

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone 916/227-0789

FILED
APR 26 1993
DEPARTMENT OF REAL ESTATE

By Kathleen Contreas

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of)
12)
13 ROBERT KERMIT IJAMS,)
14)
15 Respondent.)

NO. H-2779 SAC

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between ROBERT KERMIT
17 IJAMS (sometimes referred to as Respondent), his attorney of
18 record Robert M. Henderson, and the Complainant, acting by and
19 through David A. Peters, Counsel for the Department of Real
20 Estate, as follows, for the purpose of settling and disposing of
21 the Accusation filed on June 22, 1992 and the First Amended
22 Accusation filed on August 13, 1992, in this matter:

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

1 submitted solely on the basis of the provisions of this
2 Stipulation.

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On July 10, 1992, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he waives
13 his right to require the Commissioner to prove the allegations in
14 the First Amended Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he waives other
16 rights afforded to him in connection with the hearing such as the
17 right to present evidence in defense of the allegations in the
18 Accusation and the right to cross-examine witnesses.

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

24 5. It is understood by the parties that the Real Estate
25 Commissioner may adopt the Stipulation and Agreement as his
26 decision in this matter thereby imposing the penalty and sanctions
27 on Respondent's real estate license and license rights as set

1 forth in the below "Order". In the event that the Commissioner in
2 his discretion does not adopt the Stipulation and the Agreement in
3 Settlement, it shall be void and of no effect, and Respondent
4 shall retain the right to a hearing and proceeding on the First
5 Amended Accusation under all the provisions of the APA and shall
6 not be bound by any admission or waiver made herein.

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

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions and
16 waivers and solely for the purpose of settlement of the pending
17 Accusation without a hearing, it is stipulated and agreed that the
18 following determination of issues shall be made:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 Business and Professions Code (hereinafter "Code") as a real
23 estate broker.

24 II

25 The Complainant, Charles W. Koenig, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity.

1 III

2 On or about May 14, 1991, in the El Dorado County
3 Municipal Court, Respondent was convicted of violation of Section
4 484(a) of the California Penal Code (Petty Theft), a crime
5 involving moral turpitude which is substantially related under
6 Section 2910, Title 10, California Code of Regulations to the
7 qualifications, functions or duties of a real estate licensee.

8 IV

9 The facts alleged above constitute cause under Sections
10 490 and 10177(b) of the Code for suspension or revocation of all
11 licenses and license rights of Respondent under the Real Estate
12 Law.

13 ORDER

14 All licenses and licensing rights of respondent ROBERT
15 KERMIT IJAMS under the Real Estate Law are revoked; provided,
16 however, a restricted real estate broker license shall be issued
17 to Respondent pursuant to Section 10156.6 of the Business and
18 Professions Code, if Respondent makes application therefor and
19 pays to the Department of Real Estate the appropriate fee for the
20 restricted license within 90 days from the effective date of this
21 Decision. The restricted license issued to Respondent shall be
22 subject to all of the provisions of Section 10156.7 of the
23 Business and Professions Code and to the following limitations,
24 conditions, and restrictions imposed under authority of Section
25 10156.6 of the Code:

26 ///

27 ///

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

6 B. The restricted license issued to Respondent may be
7 suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real
10 Estate Law, the Subdivided Lands Law, Regulations of the Real
11 Estate Commissioner or conditions attaching to the restricted
12 license.

13 C. Respondent shall not be eligible to apply for the
14 issuance of an unrestricted real estate license nor for the
15 removal of any of the conditions, limitations, or restrictions of
16 a restricted license until one year has elapsed from the effective
17 date of this Decision.

18 D. Respondent shall, within nine (9) months from the
19 effective date of this Decision, present evidence satisfactory to
20 the Real Estate Commissioner that Respondent has, since the most
21 recent issuance of an original or renewal real estate license,
22 taken and successfully completed the continuing education
23 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
24 for renewal of a real estate license. If Respondent fails to
25 satisfy this condition, the Commissioner may order the suspension
26 of the restricted license until the Respondent presents such
27 evidence. The Commissioner shall afford Respondent the

1 opportunity for a hearing pursuant to the Administrative Procedure
2 Act to present such evidence.

3 DATED: 8/13/92

4 DEPARTMENT OF REAL ESTATE

5 David A. Peters
6 DAVID A. PETERS, Counsel
7

8 * * *

9 I have read the Stipulation and Agreement, have
10 discussed it with my counsel, and its terms are understood by me
11 and are agreeable and acceptable to me. I understand that I am
12 waiving rights given to me by the California Administrative
13 Procedure Act (including but not limited to Sections 11506, 11508,
14 11509, and 11513 of the Government Code), and I willingly,
15 intelligently, and voluntarily waive those rights, including the
16 right of requiring the Commissioner to prove the allegations in
17 the Accusation at a hearing at which I would have the right to
18 cross-examine witnesses against me and to present evidence in
19 defense and mitigation of the charges.

20 DATED: 3/26/93

21 Robert Kermit Ijams
22 ROBERT KERMIT IJAMS
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* * *

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED:

3/26/93

Robert M. Henderson
ROBERT M. HENDERSON
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as Decision and
Order and shall become effective at 12 o'clock noon on
May 17, 1993.

IT IS SO ORDERED

4/20, 1993.

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
DEC 22 1992
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ROBERT KERMIT IJAMS,

By Kathleen Contreras

Case No. H-2779 SAC

OAH No. N-41758

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at The
Office of Administrative Hearings, 501 J Street, Suite 220,
Second Floor Hearing Rooms, Sacramento, CA 95814

on Monday, March 29, 1993, at the hour of 1:30 PM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: December 18, 1992

By David A. Peters
DAVID A. PETERS *Counsel*

1 DAVID A. PETERS, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 739-3607

FILED
AUG 13 1992
DEPARTMENT OF REAL ESTATE

By Lucie A. Zia

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 ROBERT KERMIT IJAMS,) No. H-2779 SAC
13 Respondent.) FIRST AMENDED
14) ACCUSATION

15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against ROBERT KERMIT IJAMS (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 California Business and Professions Code (hereinafter "Code") as a
23 real estate broker.

24 II

25 The Complainant, Charles W. Koenig, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity.

III

On or about May 14, 1991, in the El Dorado County Municipal Court, Respondent was convicted of violation of Section 484(a) of the California Penal Code (Petty Theft), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 13th day of August, 1992.

1 RICK K. OKIKAWA, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 739-3607

FILED
JUN 22 1992

DEPARTMENT OF REAL ESTATE

By Laurel A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 ROBERT KERMIT IJAMS,)
13 Respondent.)
14 _____)

No. H-2779 SAC

ACCUSATION

15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against ROBERT KERMIT IJAMS (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license
21 rights under the Real Estate Law, Part 1 of Division 4 of the
22 California Business and Professions Code (hereinafter "Code") as a
23 real estate salesperson subject to Section 10153.4 of the Code.

24 II

25 The Complainant, Charles W. Koenig, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity.

III

On or about May 14, 1991, in the El Dorado County Municipal Court, Respondent was convicted of violation of Section 484(a) of the California Penal Code (Petty Theft), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 17th day of June, 1992.