

AUG 18 2021

DEPT. OF REAL ESTATE

By

Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105  
Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

**In the Matter of the Accusation of**

DRE Case No. H-05168 SD

JASON TAD KOEHN,

## STIPULATION AND AGREEMENT

**Respondent.**

It is hereby stipulated by and between Respondent JASON TAD KOEHN ("KOEHN") ("Respondent"), and the Complainant, acting by and through Laurence D. Haveson, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on December 10, 2020 in this matter:

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

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

3. Respondent filed his Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

1 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
2 acknowledges that he understands that by withdrawing said Notice of Defense Respondent will  
3 thereby waive his right to require the Real Estate Commissioner ("Commissioner") to prove the  
4 allegations in the Accusation at a contested hearing held in accordance with the provisions of the  
5 APA, and that Respondent will waive other rights afforded to him in connection with the hearing  
6 such as the right to present evidence in defense of the allegations in the Accusation and the right to  
7 cross-examine witnesses.

8           4. Respondent, pursuant to the limitations set forth below, hereby admits that  
9 the actual allegations in the Accusation filed in this proceeding are true and correct and the  
10 Commissioner shall not be required to provide further evidence to prove such allegations.

11           5. It is understood by the parties that the Commissioner may adopt this  
12 Stipulation as the Commissioner's Decision in this matter, thereby imposing the penalty and  
13 sanctions on Respondent's real estate license and license rights as set forth in the Order below. In  
14 the event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation  
15 shall be void and of no effect and Respondent shall retain the right to a hearing and proceeding on  
16 the Accusation under the provisions of the APA and shall not be bound by any admission or  
17 waiver made herein.

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

22           7. Respondent understands that by agreeing to this Stipulation, Respondent  
23 agrees to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and  
24 enforcement which resulted in the determination that Respondent committed the violations found  
25 in the Determination of Issues. The amount of said investigation costs is \$444.30 and the amount  
26 of the enforcement costs is \$96.00, for a total of \$540.30.

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1           2.       The restricted license issued to Respondent KOEHN may be suspended  
2 prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
3 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
4 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to  
5 the restricted licenses.

6           3.       Respondent KOEHN shall not be eligible to apply for the issuance of  
7 unrestricted real estate licenses nor for removal of any of the conditions, limitations or restrictions  
8 of a restricted license until three (3) years have elapsed from the effective date of this Decision  
9 and Order.

10          4.       Respondent KOEHN shall submit with any application for license under an  
11 employing broker, or any application for transfer to a new employing broker, a statement signed  
12 by the prospective employing real estate broker, on a form approved by the Department of Real  
13 Estate, which shall certify:

14               a.       That the employing broker has read the Decision of the  
15 Commissioner which granted the right to a restricted license; and

16               b.       That the employing broker will exercise close supervision over the  
17 performance by the restricted licensee relating to activities for which a real estate  
18 license is required.

19          5.       Respondent KOEHN shall notify the Commissioner in writing within 72  
20 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real  
21 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth  
22 the date of Respondent's arrest, the crime for which Respondent was arrested and the name and  
23 address of the arresting law enforcement agency. Respondent's failure to timely file written notice  
24 shall constitute an independent violation of the terms of the restricted license and shall be grounds  
25 for the suspension or revocation of that license.

26          6.       Respondent KOEHN shall pay the sum of \$540.30, for the Commissioner's  
27 reasonable cost of the investigation and enforcement which led to this disciplinary action, **within**  
28 **one-hundred and eighty (180) days from the effective date of this Decision and Order.** Said

1 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.  
2 **The investigative and enforcement costs must be delivered to the Department of Real Estate,**  
3 **Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. Payment of investigation and**  
4 **enforcement costs should not be made until the Stipulation has been approved by the**  
5 **Commissioner.** If Respondent fails to satisfy this condition in a timely manner as provided for  
6 herein, Respondent's real estate license shall automatically be suspended until payment is made in  
7 full, or until a decision providing otherwise is adopted following a hearing held pursuant to this  
8 condition.

9                   7.       Respondent's signature indicates full agreement to the terms of this  
10 Stipulation and Agreement and to the terms set forth herein.

11       6/24/2021  
12 DATED

13                   Laurence D. Haveson  
14 Laurence D. Haveson,  
15 Counsel for Complainant

16                                   \* \* \*

17                                   EXECUTION OF THE STIPULATION

18               I have read the Stipulation and Agreement. I understand its terms and they are agreeable  
19 and acceptable to me. I understand that I am waiving rights given to me by the California  
20 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and  
21 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights,  
22 including the right of requiring the Commissioner to prove the allegations in the Accusation at a  
23 hearing at which I would have the right to cross-examine witnesses against me and to present  
24 evidence in defense and mitigation of the charges.

25               Respondent can signify acceptance and approval of the terms and conditions of this  
26 Stipulation and Agreement by sending a hard copy of the original signed signature page of the  
27 Stipulation herein to Laurence D. Haveson, Department of Real Estate, Legal Section, 320 W.  
28 Fourth St., Suite 350, Los Angeles, CA 90013-1105. In the event of time constraints before an

1 administrative hearing, Respondent can signify acceptance and approval of the terms and  
2 conditions of this Stipulation and Agreement by faxing e-mailing a scanned copy of the signature  
3 page, as actually signed by Respondent, to the Department counsel assigned to this case.  
4 Respondent agrees, acknowledges, and understands that by electronically sending to the  
5 Department a scan of Respondent's actual signature as it appears on the Stipulation and  
6 Agreement. that receipt of the scan by the Department shall be as binding on Respondent as if the  
7 Department had received the original signed Stipulation and Agreement. By signing this  
8 Stipulation, Respondent understands and agrees that Respondent may not withdraw his agreement  
9 or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or  
10 prior to the effective date of the Stipulation and Order.

11 MAILING

12 Respondent shall, within five (5) business days from signing the Stipulation, mail  
13 the original signed signature page(s) of the Stipulation herein to Laurence Haveson, Attention:  
14 Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los Angeles, California  
15 90013-1105.

16 Respondent's signature below constitutes acceptance and approval of the terms and  
17 conditions of this Stipulation. Respondent agrees, acknowledges, and understands that by signing  
18 this Stipulation Respondent is bound by its terms as of the date of such signature and that this  
19 agreement is not subject to rescission or amendment at a later date except by a separate Decision  
20 and Order of the Real Estate Commissioner.

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22 6/24/2021  
23 DATED

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25 JASON TAD KOEHN, Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent JASON TAD KOEHN, only, and shall become effective at 12 o'clock noon on September 7th, 2021.

IT IS SO ORDERED 9 . 12 . 21, 2021.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

Douglas R. McCauley