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FILED
JUN 20 2011
DEPARTMENT OF REAL ESTATE

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-37348 LA
12)
13 MAX KAY and) A C C U S A T I O N
14 K-G FINANCIAL GROUP,)
15 Respondents.)

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17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for cause of
19 Accusation against MAX KAY and K-G FINANCIAL GROUP
20 ("Respondents"), is informed and alleges as follows:

21 I

22 The Complainant, Robin Trujillo, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation
24 in her official capacity.

25 II

26 At all times herein mentioned, Respondent MAX KAY was
27 licensed and/or has license rights under the Real Estate Law

1 (Part 1 of Division 4 of the California Business and
2 Professions Code "Code") as a real estate broker. Respondent
3 was first licensed as a real estate broker on September 13,
4 2004.

5 III

6 From October 4, 2004 through the present, Respondent
7 K-G FINANCIAL GROUP has been licensed and had license rights
8 under the Real Estate Law (Part 1 of the Code) as a real estate
9 corporation. From April 10, 2010 through the present,
10 Respondent K-G FINANCIAL GROUP has been acting by and through
11 Respondent MAX KAY as its designated broker-officer pursuant to
12 Code Section 10159.2 to be responsible for ensuring compliance
13 with the Real Estate Law. MAX KAY is the President of K-G
14 FINANCIAL GROUP.

15 IV

16 On March 8, 2010, Respondent MAX KAY submitted an
17 officer renewal application for K-G FINANCIAL GROUP with the
18 Department. In response to Question No. 5 on Respondent's
19 officer renewal application, to wit: "ARE THERE CRIMINAL
20 CHARGES PENDING AGAINST YOU AT THIS TIME", Respondent marked
21 the answer box denoting "No", and failed to reveal the
22 conviction described in Paragraph V below.

23 V

24 On February 10, 2010, in the Superior Court of
25 California, County of Los Angeles, Case No. PA065573,
26 Respondent was arraigned and charged with four felony counts of
27 violating one count of Penal Code Section 459 (second degree

1 commercial burglary), two counts of Penal Code Section 530.5(a)
2 (identity theft), and one count of Penal Code Section 484f(a)
3 (forgery). On July 28, 2010, as part of a plea agreement,
4 Respondent pled nolo contendere to and was convicted of
5 violating one count of Penal Code Section 530.5(a) (identity
6 theft), a felony. Said crime bears a substantial relationship
7 to the qualifications, functions or duties of a real estate
8 licensee under Section 2910, Title 10, Chapter 6, California
9 Code of Regulations.

10 VI

11 The crime of which Respondent was convicted, as
12 alleged in Paragraph IV above, constitutes cause under Code
13 Sections 490 and 10177(b) for the suspension or revocation of
14 all licenses and license rights of Respondents MAX KAY and K-G
15 FINANCIAL GROUP under the Real Estate Law.

16 VII

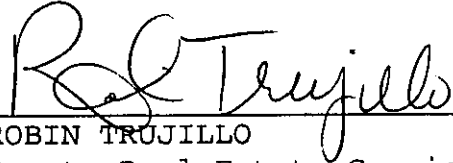
17 Respondent MAX KAY's failure to reveal the criminal
18 charges against him as set forth in Paragraphs IV and V above,
19 constitutes the procurement of a real estate license by fraud,
20 misrepresentation or deceit, or by making a material
21 misstatement of fact, knowing misrepresentation of a material
22 fact, or by knowingly omitting to state a material fact, in his
23 application, which constitutes cause under Code Sections 498
24 and 10177(a) for the suspension or revocation of Respondent MAX
25 KAY's and K-G FINANCIAL GROUP's licenses and license rights of
26 under the Real Estate Law.

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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 licenses and/or license rights of
5 Respondents, MAY KAY and K-G FINANCIAL GROUP, under the Real
6 Estate Law (Part 1 of Division 4 of the Business and
7 Professions Code) and for such other and further relief as may
8 be proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 16 day of June, 2011.

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13 ROBIN TRUJILLO
14 Deputy Real Estate Commissioner
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23 cc: Max Kay
24 K-G Financial Group
25 Robin Trujillo
26 Sacto.
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