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FILED

FEB 20 2014

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	NO. H-11393 SF
)	
KEVIN JOSEPH HESLIN,)	<u>STIPULATION AND AGREEMENT</u>
)	
Respondent.)	

It is hereby stipulated by and between KEVIN JOSEPH HESLIN ("Respondent") and the Complainant, acting by and through JOHN W. BARRON, Counsel for the Bureau of Real Estate (the "Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on May 29, 2012, 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 of Real Estate in this proceeding.

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 he will thereby waive his right to require the Real Estate Commissioner
5 (the "Commissioner") to prove the allegations in the Accusation at a contested hearing held in
6 accordance with the provisions of the APA and that he will waive other rights afforded to him
7 in connection with the hearing such as the right to present evidence in defense of the allegations
8 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 in this matter thereby imposing the penalty and
14 sanctions on Respondent's real estate license and license rights as set forth in the below Order.
15 In the event that 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 of the provisions of the APA and shall not be
18 bound by any admission or waiver made herein.

19 6. The Order or any subsequent Order of the Commissioner made pursuant
20 to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
21 further administrative or civil proceedings by the Bureau with respect to any matters which
22 were not specifically alleged to be causes for accusation in this proceeding as admitted or
23 withdrawn.

24 7. Respondent further understands that by agreeing to this Stipulation and
25 Agreement, the findings set forth below in the Determination of Issues become final, and that the
26 Commissioner may charge said Respondent for the costs of the investigation and enforcement
27 herein. The amount of said costs is \$2,578.60.

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DETERMINATION OF ISSUES

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

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

ORDER

1. All licenses and licensing rights of Respondent under the Real Estate Law are revoked; provided, however, a restricted real estate broker's license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore and pays to the Bureau the appropriate fee for the restricted license within 90 days from the effective date of this Decision.

2. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code as to the following limitations, conditions, and restrictions imposed under authority of Section 10156.6 of that Code:

(a) The restricted license issued to Respondent shall be suspended prior to hearing by Order of the Commissioner in the event of Respondent's conviction (including by plea of guilty or nolo contendere) to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; and,

(b) The restricted license issued to Respondent shall 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.

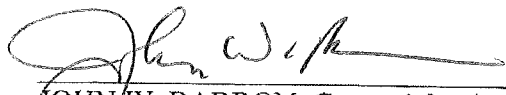
1 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
2 real estate license nor for removal of any of the conditions, limitations or restrictions of a
3 restricted license until two (2) years have elapsed from the effective date of this Decision.

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: Bureau of Real Estate, P, O. Box
6 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest,
7 the crime for which Respondent was arrested, and the name and address of the arresting law
8 enforcement agency. Respondent's failure to timely file written notice shall constitute an
9 independent violation of the terms of the restricted license and shall be grounds for the
10 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 most
13 recent issuance of an original or renewal real estate license, taken and successfully completed the
14 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
15 of a real estate license. If Respondent fails to satisfy this condition, the Commissioner shall
16 order the suspension of the restricted license until the Respondent presents such evidence. The
17 Commissioner shall afford Respondent the opportunity for hearing pursuant to the APA to
18 present such evidence.

19 6. All licenses and licensing rights of Respondent are indefinitely suspended
20 unless or until Respondent pays the sum of \$2,578.60 representing the Commissioner's
21 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
22 payment shall be in the form of a cashier's check or certified check made payable to the Real
23 Estate Fund. Said check must be received by the Bureau prior to the effective date of the Order
24 in this matter at the following address: Bureau of Real Estate, Post Office Box 137007,
25 Sacramento, CA 95813-7007

26 1/24/14
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 DATED



JOHN W. BARRON, Counsel for the Bureau

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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 Administrative Procedure Act (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.

1/23/14
DATED

[Signature]
KEVIN JOSEPH HESLIN, Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on MAR 12 2014.

IT IS SO ORDERED FEB 06 2014

REAL ESTATE COMMISSIONER

[Signature]

By: JEFFREY MASON
Chief Deputy Commissioner