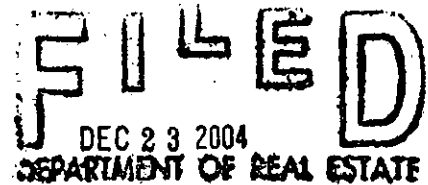


1 Department of Real Estate
320 West Fourth Street, Suite 350
2 Los Angeles, California 90013-1105

3 Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)



8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
) DRE No. H-30816 LA
12 KENNETH LOUIS RANDOLPH,)
individually and dba West) OAH No. L-2004050645
13 Coast Investments)
and DAMON L. HAWKINS,) STIPULATION AND AGREEMENT
14)
Respondents.)
15)

16
17 It is hereby stipulated by and between DAMON L. HAWKINS
18 (hereinafter "Respondent"), represented by Faith A. Ford, Esq.,
19 and the Complainant, acting by and through Chris Leong, Counsel
20 for the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on March 30, 2004.
22 The matter as to KENNETH LOUIS RANDOLPH will be handled
23 separately.

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative

1 Procedure Act, shall instead and in place thereof be submitted
2 solely on the basis of the provisions of this Stipulation and
3 Agreement ("Stipulation").

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the
6 Administrative Procedure Act and the Accusation, filed by the
7 Department of Real Estate in this proceeding.

8 3. Respondent filed a Notice of Defense pursuant to
9 Section 11506 of the Government Code for the purpose of
10 requesting a hearing on the allegations in the Accusation.
11 Respondent hereby freely and voluntarily withdraws said Notice of
12 Defense. Respondent acknowledges that he understands that by
13 withdrawing said Notice of Defense he will thereby waive his
14 right to require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the Administrative Procedure Act and that
17 Respondent will waive other rights afforded to him in connection
18 with the hearing, such as the right to present evidence in
19 defense of the allegations in the Accusation and the right to
20 cross-examine witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation filed in this proceeding.
23 In the interest of expedience and economy, Respondent chooses not
24 to contest these factual allegations, but to remain silent and
25 understands that, as a result thereof, these factual statements,
26 will serve as a prima facie basis for the disciplinary action
27

1 stipulated to herein. The Real Estate Commissioner shall not be
2 required to provide further evidence to prove such allegations.

3 5. This Stipulation and Respondent's decision not to
4 contest the Accusation are made for the purpose of reaching an
5 agreed disposition of this proceeding and are expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate, or another licensing agency of this
8 state, another state or if the federal government is involved,
9 and otherwise shall not be admissible in any other criminal or
10 civil proceedings.

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

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any conduct which was not specifically
27 alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

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

The acts and omissions of Respondent, described in the Accusation, is a violation of Code Section 10130 and is cause for the suspension or revocation of all real estate licenses and license rights of Respondent under Code Section 10177(d).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I. All licenses and licensing rights of Respondent
DAMON L. HAWKINS, under the Real Estate Law are revoked;
provided, however, a restricted real estate salesperson license
shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions 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 Real Estate 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 real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate 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 apply for the issuance of an unrestricted real estate license nor for the 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.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

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

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

II. All licenses and licensing rights of Respondent DAMON L. HAWKINS under the Real Estate Law shall be suspended for a period of thirty (30) days from the effective date of this

1 Decision; provided, however, that the thirty (30) day suspension
2 or a portion thereof shall be stayed upon the following terms and
3 conditions:

4 1. If Respondent petitions, the thirty (30) days of
5 said suspension or a portion thereof shall be stayed upon
6 condition that:

7 (a) Pursuant to Code Section 10175.2, Respondent
8 pays a monetary penalty at the rate of Seventy Five Dollars
9 (\$75.00) per day for a total monetary penalty of Two Thousand
10 Two Hundred and Fifty Dollars (\$2,250.00).

11 (b) Said payment shall be in the form of a cashier's
12 check or certified check made payable to the Recovery Account of
13 the Real Estate Fund. Said check must be received by the
14 Department prior to the effective date of the Decision in this
15 matter.

