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JUN 17 2014

BUREAU OF REAL ESTATE

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BUREAU OF REAL ESTATE
P. O. Box 137007
Sacramento, CA 95813-7007

Telephone: (916) 263-8670

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

| | | |
|-------------------------------------|---|----------------------------------|
| In the Matter of the Accusation of: |) | Case No. H-5774 SAC |
| |) | |
| <u>JKB FINANCIAL, INC.,</u> |) | <u>STIPULATION AND AGREEMENT</u> |
| <u>JASON BARTLETT, and.,</u> |) | <u>IN SETTLEMENT AND ORDER</u> |
| <u>ERIC MERCER</u> |) | |
| |) | |
| Respondents. |) | |
| |) | |

It is hereby stipulated by and between Respondents JKB FINANCIAL, INC. ("JKB") and JASON BARTLETT ("BARTLETT") (collectively "Respondents") acting by and through Joshua A. Rosenthal, Esq., Counsel for JKB and BARTLETT, and the Complainant, acting by and through Jason D. Lazark, Esq., Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on January 23, 2012, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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 in Settlement and Order ("Stipulation").

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1 2. Respondents have received, read and understand the Statement to
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in
3 this proceeding.

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

13 4. Respondents, pursuant to the limitations set forth below, hereby admit that
14 the factual allegations or findings of fact as set forth in the Accusation filed in this proceeding
15 are true and correct and the Commissioner shall not be required to provide further evidence of
16 such allegations.

17 5. This Stipulation and Respondents' decision not to contest the Accusation
18 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly
19 limited to this proceeding and any other proceeding or case in which the Bureau, the state or
20 federal government, an agency of this state, or an agency of another state is involved.

21 6. It is understood by the parties that the Commissioner may adopt the
22 Stipulation as his decision in this matter, thereby imposing the penalty and sanctions on
23 Respondents' real estate licenses and license rights as set forth in the "Order" below. In the
24 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and
25 of no effect, and Respondents shall retain the right to a hearing and proceeding on the
26 Accusation under all of the provisions of the APA and shall not be bound by any admission or
27 waiver made herein.

1 7. The Order or any subsequent Order of the Commissioner made pursuant to
2 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
3 civil proceedings by the Bureau with respect to any matters which were not specifically alleged
4 to be causes for accusation in this proceeding.

5 8. Respondent BARTLETT understands that by agreeing to this Stipulation,
6 Respondent BARTLETT agrees to pay, pursuant to Section 10148 of the California Business and
7 Professions Code ("the Code"), the costs of the audits which resulted in the determination that
8 Respondents BARTLETT and JKB committed the trust fund violation(s) found in the
9 Determination of Issues. The amount of such costs is \$3,151.00.

10 9. Respondent BARTLETT understands that by agreeing to this Stipulation,
11 Respondent BARTLETT agrees to pay, pursuant to Section 10106 of the Code, the costs of the
12 investigation and enforcement of this case which resulted in the determination that Respondents
13 committed the violation(s) found in the Determination of Issues. The amount of such cost is
14 \$3,137.35.

15 10. In lieu of proceeding in this matter in accordance with the provisions of
16 the APA, Respondent JKB wishes to voluntarily surrender its corporate real estate broker license
17 issued by the Bureau, pursuant to Code Section 10100.2. Respondent BARTLETT is an officer
18 of Respondent JKB; and is authorized to sign this declaration on behalf of Respondent JKB.
19 Respondent BARTLETT is represented by attorney Joshua A. Rosenthal, Esq., and is acting on
20 behalf of Respondent JKB.

21 11. Respondent BARTLETT understands that by so voluntarily surrendering
22 Respondent JKB's license, Respondent JKB may be re-licensed as a broker corporation only by
23 petitioning for reinstatement pursuant to Section 11522 of the Government Code. Respondent
24 BARTLETT also understands that by so voluntarily surrendering Respondent JKB's license,
25 Respondent BARTLETT agrees to the following:

26 a. The filing of this Stipulation shall be deemed as Respondent
27 JKB's declaration and petition for voluntary surrender.

1 under the provisions of sections 10130, 10131, 10145, 10145(g), 10146, 10159.5 and 10177(d)
2 of the Code, and sections 2731, 2970, 2972, 2830, 2831, 2831.1, 2831.2, and 2832 of title 10 of
3 the California Code of Regulations (“the Regulations”).

