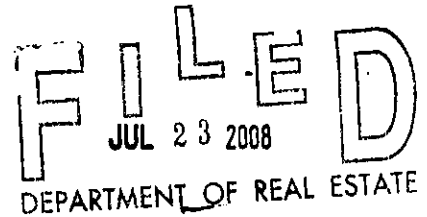


1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 (213) 576-6982



K. Medich

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12
13 In the Matter of the Accusation of) NO. H-34742 LA
14 MICHAEL D. KIM,)
15)
16 Respondent.) STIPULATION AND AGREEMENT

17
18 It is hereby stipulated by and between MICHAEL D.
19 KIM, (sometimes referred to as "Respondent"), and the
20 Complainant, acting by and through Shari Sveningson, Counsel
21 for the Department of Real Estate, as follows for the purpose
22 of settling and disposing of the Accusation filed on March 12,
23 2008, in this matter.

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1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act (APA), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement.
8

9 2. Respondent has received, read and understands the
10 Statement to Respondent, the Discovery Provisions of the APA and
11 the Accusation filed by the Department of Real Estate
12 ("Department") in this proceeding.
13

14 3. On March 20, 2008, Respondent filed a Notice of
15 Defense, pursuant to Section 11506 of the Government Code for the
16 purpose of requesting a hearing on the allegations in the
17 Accusation. Respondent hereby freely and voluntarily withdraws
18 said Notice of Defense. Respondent acknowledges that he
19 understands that by withdrawing said Notice of Defense he will
20 thereby waive his right to require the Commissioner to prove the
21 allegations in the Accusation at a contested hearing held in
22 accordance with the provisions of the APA and that he will waive
23 other rights afforded to him in connection with the hearing, such
24 as the right to present evidence in defense of the allegations in
25 the Accusation and the right to cross-examine witnesses.
26
27

1 4. Respondent, pursuant to the limitations set forth
2 below, hereby admits that the factual allegations set forth in
3 the Accusation filed in this proceeding are true and correct and
4 the Real Estate Commissioner shall not be required to provide
5 further evidence of such allegations.
6

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

18 6. The Order or any subsequent Order of the Real
19 Estate Commissioner made pursuant to this Stipulation and
20 Agreement shall not constitute an estoppel, merger or bar to any
21 further administrative or civil proceedings by the Department of
22 Real Estate with respect to any matters which were not
23 specifically alleged to be causes for accusation in this
24 proceeding.
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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 a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The Conduct of Respondent, as described in the Accusation, are grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Sections 490 and 10177(b) of the Business and Professions Code.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ALL licenses and licensing rights of Respondent MICHAEL D. KIM, 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 Business and Professions Code if Respondent makes application therefor and pays to the Department 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 limitation, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1 1. The restricted license issued to Respondent may
2 be suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.
6

7 2. The restricted license issued to Respondent may
8 be suspended prior to hearing by Order of the Real Estate
9 Commissioner on evidence satisfactory to the Commissioner that
10 Respondent has violated provisions of the California Real
11 Estate Law, the Subdivided Lands Law, Regulations of the Real
12 Estate Commissioner or conditions attaching to the restricted
13 license.
14

15 3. Respondent shall not be eligible to apply for
16 issuance of an unrestricted real estate license nor for the
17 removal of any of the conditions, limitations or restrictions
18 of a restricted license until two (2) years have elapsed from
19 the effective date of this Decision.
20

21 4. Respondent shall, within nine (9) months from the
22 effective date of this Decision, present evidence satisfactory
23 to the Real Estate Commissioner that Respondent has, since the
24 most recent issuance of an original or renewal real estate
25 license, taken and successfully completed the continuing
26 education requirements of Article 2.5 of Chapter 3 of the Real
27 Estate Law for renewal of a real estate license. If Respondent

1 fails to satisfy this condition, the Commissioner may order the
2 suspension of the restricted license until the Respondent
3 presents such evidence. The Commissioner shall afford
4 Respondent the opportunity for a hearing pursuant to the
5 Administrative Procedure Act to present such evidence.
6

7 DATED: 3/25/08

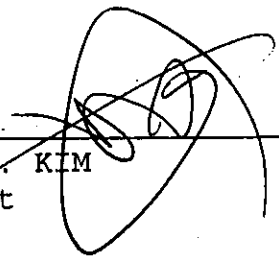
Shari Sveningson
8 Shari Sveningson,
9 Real Estate Counsel

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

22 Respondent can signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by
24 faxing a copy of its signature page, as actually signed by
25 Respondent, to the Department at the following telephone/fax
26 number (213) 576-6917. Respondent agrees, acknowledges,
27

1 and understands that by electronically sending to the
2 Department a fax copy of his actual signature as it appears on
3 the Stipulation and Agreement, that receipt of the faxed copy
4 by the Department shall be as binding on Respondent as if the
5 Department had received the original signed Stipulation and
6 Agreement.
7

8
9 DATED: 4/21/08

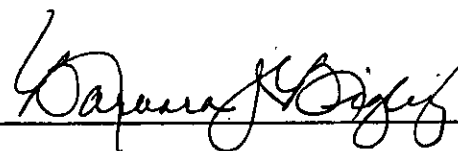

MICHAEL D. KIM
Respondent

11 * * *

12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision in this matter and shall become
14 effective at 12 o'clock noon on AUG 12, 2008.
15

16 IT IS SO ORDERED 7-18-08, 2008.

17
18 JEFF DAVI
19 Real Estate Commissioner

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*Seals
gls*

FILED
MAR 12 2008

SHARI SVENINGSON, Counsel (SBN 195298)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

DEPARTMENT OF REAL ESTATE
R. Mederholt

Telephone: (213) 576-6982
(Direct) (213) 576-6907

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-34742 LA
MICHAEL D. KIM,)	<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 MICHAEL D. KIM, aka Michael Dong Hyun Kim, ("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.

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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 broker.

3.

(CRIMINAL CONVICTION)

On or about January 18, 2007, in the Superior Court of California, County of Los Angeles, in case no. 6SY02575, Respondent was convicted of violating Vehicle Code 23153(A) (DUI With Bodily injury) and Vehicle Code 20001(A) (Hit & Run Causing Bodily Injury), both misdemeanors. These crimes involve moral turpitude, which bear 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.

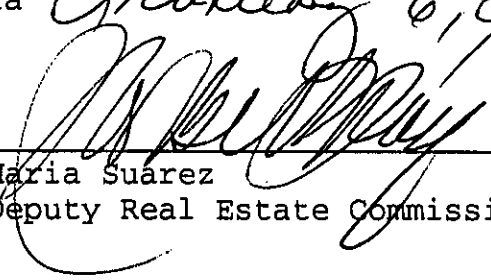
The crimes of which Respondent was convicted, as described in Paragraph 3 above, constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of

1 Respondent, MICHAEL D. KIM, under the Real Estate Law (Part 1 of
2 Division 4 of the Business and Professions Code) and for such
3 other and further relief as may be proper under other applicable
4 provisions of law.

5 Dated at Los Angeles, California

February 6, 2008

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8 Maria Suarez
9 Deputy Real Estate Commissioner
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19 cc: MICHAEL D. KIM
20 Maria Suarez
21 Sacto.
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