

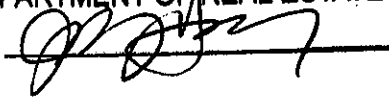
1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

SEP 26 2008

DEPARTMENT OF REAL ESTATE

BY: 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12
13 In the Matter of the Desist and)
14 Refrain Order to:)

NO. H-34926 LA
L-2008060555

15 CONTINENTAL PACIFIC CAPITAL)
16 AND FINANCIAL, doing business as)
17 Continental Pacific Financial;)
18 KENNETH LOUIS KAMINS, individually,)
and as designated officer of)
Continental Pacific Capital and)
Financial,)

STIPULATION AND
AGREEMENT RE: DESIST
AND REFRAIN ORDER

19
20 It is hereby stipulated by and between CONTINENTAL
21 PACIFIC CAPITAL AND FINANCIAL, doing business as Continental
22 Pacific Financial, and KENNETH LOUIS KAMINS, individually and
23 as designated officer of Continental Pacific Capital and
24 Financial, ("Respondents"), and Respondents' attorney, Shelton
25 Lytton, and the Complainant, acting by and through Cheryl
26 Kelly, Counsel for the Department of Real Estate
27 ("Department"), as follows for the purpose of settling and

1 disposing of the Desist and Refrain Order issued on May 6,
2 2008, ("Desist and Refrain Order") in this matter.

3 1. All issues which were to be contested and all
4 evidence which was to be presented by Complainant and
5 Respondents at a formal hearing on the Desist and Refrain Order,
6 which hearing was to be held in accordance with the provisions
7 of the Administrative Procedure Act ("APA"), shall instead and
8 in place thereof be submitted solely on the basis of the
9 provisions of this Stipulation and Agreement.
10

11 2. Respondents have been served with, read and
12 understand the Desist and Refrain Order issued by the Department
13 in this proceeding.
14

15 3. On June 3, 2008, Respondents filed a request for
16 hearing, pursuant to Section 10086 of the Government Code, for
17 the purpose of contesting the allegations upon which the Desist
18 and Refrain Order is based. Respondents hereby freely and
19 voluntarily withdraw the request for hearing. Respondents
20 acknowledge that they understand that by withdrawing the hearing
21 request they will thereby waive their right to require the
22 Commissioner to prove the underlying findings in the Desist and
23 Refrain Order at a contested hearing held in accordance with the
24 provisions of the APA, and that they will waive other rights
25 afforded to them in connection with the hearing, such as the
26 right to present evidence in defense of the findings in the
27

1 Desist and Refrain Order and the right to cross-examine
2 witnesses.

3 4. Respondents do not admit any of the allegations of
4 findings contained within the Desist and Refrain Order.

5 However, pursuant to the limitations set forth below,

6 Respondents stipulate and agree as follows:

7 a. Respondents acknowledge and agree that the
8 Department had sufficient cause to issue the Desist and Refrain
9 Order with respect to the alleged conduct which constitutes
10 false and misleading advertising, and alleged violations of
11 sections 10235, 10235.5 and 17539.4 of the Business and
12 Professions Code ("Code") as well as provisions of Chapter 6,
13 Title 10, California Code of Regulations ("Regulations"),
14 applicable thereto.

15 b. Respondents agree to comply with the provisions
16 of the Real Estate Law and the Commissioner's Regulations
17 prohibiting false and misleading advertising, including but not
18 limited to the provisions of sections 10235, 10235.5 and
19 17539.4 of the Code as well as provisions of the Regulations
20 applicable thereto.

21 c. Respondents acknowledge that they are aware that,
22 pursuant to Section 2847 of the Regulations, brokers may
23 voluntarily submit advertising proposed to be used in connection
24
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26
27

1 with the performance of licensed activity for review by the
2 Department.

