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FILED

JUL 18 2017

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

KENNETH ROBERT HUBERT,
Respondent.

No. H-6490 SAC

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between KENNETH ROBERT HUBERT ("Respondent") and his attorney, Alexander W. Munn, and the Complainant, acting by and through Adriana Z. Badilas, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on January 18, 2017, 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.

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

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1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that Respondent will waive Respondent's right to require the Real Estate
5 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
6 hearing held in accordance with the provisions of the APA and that Respondent will waive other
7 rights afforded to Respondent in connection with the hearing such as the right to present evidence
8 in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

19 6. This Decision and Order or any subsequent Order of the Commissioner
20 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
21 to any further administrative or civil proceedings by the Bureau with respect to any matters,
22 which were not specifically alleged in Accusation H-6490 SAC.

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions, and waivers and solely for the
25 purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that
26 the following Determination of Issues shall be made:

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The acts and/or omissions of Respondent as described in the Accusation violate Sections 490 and 10177(b), Business and Professions Code ("Code").

ORDER

All licenses and licensing rights of Respondent KENNETH ROBERT HUBERT 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 Code if Respondent makes application therefor for the restricted license within 90 days from the effective date of this Decision and Order. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the 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 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 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 petition for the issuance of any unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision and Order. Respondent shall not be eligible to apply for any unrestricted license until all restrictions attaching to the license have been removed.

4. Respondent shall, within nine (9) months from the effective date of this Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,


1 since the most recent issuance of an original or renewal real estate license, taken and successfully
2 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
3 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
4 Respondent's real estate license shall automatically be suspended until Respondent presents
5 evidence satisfactory to the Commissioner of having taken and successfully completed the
6 continuing education requirement.

7 5. Respondent shall notify the Commissioner in writing within 72 hours of
8 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
9 Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
10 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
11 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
12 constitute an independent violation of the terms of the restricted license and shall be grounds for
13 the suspension or revocation of that license.

14 6. All licenses and licensing rights of Respondent are indefinitely suspended
15 unless or until Respondent pays the sum of \$2,331.50 for the Commissioner's reasonable cost of
16 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
17 the form of a cashier's check made payable to the Bureau. The investigative and enforcement
18 costs must be delivered to the Bureau, Flag Section at P.O. Box 137013, Sacramento, CA 95813-
19 7013, prior to the effective date of this Order.

21
22 DATED

5/23/17


ADRIANA Z. BADILAS, Counsel
BUREAU OF REAL ESTATE

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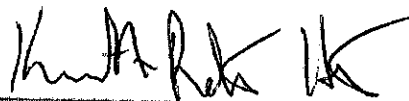
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I have read the Stipulation and Agreement, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the APA (including but not limited to Sections 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.

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 Bureau at fax number (916) 263-3767 or by e-mail to adriana.badilas@DRE.ca.gov. Respondent agrees, acknowledges, and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Agreement.

5-16-17

DATED

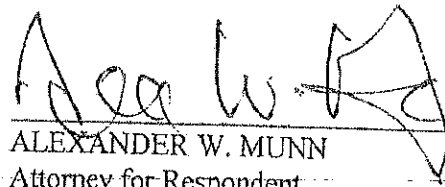


KENNETH ROBERT HUBERT
Respondent

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

5/16/17

DATED



ALEXANDER W. MUNN
Attorney for Respondent

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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
AUG 08 2017

IT IS SO ORDERED 7/11/17

WAYNE S. BELL
Real Estate Commissioner



By: DANIEL J. SANDRI
Chief Deputy Commissioner