

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670

FILED

APR 16 2014

BUREAU OF REAL ESTATE

By *J. Barron*

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

) NO. H-2700 FR

13 KENCO INVESTMENTS, INC.)
14 and KENNETH ROBERT BOYD,)

) STIPULATION AND AGREEMENT

15 Respondents.)
16)

17 It is hereby stipulated by and between Respondents KENCO INVESTMENTS,
18 INC. ("KENCO") and KENNETH ROBERT BOYD ("BOYD"), (collectively "Respondents"),
19 acting by and through Frank M. Buda, Counsel for Respondents, and the Complainant, acting
20 by and through John W. Barron, Counsel for the Bureau of Real Estate, as follows for the
21 purpose of settling and disposing of the Accusation filed on December 20, 2011, in this matter:

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondents at a formal hearing on the Accusation, which
24 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
25 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions
26 of this Stipulation and Agreement.

27 2. Respondents have received, read and understand the Statement to

H-2700 FR

KENCO INVESTMENTS, INC.
and KENNETH ROBERT BOYD

1 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department
2 of Real Estate in this proceeding.

3 3. On January 6, 2012, Respondents filed a Notice of Defense pursuant to
4 Section 11505 of the Government Code for the purpose of requesting a hearing on the
5 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice
6 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
7 Notice of Defense, Respondents will thereby waive Respondents' right to require the
8 Commissioner to prove the allegations in the Accusation at a contested hearing held in
9 accordance with the provisions of the APA and that Respondents will waive other rights
10 afforded to Respondents in connection with the hearing such as the right to present evidence in
11 defense of the allegations in the Accusation and the right to cross-examine witnesses.

12 4. This Stipulation is based on the factual allegations contained in the
13 Accusation. In the interest of expedience and economy, Respondents choose not to contest
14 these factual allegations, but to remain silent and understand that, as a result thereof, these
15 factual statements will serve as a prima facie basis for the "Determination of Issues" and
16 "Order" set forth below. The Real Estate Commissioner shall not be required to provide further
17 evidence to prove such allegations.

18 5. This Stipulation and Respondents' decision not to contest the Accusation
19 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
20 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate,
21 the State or the federal government, an agency of this State, or an agency of another state is
22 involved.

23 6. It is understood by the parties that the Real Estate Commissioner may
24 adopt the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty
25 and sanctions on Respondents' real estate licenses and license rights as set forth in the "Order"
26 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and
27 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing

1 ORDER

2 1

3 The corporate real estate broker license and license rights of KENCO are
4 hereby revoked; provided, however, a restricted corporate real estate broker license shall be
5 issued to KENCO pursuant to Section 10156.6 of the Code, if KENCO makes application
6 therefore and pays to the Bureau of Real Estate the appropriate fee for said license within ninety
7 (90) days from the effective date of this Decision.

8 2. The restricted license issued to KENCO shall be subject to all of the
9 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
10 restrictions imposed under authority of Section 10156.6 of the Code:

11 (a) The restricted license issued to KENCO shall be suspended prior
12 to hearing by Order of the Commissioner in the event of
13 KENCO's conviction (including by plea of guilty or nolo
14 contendere) to a crime which is substantially related to KENCO's
15 fitness or capacity as a real estate licensee; and,

16 (b) The restricted license issued to KENCO shall be suspended prior
17 to hearing by Order of the Commissioner on evidence
18 satisfactory to the Commissioner that KENCO has violated
19 provisions of the California Real Estate Law, the Subdivided
20 Lands Law, Regulations of the Real Estate Commissioner, or
21 conditions attaching to the restricted license.

22 3. KENCO shall not be eligible to apply for the issuance of an unrestricted real
23 estate license, nor the removal of any of the conditions of the restricted license, until two (2)
24 years have elapsed from the effective date of this Decision.

25 2

26 1. The designated officer/broker license and license rights of BOYD are hereby
27 revoked; provided, however, a restricted designated officer/ broker license shall be issued to

1 BOYD pursuant to Section 10156.6 of the Code, if BOYD makes application therefore and pays
2 to the Bureau of Real Estate the appropriate fee for said license within ninety (90) days from the
3 effective date of this Decision.

