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FILED

MAY 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
)	
JOHNNY FELDMAN,)	<u>STIPULATION AND AGREEMENT</u>
<u>XQB MANAGEMENT, INC.,</u>)	
doing business as)	
Max One Business Services,)	
Property Management Specialists,)	
ReMax Olson & Associates Inc,)	
RE/MAX One, and)	
RE/MAX One Commercial, and)	
<u>KEITH STEVEN MYERS,</u>)	
individually and as former designated)	
officer of XQB Management, Inc.,)	
)	
Respondents.)	
)	

It is hereby stipulated by and between Respondent XQB MANAGEMENT, INC. and Respondent KEITH STEVEN MYERS (“Respondents”), represented by Michael A. Kale, 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 Respondents 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. Respondents have 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 10, 2020, Respondents filed Notices of Defense pursuant
10 to section 11506 of the Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices
12 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
13 Notices of Defense, Respondents will thereby waive Respondents’ right to require the Real
14 Estate Commissioner (“Commissioner”) to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the APA and that Respondents will
16 waive other rights afforded to Respondents in connection with the hearing such as the right to
17 present evidence in defense of the allegations in the Accusation and the right to cross-examine
18 witnesses.

19 4. This Stipulation is based on the factual allegations contained in the
20 Accusation filed in this proceeding. In the interests of expedience and economy, Respondents
21 choose not to contest these allegations, but to remain silent and understand that, as a result
22 thereof, these factual allegations will serve as a prima facie basis for the disciplinary action
23 stipulated to herein. The Real Estate Commissioner shall not be required to provide further
24 evidence to prove such factual allegations.

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1 5. It is understood by the parties that the Real Estate Commissioner may
2 adopt the Stipulation as her Decision in this matter, thereby imposing the penalty and sanctions
3 on Respondents' real estate licenses and license rights as set forth in the below Order. In the
4 event that the Commissioner in her discretion does not adopt the Stipulation, it shall be void
5 and of no effect, and Respondents shall retain the right to a hearing and proceeding on the
6 Accusation under all the provisions of the APA and shall not be bound by any admission or
7 waiver made herein.

8 6. The Order or any subsequent Order of the Commissioner made pursuant
9 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
10 civil proceedings by the Department with respect to any matters which were not specifically
11 alleged to be causes for the Accusation in this proceeding.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions, and waivers, and solely for
14 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
15 agreed that the following Determination of Issues shall be made:

16 I.

17 The conduct, acts, and/or omissions of Respondent XQB
18 MANAGEMENT, INC., as described in the Accusation, constitute cause for the suspension or
19 revocation of all real estate licenses and license rights of Respondent XQB
20 MANAGEMENT, INC. under California Business and Professions Code (“Code”)
21 section 10177(g) for violation of Code sections 10177(g).

22 II.

23 The conduct, acts, and/or omissions of Respondent KEITH STEVEN MYERS,
24 as described in the Accusation, constitute cause for the suspension or revocation of all real
25 estate licenses and license rights of Respondent KEITH STEVEN MYERS under Code
26 sections 10177(g) and 10177(h) for violation of Code section 10159.2 and Title 10, Chapter 6,
27 California Code of Regulations (“Regulations”) section 2725.

1 ORDER

2 I.

3 1. Respondent XQB MANAGEMENT, INC. is publicly reprovred.

4 2. Respondent XQB MANAGEMENT, INC. withdraws all pending license
5 applications.

6 3. All licenses and licensing rights of Respondent
7 XQB MANAGEMENT, INC. are indefinitely suspended unless or until Respondent pays,
8 jointly and severally with Respondent KEITH STEVEN MYERS, the sum of \$689.75 for the
9 Commissioner's reasonable cost of the investigation and enforcement which led to this
10 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
11 Department of Real Estate. The investigative and enforcement costs must be delivered to the
12 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
13 within sixty (60) days after the effective date of this Decision and Order.

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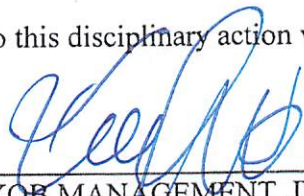
1 * * *

2 We have read the Stipulation and Agreement. We understand that we are
3 waiving rights given to us by the California Administrative Procedure Act, (including but not
4 limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently,
5 and voluntarily waive those rights, including the right to seek reconsideration and the right to
6 seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

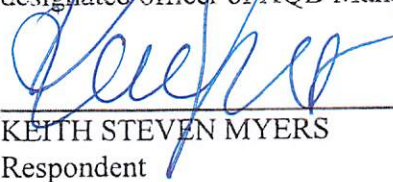
7 We agree, acknowledge, and understand that we cannot rescind or amend this
8 Stipulation and Agreement.

9 We can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement by
11 March 10, 2022, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350,
12 Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation
13 and Agreement or a copy faxed to (213) 576-6917 by March 10, 2022; if not, this Stipulation
14 and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of
15 the investigation and enforcement which led to this disciplinary action will increase.

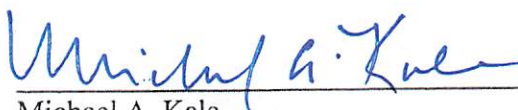
16
17 DATED: 3/10/2022

18 
19 _____
20 XQB MANAGEMENT, INC.
21 Respondent
22 By KEITH STEVEN MYERS, as
23 designated officer of XQB Management, Inc.

24 DATED: 3/10/2022

25 
26 _____
27 KEITH STEVEN MYERS
Respondent

28 DATED: 3/15/2022

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30 _____
31 Michael A. Kale
32 Counsel for Respondents
33 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 XQB MANAGEMENT, INC. and Respondent
KEITH STEVEN MYERS, and shall become effective at 12 o'clock noon on
6/15/2020.

IT IS SO ORDERED 5.9.22

DOUGLAS R. MCCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley