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FILED

APR 27 2022

DEPT. OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-41831 LA
)	
<u>JOHNNY FELDMAN,</u>)	<u>STIPULATION AND AGREEMENT</u>
XQB MANAGEMENT, INC.,)	
doing business as)	
Max One Business Services,)	
Property Management Specialists,)	
ReMax Olson & Associates Inc,)	
RE/MAX One, and)	
RE/MAX One Commercial, and)	
KEITH STEVEN MYERS,)	
individually and as former designated)	
officer of XQB Management, Inc.,)	
)	
Respondents.)	
)	

It is hereby stipulated by and between Respondent JOHNNY FELDMAN, represented by Frank Buda, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on November 30, 2020, in this matter:

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

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

9 3. On December 4, 2020, Respondent filed a Notice of Defense pursuant to
10 section 11506 of the Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
12 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
13 Notice of Defense, Respondent will thereby waive Respondent’s right to require the Real Estate
14 Commissioner (“Commissioner”) to prove the allegations in the Accusation at a contested
15 hearing held in accordance with the provisions of the APA and that Respondent will waive
16 other rights afforded to Respondent in connection with the hearing such as the right to present
17 evidence in defense of the allegations in the Accusation and the right to cross-examine
18 witnesses.

19 4. Respondent, pursuant to the limitations set forth below, hereby admits
20 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
21 Commissioner shall not be required to provide further evidence to prove such allegations.

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ORDER

I.

All licenses and licensing rights of Respondent JOHNNY FELDMAN under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and restrictions imposed under Section 10156.6 of the Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction, plea of guilty, or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions attaching to this restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, including designated officer or mortgage loan originator endorsement, nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision and Order. Respondent withdraws all pending license applications.

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1 4. Respondent shall, within twelve (12) months from the effective date of
2 this Decision and Order, present evidence satisfactory to the Commissioner that Respondent
3 has, since the most recent issuance of an original or renewal real estate license, taken and
4 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
5 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
6 condition, Respondent's real estate license shall automatically be suspended until Respondent
7 presents evidence satisfactory to the Commissioner of having taken and successfully completed
8 the continuing education requirements. Proof of completion of the continuing education
9 courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
10 Sacramento, CA 95813-7013.

11 5. Respondent shall notify the Commissioner in writing within 72 hours of
12 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
13 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the
14 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
15 address of the arresting law enforcement agency. Respondent's failure to timely file written
16 notice shall constitute an independent violation of the terms of the restricted license and shall
17 be grounds for the suspension or revocation of that license.

18 6. Respondent agrees to be available to be called as a witness, and testify as
19 a witness if called to testify, for any hearing dates before the Office of Administrative Hearings
20 for this case, Case No. H-41831 LA. Respondent's failure to meet this condition shall
21 constitute an independent violation of the terms of the restricted license and shall be grounds
22 for the suspension or revocation of that license, provided, however, that Respondent will have
23 the right to an administrative hearing and determination based on a violation of this paragraph.

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1 7. All licenses and licensing rights of Respondent are indefinitely
2 suspended unless or until Respondent pays the sum of \$2,514.25 for the Commissioner's
3 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
4 payment shall be in the form of a cashier's check made payable to the Department of Real
5 Estate. The investigative and enforcement costs must be delivered to the Department of Real
6 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, within sixty (60) days
7 after the effective date of this Decision and Order.

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9 DATED: 2-23-2022



Steve Chu, Counsel
Department of Real Estate

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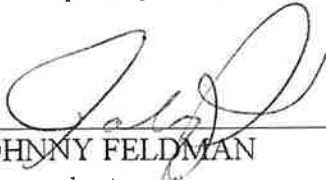
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I have read the Stipulation and Agreement. I understand that I am waiving rights given to me by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

I agree, acknowledge, and understand that I cannot rescind or amend this Stipulation and Agreement.


I can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement by March 2, 2022, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by March 2, 2022; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: 2/23/2022



JOHNNY FELDMAN
Respondent

DATED: 2/23/2022



Frank Buda
Counsel for Respondent
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent JOHNNY FELDMAN, and shall become effective at
12 o'clock noon on 5/17/2022.

IT IS SO ORDERED 4.8.22

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

