

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

**FILED**  
DEC 13 2011

DEPARTMENT OF REAL ESTATE  
By R. Mar

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10 BEFORE THE  
11 DEPARTMENT OF REAL ESTATE  
12 STATE OF CALIFORNIA

13 \* \* \*

14 In the Matter of the Accusation of )

15 KIRK ALLEN ALDERSON, )

16 Respondent. )

NO. H-5562 SAC

STIPULATION AND AGREEMENT

17 )  
18 )  
19 It is hereby stipulated by and between KIRK ALLEN ALDERSON  
20 (herein "Respondent") and his attorney Paul Chan, and the Complainant, acting by and through  
21 Annette E. Ferrante, Counsel for the Department of Real Estate, as follows, for the purpose of  
22 settling and disposing the Accusation filed on March 11, 2011, in this matter.

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

1                   2. Respondent has received, read and understands the Statement to Respondent,  
2 and the Discovery Provisions of the APA filed by the Department of Real Estate (herein the  
3 "Department") in this proceeding.

4                   3. Respondent filed his Notice of Defense pursuant to Section 11505 of the  
5 Government Code for the purpose of requesting a hearing on the allegations in this matter.  
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
7 acknowledges that he understands that by withdrawing said Notice of Defense he will thereby  
8 waive his right to require the Real Estate Commissioner (herein the "Commissioner") to prove  
9 the allegations in the Accusation at a contested hearing held in accordance with the provisions of  
10 the APA, and that he will waive other rights afforded to him in connection with the hearing such  
11 as the right to present evidence in defense of the allegations pertaining to him in the Accusation  
12 and the right to cross-examine witnesses.

13                   4. Respondent, pursuant to the limitations set forth below, hereby admits that the  
14 factual allegations in the Accusation filed in this proceeding are true and correct and the Real  
15 Estate Commissioner shall not be required to provide further evidence to prove such allegations.

16                   5. It is understood by the parties that the Commissioner may adopt the  
17 Stipulation and Agreement as her decision in this matter thereby imposing the penalty and  
18 sanctions on Respondent's real estate license and license rights as set forth in the below "Order."  
19 In the event that the Commissioner in her discretion does not adopt the Stipulation and  
20 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing  
21 and proceeding on the Accusation under all of the provisions of the APA and shall not be bound  
22 by any admission or waiver made herein.

23                   6. The Order or any subsequent Order of the Commissioner made pursuant to  
24 this Stipulation and Agreement shall not constitute an estoppel, merger, or bar to any further  
25 administrative or civil proceedings by the Department with respect to any matters which were  
26 not specifically alleged to be causes for accusation in this proceeding.

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1                    3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
2 real estate license, nor the removal of any of the conditions of the restricted license, until three  
3 (3) years have elapsed from the effective date of this Decision.

4                    4. Respondent shall notify the Commissioner in writing within 72 hours of any  
5 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post  
6 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of  
7 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
8 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
9 constitute an independent violation of the terms of the restricted license and shall be grounds for  
10 the suspension or revocation of that license.

11                    5. Respondent shall, within nine (9) months from the effective date of this  
12 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the  
13 most recent issuance of an original or renewal real estate license, taken and successfully  
14 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
15 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the  
16 Commissioner may order the suspension of the restricted license until the Respondent presents  
17 such evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant  
18 to the Administrative Procedure Act to present such evidence.

19  
20                    10/26/11

21                    DATED

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21                    ANNETTE E. FERRANTE,  
22                    Counsel for Complainant

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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 APA, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations as to me 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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

10/26/2011  
DATED

  
KIRK ALLEN ALDERSON,  
Respondent

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

10/26/11  
DATED

  
PAUL CHAN,  
Attorney for Respondent

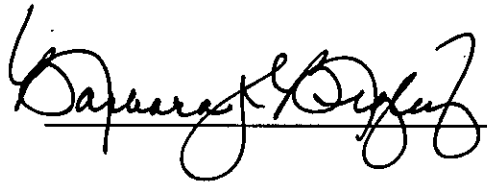
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The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on JAN -3 2012

IT IS SO ORDERED 12/7/11

BARBARA J. BIGBY  
Acting Real Estate Commissioner



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JOHN W. BARRON, Counsel (SBN 171246)  
Department of Real Estate  
P. O. Box 187007  
Sacramento, CA 95818-7007  
  
Telephone: (916) 227-0789 (main)  
(916) 227-0792 (direct)

FILED

MAR 11 2011

DEPARTMENT OF REAL ESTATE

By K. Mat

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	
	)	NO. H-5562 SAC
	)	
KIRK ALLEN ALDERSON,	)	<u>ACCUSATION</u>
	)	
Respondent.	)	
	)	

The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against KIRK ALLEN ALDERSON, (hereafter "Respondent"), is informed and alleges as follows:

1

The Complainant makes this Accusation against Respondent in her official capacity.

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

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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 Code, and for such other and further relief as may be proper under the provisions of law.

  
TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 10<sup>th</sup> day of March, 2011.