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FILED

MAY 27 2016

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

RANDY B. KELLER,

Respondent.

No. H-11893 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between RANDY B. KELLER ("Respondent"), represented by Todd J. Wenzel, and the Complainant, acting by and through Truly Sughrue, Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing of the Accusation filed on October 6, 2015, 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.

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 thereby waive Respondent's right to require the Real Estate
5 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing
6 held in accordance with the provisions of the APA and that Respondent will waive other rights
7 afforded to Respondent in connection with the hearing such as the right to present evidence in
8 defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. This Stipulation and Agreement is based on the factual allegations
10 contained in the Accusation. In the interest of expediency and economy, Respondent chooses not
11 to contest these factual allegations, but to remain silent and understands that, as a result thereof,
12 these factual statements will serve as a prima facie basis for the "Determination of Issues" and
13 "Order" set forth below. The Commissioner shall not be required to provide further evidence to
14 prove such allegations.

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

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

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1 7. This Decision and Order or any subsequent Order of the Commissioner
2 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
3 to any further administrative or civil proceedings by the Bureau with respect to any matters
4 which were not specifically alleged in Accusation H-11893 SF.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, admissions, and waivers and solely for the
7 purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that
8 the acts and/or omissions of Respondent as described in the Accusation, violate Sections 490,
9 and 10186.2 of the Business and Professions Code (Code).

10 ORDER

11 All licenses and licensing rights of Respondent under the Real Estate Law are
12 revoked; provided, however, a restricted real estate salesperson license shall be issued to
13 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor
14 and pays to the Bureau the appropriate fee for the restricted license within 90 days from the
15 effective date of this Decision and Order. The restricted license issued to Respondent shall be
16 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
17 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

18 1. The restricted license issued to Respondent may be suspended prior to
19 hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
20 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
21 estate licensee.

22 2. The restricted license issued to Respondent may be suspended prior to
23 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
25 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
26 license.

1 3. Respondent shall not be eligible to petition for the issuance of any
2 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
3 of a restricted license until one (1) year have elapsed from the effective date of this Decision and
4 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
5 attaching to the license have been removed.

6 4. Respondent shall submit with any application for license under an
7 employing broker, or any application for transfer to a new employing broker, a statement signed
8 by the prospective employing real estate broker on a form approved by the Bureau which shall
9 certify:

10 (a) That the employing broker has read the Decision and Order of the
11 Commissioner which granted the right to a restricted license; and

12 (b) That the employing broker will exercise close supervision over the
13 performance by the restricted licensee relating to activities for which a real
14 estate license is required.

15 5. Respondent shall, within nine (9) months from the effective date of this
16 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
17 since the most recent issuance of an original or renewal real estate license, taken and successfully
18 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
19 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
20 Respondent's real estate license shall automatically be suspended until Respondent presents
21 evidence satisfactory to the Commissioner of having taken and successfully completed the
22 continuing education requirement.

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

9-May-16
DATED


TRULY SUGHRUE, Counsel
BUREAU OF REAL ESTATE

* * *

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 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 truly.sughrue@dca.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.

1
2 5-9-2016

3 DATED



RANDY B. KELLER
Respondent

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

6
7 May 9, 2016

8 DATED



TODD J. WENZEL
Attorney for Respondent

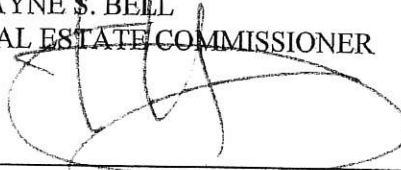
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10 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
11 Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on
12 JUN 17 2016

13 IT IS SO ORDERED

MAY 25, 2016

14 WAYNE S. BELL
15 REAL ESTATE COMMISSIONER



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18 By: JEFFREY MASON
19 Chief Deputy Commissioner
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