16 (c) No further cause for disciplinary action against
17 the real estate license of Respondent occurs within one year from
18 the effective date of the decision in this matter.

19 (d) If Respondent fails to pay the monetary penalty in
20 accordance with the terms and conditions of the Decision, the
21 Commissioner may, without a hearing, order the immediate
22 execution of all or any part of the stayed suspension in which
23 event the Respondent shall not be entitled to any repayment nor
24 credit, prorated or otherwise, for money paid to the Department
25 under the terms of this Decision.

26 (e) If Respondent pays the monetary penalty and if no
27 further cause for disciplinary action against the real estate

1 license of Respondent occurs within one year from the effective
2 date of the Decision the stay hereby granted shall become
3 permanent.

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

16
17 DATED:

12/9/04

Chris Leong
CHRIS LEONG, ESQ.
Counsel for Complainant

18 * * *

19
20 I have read the Stipulation and Agreement have
21 discussed it with my counsel and its terms are understood by me
22 and are agreeable and acceptable to me. I understand that I am
23 waiving rights given to me by the California Administrative
24 Procedure Act (including but not limited to Sections 11506,
25 11508, 11509 and 11513 of the Government Code), and I willingly,
26 intelligently and voluntarily waive those rights, including the
27 right of requiring the Commissioner to prove the allegations in

12/03/04 FRI 18:14 FAX 818 587 7363

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P. 09

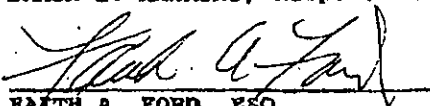
the accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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 (213) 576-6917. 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.

DATED: 12/3/2004


DAMON L. HAWKINS, Respondent

DATED: 12/3/04


FAITH A. FORD, ESQ.,
Counsel for Respondent
(Approved as to content)

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

IT IS SO ORDERED _____

JEFF DAVIS
Real Estate Commissioner

- 8 -

p.10

Dec 03 2004 10:47AM Law Offices of Faith A. F 818-787-2880

(Page 10 of 10)

p.2

Dec 03 2004 5:19PM Law Offices of Faith A. F 818-787-2880

1 the Accusation at a hearing at which I would have the right to
2 cross-examine witnesses against me and to present evidence in
3 defense and mitigation of the charges.

4 Respondent can signify acceptance and approval of the
5 terms and conditions of this Stipulation and Agreement by faxing
6 a copy of the signature page, as actually signed by Respondent,
7 to the Department at fax number (213) 576-6917. Respondent
8 agrees, acknowledges and understands that by electronically
9 sending to the Department a fax copy of his actual signature as
10 it appears on the Stipulation and Agreement, that receipt of the
11 faxed copy by the Department shall be as binding on Respondent as
12 if the Department had received the original signed Stipulation
13 and Agreement.

14 DATED: _____

_____ DAMON L. HAWKINS, Respondent

16
17 DATED: _____

_____ FAITH A. FORD, ESQ.,
Counsel for Respondent
(Approved as to content)

19 * * *

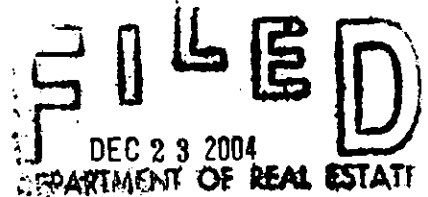
20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision in this matter and shall become effective
22 at 12 o'clock noon on January 12, 2005.

23 IT IS SO ORDERED

24 December 22 2004
JEFF DAVIS
25 Real Estate Commissioner
26
27

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
) DRE No. H-30816 LA
 KENNETH LOUIS RANDOLPH,)
 individually and dba West) OAH No. L-2004050645
 Coast Investments)
 and DAMON L. HAWKINS,) STIPULATION AND AGREEMENT
)
 Respondents.)

