

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0781

FILED

FEB 18 2009

DEPARTMENT OF REAL ESTATE

By H. Mar

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11 JON ROBERT KURTIN,)
12 Respondent.)

No. H-3895 SD

STIPULATION AND
AGREEMENT

14 It is hereby stipulated by and between JON ROBERT KURTIN (hereinafter
15 "Respondent") and the Complainant, acting by and through Truly Sughrue, Counsel for the
16 Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation
17 filed on January 12, 2009 in this matter:

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

24 2. Respondent has received, read and understands the Statement to
25 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of
26 Real Estate in this proceeding.

I

The acts and/or omissions of Respondent as described in the Accusation, violate Section 10177(f) of the Business and Professions Code.

ORDER

I

All licenses and licensing rights of Respondent JON ROBERT KURTIN under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 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 Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

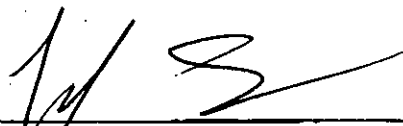
1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

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 conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until four years have elapsed from the effective date of this Decision.


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29-Jan-09
DATED


Trudy Sughrue, Counsel
DEPARTMENT OF REAL ESTATE


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

1/28/2009
DATED


JON ROBERT KURTIN
Respondent

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on
MAR 11 2009

IT IS SO ORDERED 2-11-09

JEFF DAYI
Real Estate Commissioner


1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
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7 Telephone: (916) 227-0781

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JAN 1 8 2009

DEPARTMENT OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

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12 In the Matter of the Accusation of)
13 JON ROBERT KURTIN,)
14 Respondent.)

No. H-3895 SD
ACCUSATION

15
16 The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the
17 State of California, for cause of Accusation against JON ROBERT KURTIN (hereinafter
18 "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the
21 State of California, makes this Accusation in his official capacity.

22 2

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


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On or about January 18, 2007, after proceedings comparable to the Administrative Procedure Act in which Respondent was given fair notice of the charges, an opportunity for a hearing, and other due process protections the Supreme Court of the State of California, in Case No. S148039, State Bar Court Case Nos. 03-O-04967, ordered that the Respondent be suspended from the practice of law for two (2) years, that execution of the suspension be stayed, that Respondent be placed on probation for three (3) years, including an actual suspension of thirty (30) days for acts which, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license pursuant to the provisions of Sections 10176(a), 10176(b), 10176(i), 10177(d), 10177(g), and/or 10177(j) of the Code.

The suspension of Respondent's license to practice law in the State of California as described in Paragraph 3, constitutes cause for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law under Section 10177(f) of the Business and Professions Code of the State of California.

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 the provisions of law.


JOSEPH AIU
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 8 day of January, 2008 9