

FILED
MAR 27 2003

DEPARTMENT OF REAL ESTATE

By Laurie G. Jones

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
KEVIN F. J. BUFFINI,) NO. H-2780 SD
Respondent.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 28, 2002, an Accusation was filed in this matter against Respondent KEVIN F. J. BUFFINI.

On February 5, 2003, Respondent petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent KEVIN F. J. BUFFINI's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated February 5, 2003 (attached as Exhibit "A" hereto).

1 Respondent's license certificate and pocket card shall
2 be sent to the below listed address so that they reach the
3 Department on or before the effective date of this Order:


4
5 DEPARTMENT OF REAL ESTATE
6 ATTN: LICENSING FLAG SECTION
7 P.O. Box 187000
8 Sacramento, CA 95818-7000

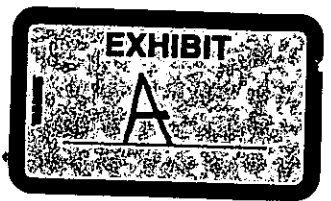
9 This Order shall become effective at 12 o'clock noon on

10 APRIL 17, 2003.

11 DATED: February 25, 2003

12 PAULA REDDISH ZINNEMANN
13 Real Estate Commissioner

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
KEVIN F. J. BUFFINI,)	NO. H-2780 SD
)	
Respondent.)	
)	

DECLARATION

My name is KEVIN F. J. BUFFINI and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am represented by Michael Taylor, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions Code) I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

1 I understand that by so voluntarily surrendering my
2 license, that it can only be reinstated in accordance with the
3 provisions of Section 11522 of the Government Code. I also
4 understand that by so voluntarily surrendering my license, I
5 agree to the following:

6 The filing of this Declaration shall be deemed as my
7 petition for voluntary surrender. It shall also be deemed to
8 be an understanding and agreement by me that, I waive all
9 rights I have to require the Commissioner to prove the
10 allegations contained in the Accusation filed in this matter
11 at a hearing held in accordance with the provisions of the
12 Administrative Procedure Act (Government Code Sections 11400
13 et seq.), and that I also waive other rights afforded to me in
14 connection with the hearing such as the right to discovery,
15 the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses. I
17 further agree that upon acceptance by the Commissioner, as
18 evidenced by an appropriate order, all affidavits and all
19 relevant evidence obtained by the Department in this matter
20 prior to the Commissioner's acceptance, and all allegations
21 contained in the Accusation filed in the Department Case No.
22 H-2780 SD, may be considered by the Department to be true and
23 correct for the purpose of deciding whether or not to grant
24 reinstatement of my license(s) pursuant to Government Code
25 Section 11522.

26 ///

27 ///

1 I declare under penalty of perjury under the laws of
2 the State of California that the above is true and correct and
3 that I freely and voluntarily surrender my license(s) and all
4 license rights attached thereto.

5
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7 
8 KEVIN F. J. BUFFINI

9 2-5-03
10 DATE

11 SAN DIEGO
12 PLACE

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

FILED
DEC - 6 2002

DEPARTMENT OF REAL ESTATE

By Bethleen Contreras

In the Matter of the Accusation of

KEVIN F. J. BUFFINI,

} Case No. H-2780 SD

} OAH No.

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

1350 FRONT STREET, ROOM 6022

SAN DIEGO, CALIFORNIA 92101

on **MARCH 5, 2003**, at the hour of **9:00 AM**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: DECEMBER 5, 2002

By

Larry Alamao
LARRY A. ALAMAO, Counsel

RE 501 (Rev. 8/97)

1 DEIDRE L. JOHNSON, Counsel
2 SBN 66322
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6 Telephone: (916) 227-0789

FILED
OCT 28 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 KEVIN F. J. BUFFINI,) NO. H-2780 SD
14 Respondent.) ACCUSATION
15)

16 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against KEVIN F. J. BUFFINI, is informed and alleges as follows:

19 I

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

24 II

25 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity and not otherwise.

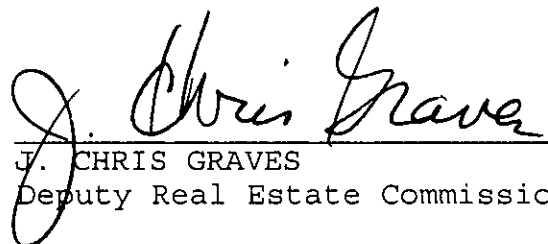
1 III

2 On or about May 30, 2002, in the Superior Court
3 of California, County of San Diego, Respondent was convicted of
4 violation of California Penal Code Sections 182(a)(1) (CONSPIRACY
5 TO COMMIT GRAND THEFT), a felony, a crime involving moral
6 turpitude, and a crime which is substantially related under
7 Section 2910, Title 10, California Code of Regulations to the
8 qualifications, functions, or duties of a real estate licensee.

9 IV

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

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

21
22
23 
24 J. CHRIS GRAVES
25 Deputy Real Estate Commissioner

26 Dated at San Diego, California,
27 this 11th day of October, 2002.