It is hereby stipulated by and between KENNETH LOUIS RANDOLPH, individually and dba West Coast Investments (hereinafter "RANDOLPH"), representing himself, and the Complainant, acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on March 30, 2004. The matter as to DAMON L. HAWKINS will be handled separately.

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

1 Procedure Act, shall instead and in place thereof be submitted
2 solely on the basis of the provisions of this Stipulation and
3 Agreement ("Stipulation").

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the
6 Administrative Procedure Act and the Accusation, filed by the
7 Department of Real Estate in this proceeding.

8 3. Respondent filed a Notice of Defense pursuant to
9 Section 11506 of the Government Code for the purpose of
10 requesting a hearing on the allegations in the Accusation.
11 Respondent hereby freely and voluntarily withdraws said Notice of
12 Defense. Respondent acknowledges that he understands that by
13 withdrawing said Notice of Defense he will thereby waive his
14 right to require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the Administrative Procedure Act and that
17 Respondent will waive other rights afforded to him in connection
18 with the hearing, such as the right to present evidence in
19 defense of the allegations in the Accusation and the right to
20 cross-examine witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation filed in this proceeding.
23 In the interest of expedience and economy, Respondent chooses not
24 to contest these factual allegations, but to remain silent and
25 understands that, as a result thereof, these factual statements,
26 will serve as a prima facie basis for the disciplinary action
27

1 stipulated to herein. The Real Estate Commissioner shall not be
2 required to provide further evidence to prove such allegations.

3 5. This Stipulation and Respondent's decision not to
4 contest the Accusation are made for the purpose of reaching an
5 agreed disposition of this proceeding and are expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate, or another licensing agency of this
8 state, another state or if the federal government is involved,
9 and otherwise shall not be admissible in any other criminal or
10 civil proceedings.

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

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any conduct which was not specifically
27 alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

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

The acts and omissions of Respondent KENNETH LOUIS RANDOLPH, described in the Accusation, is a violation of Code Section 10137 and is cause for the suspension or revocation of all real estate licenses and license rights of Respondent.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent KENNETH LOUIS RANDOLPH, under the Real Estate Law shall be suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, the ninety (90) day suspension shall be stayed for two (2) years upon the following terms and conditions:

(a) Respondent RANDOLPH shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

(b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed

1 suspension. Should no such determination be made, the stay
2 imposed herein shall become permanent.

3 (c) No further cause for disciplinary action against
4 the real estate license of Respondent occurs within two (2)
5 years from the effective date of the Decision in this matter.

6 (d) Respondent shall, within six (6) months from the
7 effective date of this Decision, take and pass the Professional
8 Responsibility Examination administered by the Department
9 including the payment of the appropriate examination fee. If
10 Respondent fails to satisfy this condition, the Commissioner
11 may order suspension of Respondent's license until Respondent
12 passes the examination.

13 (e) If if no further cause for disciplinary action
14 against the real estate license of Respondent occurs within two
15 (2) years from the effective date of this Decision, the stay
16 hereby granted shall become permanent.

17
18 DATED: 12/9/04

Chris Leong
CHRIS LEONG, ESQ.
Counsel for Complainant

19
20 * * *

21 I have read the Stipulation and Agreement and its
22 terms are understood by me and are agreeable and acceptable to
23 me. I understand that I am waiving rights given to me by the
24 California Administrative Procedure Act (including but not
25 limited to Sections 11506, 11508, 11509 and 11513 of the
26 Government Code), and I willingly, intelligently and voluntarily
27 waive those rights, including the right of requiring the

DEC-06-04 MON 12:49 PM

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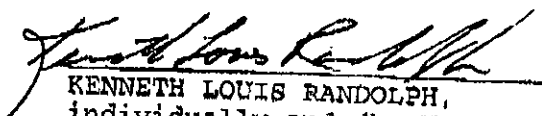
P. 07

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 Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signatures as it appear 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.