3 d. Respondents agree that this Stipulation and
4 Agreement may be used by the Department in any future
5 administrative or civil proceeding in which Respondents'
6 compliance with the provisions of the Real Estate Law and the
7 Commissioner's Regulations prohibiting false and misleading
8 advertising is in issue.
9

10 5. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation and Agreement as
12 his decision in this matter as set forth in the below "Order".
13 In the event that the Commissioner in his discretion does not
14 adopt the Stipulation and Agreement, it shall be void and of no
15 effect, and Respondents shall retain the right to a hearing and
16 proceeding on the Desist and Refrain Order under all the
17 provisions of the APA and shall not be bound by any admission
18 or waiver made herein.
19

20 6. The Order or any subsequent Order of the Real
21 Estate Commissioner made pursuant to this Stipulation and
22 Agreement shall not constitute an estoppel, merger or bar to any
23 further administrative or civil proceedings by the Department
24 with respect to any matters which were not alleged to be
25 findings for the Desist and Refrain Order in this proceeding.
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Sept 9, 2008

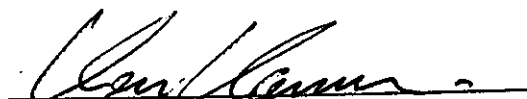
Cheryl Kelly
CHERYL KELLY COURSE

17

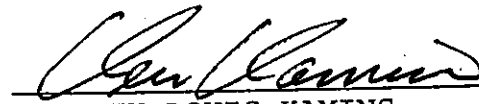
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1 Respondents can signify acceptance and approval of the
2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of its signature page, as actually signed by Respondents,
4 to the Department at the following telephone/fax number (213)
5 576-6917. Respondents agree, acknowledge, and understand that
6 by electronically sending to the Department a fax copy of the
7 actual signatures as they appear on the Stipulation and
8 Agreement, that receipt of the faxed copy by the Department
9 shall be as binding on Respondents as if the Department had
10 received the original signed Stipulation and Agreement.

11
12 DATED: 9/2/08

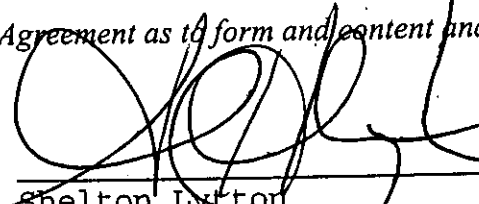

CONTINENTAL PACIFIC CAPITAL
AND FINANCIAL
By:
RESPONDENT

13
14
15 DATED: 9/2/08


KENNETH LOUIS KAMINS
RESPONDENT

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18
19 I have reviewed the Stipulation and Agreement as to form and content and have
20 advised my clients accordingly.

21 DATED: 9/2/08


Shelton Lytton
Attorney for Respondents

22
23
24 * * *
25 ORDER

26 The foregoing Stipulation and Agreement is hereby
27 adopted as my Decision in this matter.

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1 On May 6, 2008, the Real Estate Commissioner issued
2 to CONTINENTAL PACIFIC CAPITAL AND FINANCIAL, doing business as
3 Continental Pacific Financial, and KENNETH LOUIS KAMINS,
4 individually and as designated officer of Continental Pacific
5 Capital and Financial, an Order to Desist and Refrain from
6 performing any and all acts for which a real estate broker
7 license is required until such time as they comply with all
8 provisions of the Real Estate Law as discussed in the Order to
9 Desist and Refrain.
10

11 Good cause has been shown why the said Desist and
12 Refrain Order should be vacated.
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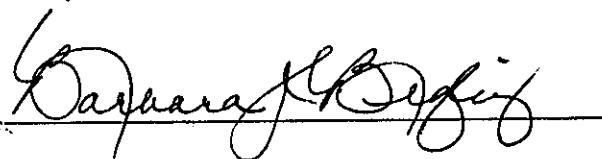
14 NOW, THEREFORE, IT IS ORDERED that the Order to
15 Desist and Refrain issued to CONTINENTAL PACIFIC CAPITAL AND
16 FINANCIAL, doing business as Continental Pacific Financial, and
17 KENNETH LOUIS KAMINS, individually and as designated officer of
18 Continental Pacific Capital and Financial, on May 6, 2008, is
19 hereby vacated.
20

