

1 DEPARTMENT OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 620-2072

FILED

JAN 27 2022

DEPT. OF REAL ESTATE
By Emmery

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation against:

12 WILLIAM BENJAMIN KNOWLES;
13 BRENDA JOYCE DAVIS-BAILEY;
14 BST REALTY, INC.; and
15 ALVIN GENE TONEY, individually, and as
16 designated officer for BST Realty, Inc.,

Respondents.

DRE No. H-05184 SD
OAH No. 2021050574

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER AS
TO RESPONDENTS BST REALTY,
INC. AND ALVIN GENE TONEY,
ONLY

17 It is hereby stipulated by and between BST REALTY, INC. and ALVIN GENE TONEY
18 (collectively "Respondents"), acting by and through Respondents' attorney, Frank M. Buda,
19 Esq., and Complainant, acting by and through Lissete Garcia, Counsel for the Department of
20 Real Estate ("Department"), as follows for the purpose of settling and disposing the First
21 Amended Accusation ("Accusation") filed on March 17, 2021, with Department Case No.
22 H-05184 SD in this matter:

23 ///

24 ///

Stipulation and Agreement
H-05184 SD

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

6 2. Respondents have received, read, and understand the Statement to Respondent, the
7 Discovery Provisions of the APA, and Accusation filed by the Department in this proceeding.

8 3. Respondents filed Notices of Defense pursuant to Section 11506 of the Government
9 Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents
10 hereby freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge and
11 understand that by withdrawing said Notice of Defense, Respondents will thereby waive
12 Respondents' rights to require the Real Estate Commissioner ("Commissioner") to prove the
13 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
14 APA and that Respondents will waive other rights afforded to Respondents in connection with
15 the hearing such as the right to present evidence in defense of the allegations in the Accusation
16 and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
18 this proceeding. In the interest of expedience and economy, Respondents choose not to contest
19 these factual allegations, but to remain silent and understand that, as a result thereof, these
20 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
21 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
22 such allegations.

23 ///

1 5. This Stipulation and Respondents' decision not to contest the Accusation are made for
2 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this
3 proceeding and any other proceeding or case in which the Department, or another licensing
4 agency of this state, another state or if the federal government is involved and otherwise shall not
5 be admissible in any other criminal or civil proceedings.

6 6. It is understood by the parties that the Real Estate Commissioner may adopt the
7 Stipulation and Agreement as the Commissioner's Decision in this matter, thereby imposing the
8 penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the
9 below "Order." In the event that the Commissioner in his discretion does not adopt the
10 Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the
11 right to a hearing and proceeding on the Accusation under all the provisions of the APA and
12 shall not be bound by any admission or waiver made herein.

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

17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///

24

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulation and agreement and solely for the purpose of
3 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
4 following determination of issues shall be made:

5 I.

6 The conduct, acts and/or omissions of Respondent BST REALTY, INC. as set forth
7 herein above in Paragraph 4, constitute cause for the suspension or revocation of all real estate
8 licenses and license rights of Respondent BST REALTY, INC. pursuant to the provisions of
9 Code section 10177, subdivision (d), for violation of Regulation 2742(c) of the Regulations of
10 the Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations
11 (“Regulations”).

12 II.

13 The conduct, acts and/or omissions of Respondent ALVIN GENE TONEY as set forth
14 herein above in Paragraph 4, constitute cause for the suspension or revocation of all real estate
15 licenses and license rights of Respondent ALVIN GENE TONEY pursuant to the provisions of
16 Code section 10177, subdivisions (g) and (h), for violation of Business and Professions Code
17 (“Code”) sections 10159.2, 10159.5, and Regulation 2731.

18 ORDER

19 I.

20 All licenses and licensing rights of Respondent BST REALTY, INC. under the Real
21 Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision
22 and Order; provided, however, that:

- 23 1. Said 60-day suspension shall be stayed for two (2) years upon the following terms
24

1 and conditions:

- 2 2. Respondent shall obey all laws, rules and regulations governing the rights, duties
3 and responsibilities of a real estate licensee in the State of California; and,
- 4 3. That no final subsequent determination be made, after hearing or upon stipulation,
5 that cause for disciplinary action occurred within two (2) years from the effective
6 date of this Decision and Order. Should such a determination be made, the
7 Commissioner may, in his discretion, vacate and set aside the stay order and
8 reimpose all or a portion of the stayed suspension. Should no such determination
9 be made, the stay imposed herein shall become permanent.

10 II.

11 All licenses and licensing rights of Respondent ALVIN GENE TONEY under the Real
12 Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision
13 and Order; provided, however, that:

- 14 1. Said 60-day suspension shall be stayed for two (2) years upon the following terms
15 and conditions:
- 16 2. Respondent shall obey all laws, rules and regulations governing the rights, duties
17 and responsibilities of a real estate licensee in the State of California; and,
- 18 3. That no final subsequent determination be made, after hearing or upon stipulation,
19 that cause for disciplinary action occurred within two (2) years from the effective date of this
20 Decision and Order. Should such a determination be made, the Commissioner may, in his
21 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made, the stay imposed herein shall become
23 permanent.

24

1 Respondents' signatures below constitute acceptance and approval of the terms and
2 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing
3 this Stipulation Respondents are bound by its terms as of the date of such signature and that this
4 agreement is not subject to rescission or amendment at a later date except by a separate Decision
5 and Order of the Real Estate Commissioner.

6
7 DATED: 11/24/2021 Alvin Toney
8 Respondent BST REALTY, INC.
9 By (Printed Name): ALVIN TONEY
10 Title: CEO

11 DATED: 11/24/2021 Alvin Toney
12 Respondent ALVIN GENE TONEY

13 DATED: 11-29-21 Frank M. Buda
14 Frank M. Buda, Esq., Counsel for Respondents
15 *Approved as to Form*

16 * * *

17 The foregoing Stipulation and Agreement in Settlement and Order is hereby
18 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
19 3/3/2022, 2021.

20 IT IS SO ORDERED 1.14.22, 2021.

21 REAL ESTATE COMMISSIONER

22
23 Douglas R. McCauley
24 Douglas R. McCauley