DATED:

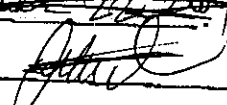
Dec. 6, 2004


KENNETH LOUIS RANDOLPH,
individually and dba West Coast
Investments, 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 December 22, 2004

IT IS SO ORDERED


JEFF DAVI
Real Estate Commissioner

1 Commissioner to prove the allegations in the Accusation at a
2 hearing at which I would have the right to cross-examine
3 witnesses against me and to present evidence in defense and
4 mitigation of the charges.

5 Respondent can signify acceptance and approval of the
6 terms and conditions of this Stipulation and Agreement by faxing
7 a copy of the signature page, as actually signed by Respondent,
8 to the Department at fax number (213) 576-6917. Respondent
9 agrees, acknowledges and understands that by electronically
10 sending to the Department a fax copy of his actual signatures as
11 it appear on the Stipulation and Agreement, that receipt of the
12 faxed copy by the Department shall be as binding on Respondent as
13 if the Department had received the original signed Stipulation
14 and Agreement.

15
16 DATED: _____

17 KENNETH LOUIS RANDOLPH,
18 individually and dba West Coast
19 Investments, Respondent

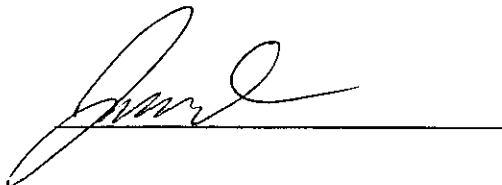
20 * * *

21 The foregoing Stipulation and Agreement is hereby
22 adopted as my Decision in this matter and shall become effective
23 at 12 o'clock noon on January 12, 2005.

24 IT IS SO ORDERED

December 22 2004

25 JEFF DAVI
26 Real Estate Commissioner
27



SAC

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of)
)
KENNETH LOUIS RANDOLPH, individually)
and dba West Coast Investments)
and DAMON L. HAWKINS,)

Case No. H-30816 LA

OA# No. L-2004050645

Respondent(s)

FILED
OCT 21 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on DECEMBER 6 and 7, 2004, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: October 21, 2004

By

CHRIS LEONG
CHRIS LEONG, Counsel

cc: Kenneth Louis Randolph
Damon L. Hawkins
Faith A. Ford, Esq.
Tri Pacific Partners, Inc.
Sacto.
OAH

50W

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
KENNETH LOUIS RANDOLPH, individually)
and dba West Coast Investments)
and DAMON L. HAWKINS,)

Case No. **H-30816 LA**

OAH No. L-2004050645

Respondent(s)

FILED
JUN 24 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on **OCTOBER 28 and 29, 2004**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: June 24, 2004

By

CHRIS LEONG
CHRIS LEONG, Counsel

cc: Kenneth Louis Randolph
Damon L. Hawkins
Tri Pacific Partners, Inc.
Sacto.
OAH

570

1 CHRIS LEONG, Counsel (SBN 141079)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6910 (Direct)



7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-30816 LA

12 KENNETH LOUIS RANDOLPH,
13 individually and dba West
14 Coast Investments
and DAMON L. HAWKINS,

)
)
)
)
)
)
)
A C C U S A T I O N

15 Respondents.)
16)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against KENNETH LOUIS RANDOLPH, individually and dba West Coast
20 Investments (hereafter "RANDOLPH") and DAMON L. HAWKINS
21 (hereafter "HAWKINS") (hereafter sometimes collectively referred
22 to as "Respondents"), is informed and alleges as follows:

23 I

24 The Complainant, Maria Suarez, a Deputy Real Estate
25 Commissioner of the State of California, makes this Accusation
26 against Respondents in her official capacity.
27

II

1 Respondents are presently licensed and/or have license
2 rights under the Real Estate Law, Part 1 of Division 4 of the
3 Business and Professions Code (hereafter "Code").
4

III

5 At all times mentioned herein, RANDOLPH was and is
6 licensed by, and has license rights with, the Department of Real
7 Estate (hereafter "Department") as a real estate broker.
8 RANDOLPH is currently HAWKINS employing broker. RANDOLPH's
9 license was previously suspended twice for non-compliance with
10 support obligations pursuant to Section 11350.6 of the Welfare
11 and Institutions Code and Section 17520 of the Family Code.
12