4 ORDER

5 I.

6 AS TO RESPONDENT BARTLETT

7 A. All licenses and licensing rights of Respondent BARTLETT under the Real
8 Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued
9 to Respondent pursuant to Section 10156.5 of the Code if:

10 1. Within 90 days from the effective date of the Decision entered pursuant to
11 this Order, Respondent BARTLETT, prior to and as a condition of the issuance of said
12 restricted license, makes application for the restricted license and pays to the Bureau the
13 appropriate fee therefor;

14 2. Provides proof satisfactory to the Commissioner that Respondent
15 BARTLETT has, within one hundred twenty (120) days prior to the effective date of the
16 Decision, herein, completed the continuing education course on trust fund accounting and
17 handling specified in subdivision (a) of Section 10170.5 of the Code; said proof of completion
18 shall be mailed to Bureau of Real Estate, Legal Section at P.O. Box 137007, Sacramento, CA
19 95813-7007; and

20 B. The restricted license issued to Respondent BARTLETT shall be subject to
21 all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions,
22 and restrictions imposed under authority of Section 10156.6 of the Code:

23 1. The restricted license issued to Respondent BARTLETT shall be suspended
24 prior to hearing by Order of the Commissioner in the event of Respondent BARTLETT’s
25 conviction or plea of nolo contendere to a crime which is substantially related to Respondent
26 BARTLETT’s fitness or capacity as a real estate licensee.

27 2. The restricted license issued to Respondent BARTLETT shall be suspended
prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that

1 Respondent BARTLETT has violated provisions of the California Real Estate Law, the
2 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to
3 the restricted license.

4 3. Respondent BARTLETT shall not be eligible to apply for the issuance of an
5 unrestricted real estate license or for the removal of any of the conditions, limitations, or
6 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
7 Order.

8 4. Respondent BARTLETT shall, within nine (9) months from the effective date
9 of the Order, present evidence satisfactory to the Commissioner that Respondent BARTLETT
10 has, since the most recent issuance of an original or renewal real estate license, taken and
11 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
12 Real Estate Law for renewal of a real estate license. If Respondent BARTLETT fails to satisfy
13 this condition, Respondent BARTLETT's real estate license shall automatically be suspended
14 until Respondent BARTLETT presents evidence satisfactory to the Commissioner of having
15 taken and successfully completed the continuing education requirements. Proof of completion of
16 the continuing education courses must be delivered to the Bureau of Real Estate, Flag Section at
17 P.O. Box 137013, Sacramento, CA 95813-7013.

18 5. Respondent BARTLETT understands that by agreeing to this Stipulation,
19 Respondent BARTLETT agrees to pay, pursuant to section 10148 of the Code, the cost of the
20 audits which resulted in the determination that Respondents BARTLETT and JKB committed the
21 trust fund violations found above in the Determination of Issues. The amount of said costs is
22 \$3,151.00. Respondent shall pay such cost within sixty (60) days of receiving an invoice
23 therefore from the Commissioner. If Respondent BARTLETT fails to satisfy this condition in a
24 timely manner as provided for herein, Respondent BARTLETT's real estate license shall
25 automatically be suspended until payment is made in full, or until a decision providing otherwise
26 is adopted following a hearing held pursuant to this condition.

27

1 those rights, including the right of requiring the Commissioner to prove the allegations in the
2 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
3 and to present evidence in defense and mitigation of the charges. Respondents can signify
4 acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing
5 a copy of the signature page, as actually signed by Respondents, to the Bureau at fax number
6 263-7460. Respondents agree, acknowledge and understand that by electronically sending to the
7 Bureau a fax copy of Respondents' actual signatures as they appear on the Stipulation, that
8 receipt of the faxed copy by the Bureau shall be as binding on Respondents as if the Bureau had
9 received the original signed Stipulation.


10 4-29-2014

11 DATED

11 
12 JASON BARTLETT,
13 Respondent

13 4-29-2014

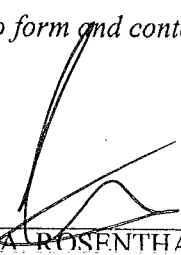
14 DATED

14 
15 JASON BARTLETT,
16 as an officer of Respondent
17 JKB FINANCIAL, INC.

17 I have reviewed this Stipulation and Order as to form and content and have
18 advised my clients accordingly.

19 4-30-14

20 DATED

20 
21 JOSHUA A. ROSENTHAL,
22 Attorney for Respondents JASON
23 BARTLETT, and JKB FINANCIAL, INC.

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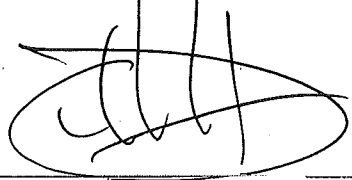
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The foregoing Stipulation is hereby adopted by me as my Decision in this matter
as to Respondents JASON BARTLETT and JKB FINANCIAL, INC. and shall become
effective at 12 o'clock noon on JUL 08 2014.

IT IS SO ORDERED JUN 03 2014

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner