

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982
5 (213) 576-6910

FILED
NOV 26 2007
DEPARTMENT OF REAL ESTATE

By Laura B. Stone

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-34351 LA

12 IAN KIRK ARCENEUX,)

13 Respondent.)

14) STIPULATION AND AGREEMENT

15
16 It is hereby stipulated by and between
17 IAN KIRK ARCENEUX (hereinafter "Respondent"), and the
18 Complainant, acting by and through James Demus, Counsel for the
19 Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on October 2,
21 2007 in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedure Act (APA), shall instead and in place thereof be
27

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

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

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

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

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

1 proceeding.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations, admissions
4 and waivers and solely for the purpose of settlement of the
5 pending Accusation without a hearing, it is stipulated and
6 agreed that the following determination of issues shall be made:

7 The conduct of Respondent, as set forth in the
8 Accusation constitutes grounds for suspension or revocation of
9 Respondent's real estate salesperson license under the
10 provisions of Sections 490 and 10177(b) of the Business and
11 Professions Code.

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 All licenses and licensing rights of Respondent IAN
15 KIRK ARCENEUX, under the Real Estate Law are revoked; provided,
16 however, a restricted real estate salesperson license shall be
17 issued to Respondent pursuant to Section 10156.5 of the Business
18 and Professions Code, if Respondent makes application therefor
19 and pays to the Department the appropriate fee within 90 days
20 from the effective date of this Decision. The restricted
21 license issued to Respondent shall be subject to all of the
22 provisions of Section 10156.7 of the Business and Professions
23 Code and to the following limitations, conditions and
24 restrictions imposed under authority of Section 10156.6 of that
25 code:

26 1. The restricted license issued to Respondent may be
27 suspended prior to hearing by Order of the Real Estate

1 Commissioner in the event of Respondent's conviction or plea of
2 nolo contendere to a crime which is substantially related to
3 Respondent's fitness or capacity as a real estate licensee.

4 2. The restricted license issued to Respondent may be
5 suspended prior to hearing by Order of the Real Estate
6 Commissioner on evidence satisfactory to the Commissioner that
7 Respondent has violated provisions of the California Real Estate
8 Law, the Subdivided Lands Law, Regulations of the Real Estate
9 Commissioner, or conditions attaching to this restricted
10 license.

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

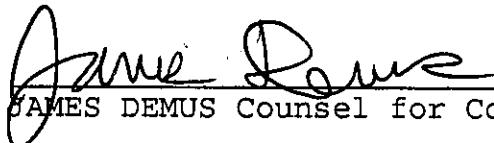
16 4. Respondent shall submit with any application for
17 license under an employing broker, or any application for
18 transfer to a new employing broker, a statement signed by the
19 prospective employing real estate broker on a form approved by
20 the Department of Real Estate which shall certify:

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

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

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

13
14 DATED: 11/5/07


JAMES DEMUS Counsel for Complainant

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16 * * *

17 I have read the Stipulation and Agreement and its
18 terms are understood by me and are agreeable and acceptable to
19 me. I understand that I am waiving rights given to me by the
20 California Administrative Procedure Act (including but not
21 limited to Sections 11506, 11508, 11509 and 11513 of the
22 Government Code), and I willingly, intelligently and voluntarily
23 waive those rights, including the right of requiring the
24 Commissioner to prove the allegations in the Accusation at a
25 hearing at which I would have the right to cross-examine
26 witnesses against me and to present evidence in defense and
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1 mitigation of the charges.

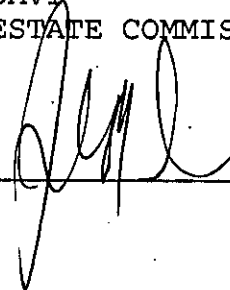
2 Respondent can signify acceptance and approval of the
3 terms and conditions of this Stipulation and Agreement by faxing
4 a copy of the signature page, as actually signed by Respondent,
5 to the Department at fax number (213) 576-6917. Respondent
6 agrees, acknowledges and understands that by electronically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

12
13 DATED: 10/29/07


14 IAN KIRK ARCENEUX, Respondent

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision in this matter and shall become effective
17 at 12 o'clock noon on DEC 17 2007

18 IT IS SO ORDERED

19
20 JEFF DAVIS
21 REAL ESTATE COMMISSIONER
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Jack Jones

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

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

FILED

OCT - 2 2007

DEPARTMENT OF REAL ESTATE

BY: *Sandra B. [Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-34351 LA
IAN KIRK ARCENEUX,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against IAN KIRK ARCENEUX, ("Respondent") alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real estate salesperson.

3.

On or about November 10, 2004, in the Superior Court of California, County of Los Angeles, in case no. 4BH01193, Respondent was convicted of violating California Vehicle Code Section 20002(a) (hit and run/property damage), a misdemeanor. The underlying facts of this crime involve moral turpitude, which bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

4.

The crime of which Respondent was convicted, as described in Paragraph 3 above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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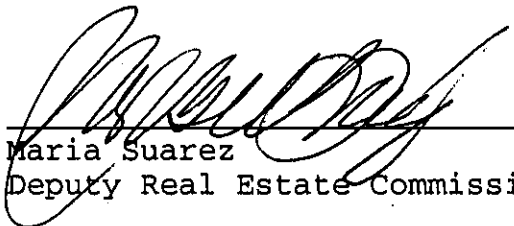
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, IAN KIRK ARCENEUX, under the Real Estate Law (Part
6 1 of Division 4 of the Business and Professions Code) and for
7 such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 28th day of September, 2007.

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13 
14 Maria Suarez
15 Deputy Real Estate Commissioner
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25 cc: IAN KIRK ARCENEUX
26 Exclusive Properties & Investments Inc.
27 Maria Suarez
Sacto.