IV

13 Since on or about November 15, 2002, HAWKINS was and is
14 licensed by, and has license rights with, the Department as a
15 real estate salesperson. Prior to that HAWKINS was not licensed
16 by the Department. From April 25, 2003 to present HAWKINS was
17 employed by RANDOLPH.
18

V

19 All further references to "Respondents", unless
20 otherwise specified, include the parties identified in Paragraphs
21 II through IV, above, and also include the employees, agents and
22 real estate licensees employed by or associated with said
23 parties, who at all times herein mentioned were engaged in the
24 furtherance of the business or operations of said parties and who
25 were acting within the course and scope of their authority and
26 employment.
27

1
2 UNLICENSED ACTIVITY (HAWKINS)

3 VI

4 From in or about December 2000 to November 15, 2002,
5 when HAWKINS was not licensed by the Department, HAWKINS
6 solicited and negotiated, in expectation of compensation,
7 purchases and sales of real property to purchase real property,
8 and loans secured by interest in real property. Said conduct
9 requires a real estate broker license as described in Code
10 Section 10131(a) and (d).

11 VII

12 From in or about December 2000 to November 15, 2002,
13 when HAWKINS was not licensed by the Department, HAWKINS
14 solicited and negotiated, for compensation, a purchase
15 agreement and a loan for purchase of real property, a duplex,
16 located at 1556 W. 103RD St. and 10310 Denker Ave., Los Angeles,
17 CA. Said conduct requires a real estate broker license as
18 described in Code Section 10131(a) and (d).

19 VIII

20 As part of HAWKINS's conduct as listed above, HAWKINS
21 represented that he was properly licensed as a real estate
22 broker. This representation was false.

23 IX

24 In or about October 2001, Maureen E. Batiste (hereafter
25 "Batiste") called HAWKINS and asked him to obtain information
26 about a property that she was interested in buying. The property
27 was a duplex located at 1556 W. 103RD St. and 10310 Denker Ave.,

1 Los Angeles, CA. The seller's name was Blackstone, LLC. Maxim
2 Properties was the listing agent. HAWKINS was a friend of
3 Batiste's and represented to Batiste that he was a licensed real
4 estate agent affiliated with West Coast Investments. West Coast
5 Investments was an active dba of licensed real estate broker
6 RANDOLPH. HAWKINS called Batiste back with the asking price for
7 the property. Once Batiste indicated her interest in purchasing
8 the property, HAWKINS began negotiating terms of the purchase
9 with Batiste. HAWKINS advised Batiste to put down 3% as earnest
10 money deposit, and also indicated to Batiste that she would be
11 getting 100% financing through his company, West Coast
12 Investments.

13 X

14 In November 2001, HAWKINS presented Batiste's offer to
15 the seller with the total purchase price of \$259,000.00 and the
16 down payment of \$1,000.00. The seller countered the Batiste's
17 offer with, inter alia, the increase of total purchase price to
18 \$269,000.00 and down payment to \$7,000.00. HAWKINS called and
19 informed Batiste that there were a lot of interested buyers for
20 the property and went on to advise Batiste to raise her offer by
21 \$10,000.00. Batiste accepted the seller's counter offer and
22 supplied HAWKINS with all of the documents required in connection
23 with her obtaining mortgage loans.

24 XI

25 On November 7, 2001, HAWKINS informed Batiste that she
26 had been approved for first and second mortgage loans by 1st
27 Franklin on a conditional basis. On November 9, 2001, escrow was

1 opened at Maxim Properties, Escrow Division, with the closing
2 date of December 10, 2003. On November 14, 2001, Batiste met
3 HAWKINS at HAWKINS' house and dropped off her earnest money
4 deposit of \$7,000.00. Batiste also signed a purchase contract
5 prepared after Batiste's acceptance of the seller's counter
6 offer. The total purchase price was \$269,000.00 and the amount
7 of down payment was \$7,000.00. The contract, however, also
8 indicated that Batiste was to deposit an additional \$6,450 prior
9 to the close of escrow. Batiste questioned HAWKINS as to why she
10 was being required to deposit an additional \$6,450.00. HAWKINS
11 responded that 100% financing would take care of the \$6,450.00
12 and that her offer had been written to include the additional
13 deposit of \$6,450.00 to make her offer look stronger.

