination.
13	IV.
14	Respondent shall, within nine (9) months from the effective date of this Order,
15	present evidence satisfactory to the Commissioner that Respondent has, since the most recent
16	issuance of an original or renewal real estate license, taken and successfully completed the
17	continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for
18	renewal of a real estate license. If Respondent fails to satisfy this condition, Respondent's real
19	estate licenses shall automatically be suspended until Respondent presents evidence satisfactory
20	to the Commissioner of having taken and successfully completed the continuing education
21	requirements. Proof of completion of the continuing education courses must be delivered to the
22	Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.
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	CALBRE H-39712 LA – ACCUSATION OF AB AMERICAN DREAM HOMES, INC., ET AL- STIPULATION AND AGREEMENT WITH RESPONDENT KONSTANTINE KABILAFKAS - PAGE 6 -

1	V.	
2	All licenses and licensing rights of Respondent are indefinitely suspended unless	
3	or until Respondent pays the sum of \$3,015.41 for the Commissioner's reasonable cost of the	
4	investigation and enforcement which led to this disciplinary action. Said payment shall be in the	
5	form of a cashier's check made payable to the Bureau of Real Estate. The investigative and	
6	enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box	
7	137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.	
8	The Commissioner may suspend Respondent's licenses pending a hearing held in	
9	accordance with California Government Code Section 11500, et seq., if payment is not timely	
10	made as provided for herein. The suspension shall remain in effect until payment is made in full	
11	or until a decision providing otherwise is adopted following a hearing held pursuant to this	
12	condition.	
13	DATED: 8/3/2015 Twit the	
14	LISSETE GARCIA, Counsel for the Bureau of Real Estate	
15	* * *	
16	I have read the Stipulation and Agreement and its terms are understood by me	
17	and are agreeable and acceptable to me. I understand that I am waiving rights given to me by	
18	the California Administrative Procedure Act (including but not limited to Sections 11506,	
19	11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily	
20	waive those rights, including the right of requiring the Commissioner to prove the allegations in	
21	the Accusation at a hearing at which I would have the right to cross-examine witnesses against	
22	me and to present evidence in defense and mitigation of the charges.	
23	Respondent can signify acceptance and approval of the terms and conditions of	
24	this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by	
	CALBRE H-39712 LA – ACCUSATION OF AB AMERICAN DREAM HOMES, INC., ET AL- STIPULATION AND AGREEMENT WITH RESPONDENT KONSTANTINE KABILAFKAS - PAGE 7 -	

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Respondent, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondent 1 agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy 2 of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed ' 3 copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original 4 signed Stipulation and Agreement. 5 б DATED: 8-3-15 7 ISTANTINE KABILAFKAS Respondent 8 9 I have reviewed the Stipulation and Agreement as to form and content and have 10 advised my client accordingly. .5.15 11 DATED 12

FRANK M. BUDA, Attorney for Respondent Konstantine Kabilafkas

The foregoing Stipulation and Agreement is hereby adopted as my Decision in

this matter, and shall become effective at 12 o'clock noon on \_\_\_\_\_

IT IS SO ORDERED

and Frank Buda

REAL ESTATE COMMISSIONER

CALBRE H-39712 LA - ACCUSATION OF AB AMERICAN DREAM HOMES, INC., ET AL-STIPULATION AND AGREEMENT WITH RESPONDENT KONSTANTINE KABILAFKAS - PAGE 8 -

e <sup>1</sup> e	
1	Respondent, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondent
2	agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy
3	of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed
4	copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original
5	signed Stipulation and Agreement.
6	
7	DATED:KONSTANTINE KABILAFKAS
8	Respondent
9	I have reviewed the Stipulation and Agreement as to form and content and have
10	advised my client accordingly.
11	DATED:
12	FRANK M. BUDA, Attorney for Respondent Konstantine Kabilafkas
13	
14	* * *
15	The foregoing Stipulation and Agreement is hereby adopted as my Decision in
16	this matter, and shall become effective at 12 o'clock noon on
17	IT IS SO ORDERED AUGUST 26, ZOLS.
18	
19	REAL ESTATE COMMISSIONER
20	ATT
21	
22	By: JEFFREY MASON Chief Deputy Commissioner
23	
24	
	CALBRE H-39712 LA – ACCUSATION OF AB AMERICAN DREAM HOMES, INC., ET AL- STIPULATION AND AGREEMENT WITH RESPONDENT KONSTANTINE KABILAFKAS - PAGE 8 -