21 This Order shall be effective immediately.

22 DATED: 9/22, 2008.
23

24 JEFF DAVI

25 Real Estate Commissioner

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BY: Barbara J. Bigby
Chief Deputy Commissioner

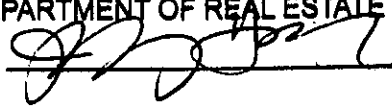
1 Department of Real Estate
2 320 West Fourth Street, Ste. 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

MAY - 9 2008

DEPARTMENT OF REAL ESTATE

BY: 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

To:

No. H-34926 LA

CONTINENTAL PACIFIC CAPITAL)
AND FINANCIAL, doing business)
as Continental Pacific)
Financial; KENNETH LOUIS)
KAMINS, individually, and as)
designated officer of)
Continental Pacific Capital)
And Financial,)

ORDER TO DESIST
AND REFRAIN

The Real Estate Commissioner of the State of California
has caused an investigation to be made of your activities as a
real estate broker, and based on the findings of that
investigation is of the opinion that CONTINENTAL PACIFIC CAPITAL
AND FINANCIAL, and doing business as Continental Pacific
Financial, and KENNETH LOUIS KAMINS, individually, and as
designated officer of Continental Pacific Capital And Financial,
have violated Sections 10235, 10235.5, and 17539.4 of the
Business and Professions Code (hereinafter "Code") as well as
Section 2848, subdivisions (2), (12) and (18), and Section 2847.3
of Chapter 6, Title 10, California Code of Regulations

1 (hereinafter "Regulations").

2 1.

3 At all times mentioned herein, you, CONTINENTAL PACIFIC
4 CAPITAL AND FINANCIAL, and doing business as Continental Pacific
5 Financial, were licensed by the Department of Real Estate of the
6 State of California (hereinafter "Department") as a corporate
7 real estate broker with Respondent KENNETH LOUIS KAMINS as the
8 designated officer.

9 2.

10 At all times mentioned herein, you, KENNETH LOUIS
11 KAMINS, individually, and as designated officer for Continental
12 Pacific Capital And Financial, were licensed by the Department as
13 a real estate broker.

14 3.

15 You, CONTINENTAL PACIFIC CAPITAL AND FINANCIAL and
16 KENNETH LOUIS KAMINS, knowingly advertised, printed, displayed,
17 published, distributed, or caused or permitted to be advertised,
18 printed, displayed, published, distributed, statements or
19 representations with regard to the rates, terms, or conditions
20 for making, purchasing, or negotiating loans on real property
21 which were false, misleading, or deceptive.

22 4.

23 Your conduct, as alleged in Paragraph 3, above, is in
24 violation of Code Section 10235 and Section 2848, subdivisions
25 (2), (12) and (18), of the Regulations.

26 5.

27 You, CONTINENTAL PACIFIC CAPITAL AND FINANCIAL and

1 KENNETH LOUIS KAMINS, placed one or more advertisements
2 disseminated primarily in the State of California for the making
3 or arranging of a loan, including a solicitation for borrowers or
4 potential investors, that failed to disclose within the printed
5 text of the advertisement, or the oral text in the case of a
6 radio or television advertisement, identification of the
7 Department as the state regulatory entity supervising that type
8 of loan transaction.

9 6.

10 Your conduct, as alleged in Paragraph 5, above, is in
11 violation of Code Sections 10235.5 and 17539.4 and Section 2847.3
12 of the Regulations.

13 NOW, THEREFORE, YOU, CONTINENTAL PACIFIC CAPITAL AND
14 FINANCIAL and KENNETH LOUIS KAMINS, ARE ORDERED TO DESIST AND
15 REFRAIN from performing any and all activities for which a real
16 estate broker license is required until you comply with all
17 provisions of the Real Estate Law as discussed in this Order.

18 DATED: 5-6, 2008.

19
20 JEFF DAVI
Real Estate Commissioner

21
22
23
24 cc: Continental Pacific Capital and Financial
25 4764 Park Granada #202
Calabasas, California 91302

26 Kenneth Louis Kamins
27 4764 Park Granada, Suite 202
Calabasas, California 91302