14 XII

15 On November 16, 2001, Batiste met HAWKINS and a
16 property inspector at the property for inspection. On
17 November 19, 2001, HAWKINS sent the inspection report to Batiste
18 via facsimile, asking Batiste to review it and identify defects
19 that she wanted him to negotiate with the seller for repair.
20 On November 16, 2001, after discussion with HAWKINS, Batiste
21 signed the escrow instructions and dropped it off at West Coast
22 Investments.

23 XIII

24 On December 5, 2001, Batiste met HAWKINS at his house
25 and reviewed loan conditions from 1st Franklin. Batiste also
26 signed off on the list of defects that the seller agreed to
27

1 repair. On December 16, 2003, the original escrow closing date
2 passed without escrow closing. HAWKINS informed Batiste that the
3 seller allowed only a two-week extension of the escrow and that
4 1st Franklin added one additional loan condition. On February 1,
5 2002, HAWKINS informed Batiste that 1st Franklin added more loan
6 conditions that needed to be satisfied prior to final loan
7 approval. HAWKINS stated to Batiste that West Coast Investments
8 would begin looking for other lenders. HAWKINS also indicated to
9 Batiste that the seller demanded a release of a portion of her
10 earnest money deposit as a condition for extension of the escrow.

11 XIV

12 On February 22, 2002, Batiste met with HAWKINS and two
13 other employees of West Coast Investments by the name of Don Nash
14 and Yolanda Smith at the office of West Coast Investments.
15 Batiste demanded termination of the agency relationship between
16 her and HAWKINS, but HAWKINS refused to agree to such
17 termination. On February 26, 2001, HAWKINS called Batiste and
18 informed her that her loan application had been denied.

19 XV

20 Prior to engaging in the business and acting in the
21 capacity of a real estate broker within the State of California,
22 as set forth in Paragraphs VII through XIV, HAWKINS failed to
23 obtain a real estate broker license from the Department or failed
24 to be employed as a real estate salesperson by a real estate
25 broker as set forth in Code Section 10132. Said conduct acts and
26 omissions are in violation of Code Section 10130 and are cause to
27

1 suspend or revoke the real estate license and license rights of
2 HAWKINS under Code Section 10177(d).

3 XVI

4 The conduct of RANDOLPH in allowing, employing and
5 compensating HAWKINS to engage in the business of and act in the
6 capacity of a real estate broker within the State of California,
7 and other conduct, as set forth in Paragraphs V through XIV,
8 before HAWKINS obtained a real estate license from the
9 Department, is in violation of Code Section 10137. Said conduct
10 and violations are cause to suspend or revoke the real estate
11 license and license rights of RANDOLPH under Code Sections 10137,
12 10177(d) and/or 10177(g).

13 WHEREFORE, Complainant prays that a hearing be
14 conducted on the allegations of this Accusation and that upon
15 proof thereof, a decision be rendered imposing disciplinary
16 action against all licenses and license rights of Respondents,
17 KENNETH LOUIS RANDOLPH, individually and dba West Coast
18 Investments and DAMON L. HAWKINS, under the Real Estate Law
19 (Part 1 of Division 4 of the Business and Professions Code),
20 and for such other and further relief as may be proper under
21 other applicable provisions of law.

22 Dated at Los Angeles, California

23 this 26th day of March, 2004.

24 
Deputy Real Estate Commissioner

25 cc: Kenneth Louis Randolph
26 Damon L. Hawkins
27 Sacto.
Maria Suarez
PK
Tri Pacific Partners, Inc.