4 2. The restricted license issued to BOYD shall be subject to all of the provisions
5 of Section 10156.7 of the Code and to the following limitations, conditions, and restrictions
6 imposed under authority of Section 10156.6 of the Code:

7 (a) The restricted license issued to BOYD shall be suspended prior
8 to hearing by Order of the Commissioner in the event of BOYD's
9 conviction (including by plea of guilty or nolo contendere) to a
10 crime which is substantially related to BOYD's fitness or
11 capacity as a real estate licensee; and,

12 (b) The restricted license issued to BOYD shall be suspended prior
13 to hearing by Order of the Commissioner on evidence
14 satisfactory to the Commissioner that BOYD has violated
15 provisions of the California Real Estate Law, the Subdivided
16 Lands Law, Regulations of the Real Estate Commissioner, or
17 conditions attaching to the restricted license.

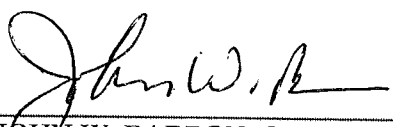
18 3. BOYD shall not be eligible to apply for the issuance of an unrestricted real
19 estate license, nor the removal of any of the conditions of the restricted license, until two (2)
20 years have elapsed from the effective date of this Decision.

21 4. BOYD shall notify the Commissioner in writing within 72 hours of any arrest
22 by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box
23 137000, Sacramento, CA 95813-7007. The letter shall set forth the date of BOYD's arrest, the
24 crime for which BOYD was arrested and the name and address of the arresting law enforcement
25 agency. BOYD's failure to timely file written notice shall constitute an independent violation of
26 the terms of the restricted license and shall be grounds for the suspension or revocation of that
27 license.

1 Commissioner detailing the activities performed during the audit and the amount of time spent
2 performing those activities. If Respondents fail to pay such cost within the sixty (60) days, the
3 Commissioner shall automatically suspend all licenses and licensing rights of Respondents
4 under the Real Estate Law until payment is made in full or until Respondents enter into an
5 agreement satisfactory to the Commissioner to provide for payment, or until a decision
6 providing otherwise is adopted following a hearing held pursuant to this condition. Upon full
7 payment, the indefinite suspension provided for in this paragraph shall be stayed.

8 3. All licenses and licensing rights of Respondents are indefinitely suspended
9 unless or until Respondents, jointly and severally, pay the sum of \$3,622.90 for the
10 Commissioner's reasonable cost of the investigation and enforcement which led to this
11 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
12 made payable to the Real Estate Fund and mailed to: Bureau of Real Estate, P. O. Box 137007,
13 Sacramento, CA 95813-7007 or delivered to the Bureau of Real Estate at 1651 Exposition
14 Boulevard, Sacramento, CA 95815. Said check must be received by the Bureau prior to the
15 effective date of the Order in this matter.

16
17 3/18/14
18 DATED


19 JOHN W. BARRON, Counsel
20 Bureau of Real Estate

21 * * *

22 I have read the Stipulation and Agreement and its terms are understood by me
23 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
24 the California Administrative Procedure Act (including but not limited to Sections 11506,
25 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
26 voluntarily waive those rights, including the right of requiring the Commissioner to prove the

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///

1 allegations in the Accusation at a hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and mitigation of the charges.

3
4 2-14-14

DATED

Kenneth Robert Boyd

KENNETH ROBERT BOYD,
Respondent and as the Designated
Officer/Broker for Respondent
KENCO INVESTMENTS, INC.

7
8 * * *

9 *I have reviewed this Stipulation and Agreement and Order as to form and
10 content and have advised my client accordingly.*

11 2-18-14

DATED

Frank M. Buda

FRANK M. BUDA
Attorney for Respondents, KENCO
INVESTMENTS, INC. and KENNETH
ROBERT BOYD

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16 * * *

17 The foregoing Stipulation and Agreement is hereby adopted by me as my
18 Decision in this matter as to Respondents KENCO INVESTMENTS, INC. and KENNETH
19 ROBERT BOYD and shall become effective at 12 o'clock noon on

20 MAY 07 2014

21 IT IS SO ORDERED APR 08 2014

22 REAL ESTATE COMMISSIONER

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24
25
26 By: JEFFREY MASON
Chief Deputy Commissioner