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FILED

DEC 19 2012

1 Department of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105

DEPARTMENT OF REAL ESTATE

BY: *James B. Clow*

4 Telephone: (213) 576-6982

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13)
14 ALL-WIN REALTY GROUP INC)
15 and ROBERT JAMES ALWIN,)
16 individually and as designated)
17 officer of All-Win Realty Group)
18 Inc,)
19 Respondents.)

DRE No: H-37537 LA
OAH No: 2012020394

STIPULATION
AND
AGREEMENT

20 It is hereby stipulated by and between ROBERT JAMES
21 ALWIN and the Complainant, acting by and through James A. Demus,
22 Counsel for the Department of Real Estate, as follows for the
23 purpose of settling and disposing of the Accusation filed on
24 September 16, 2011, in this matter:

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

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

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

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation. In the interest of
21 expedience and economy, Respondent chooses not to contest these
22 allegations, but to remain silent and understands that, as a
23 result thereof, these factual allegations, without being admitted
24 or denied, will serve as a prima facie basis for the disciplinary
25 action stipulated to herein. The Real Estate Commissioner shall
26 not be required to provide further evidence to prove said factual
27 allegations.

1 5. This Stipulation is made for the purpose of
2 reaching an agreed disposition of this proceeding and is
3 expressly limited to this proceeding and any other proceeding or
4 case in which the Department of Real Estate ("Department"), the
5 state or federal government, or any agency of this state, another
6 state or federal government is a party.

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

17 7. The Order or any subsequent Order of the Real
18 Estate Commissioner made pursuant to this Stipulation shall not
19 constitute an estoppel, merger or bar to any further
20 administrative or civil proceedings by the Department of Real
21 Estate with respect to any matters which were not specifically
22 alleged to be causes for Accusation in this proceeding but do
23 constitute a bar, estoppel and merger as to any allegations
24 actually contained in the Accusation against Respondents herein.

25 8. Respondent understands that by agreeing to this
26 Stipulation, Respondents agrees to pay, pursuant to Business and
27 Professions Code Section 10148, the cost of the audit which led

1 to this disciplinary action. The amount of said cost is
2 \$6,001.60.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing, it is stipulated and agreed
5 that the following determination of issues shall be made:

6 I.

7 The conduct of ROBERT JAMES ALWIN as described in
8 Paragraph 4, hereinabove, is in violation of Business and
9 Professions Code ("Code") Sections 10145, 10159.5 and 10160 and
10 provides a basis for discipline of his license and license rights
11 pursuant to Code Sections 10177(d) and 10177(h).

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I.

15 All licenses and licensing rights of Respondent ROBERT
16 JAMES ALWIN under the Real Estate Law are suspended for a period
17 of sixty (60) days from the effective date of this Decision;
18 provided, however, that sixty (60) days of said suspension, shall
19 be stayed for two (2) years upon the following terms and
20 conditions:

21 A. Respondent shall obey all laws, rules and
22 regulations governing the rights, duties and responsibilities of
23 a real estate licensee in the State of California; and

24 B. That no final subsequent determination be made,
25 after hearing or upon stipulation that cause for disciplinary
26 action occurred within two (2) years of the effective date of
27 this Decision. Should such a determination be made, the

1 Commissioner may, in his discretion, vacate and set aside the
2 stay order and reimpose all or a portion of the stayed
3 suspension. Should no such determination be made, the stay
4 imposed herein shall become permanent.

5 II.

6 Pursuant to Section 10148 of the Business and
7 Professions Code, Respondent shall pay the Commissioner's
8 reasonable cost for: the audit which led to this disciplinary
9 action. The amount of said cost is \$6,001.60. In calculating
10 the amount of the Commissioner's reasonable cost, the
11 Commissioner may use the estimated average hourly salary for all
12 persons performing audits of real estate brokers, and shall
13 include an allocation for travel costs, including mileage, time
14 to and from the auditor's place of work and per diem. Respondent
15 shall pay such costs within 60 days of receiving an invoice from
16 the Commissioner detailing the activities performed during the
17 audit and the amount of time spent performing those activities.
18 The Commissioner may, in his discretion, vacate and set aside the
19 stay order, if payment is not timely made as provided for herein,
20 or as provided for in a subsequent agreement between the
21 Respondent and the Commissioner. The vacation and the set aside
22 of the stay shall remain in effect until payment is made in full,
23 or until Respondent enters into an agreement satisfactory to the
24 Commissioner to provide for payment.

25 III.

26 All licenses and licensing rights of Respondent ROBERT
27 JAMES ALWIN are indefinitely suspended unless or until Respondent

1 provides proof satisfactory to the Commissioner, of having taken
2 and successfully completed the continuing education course on
3 trust fund accounting and handling specified in paragraph (3) of
4 subdivision (a) of Section 10170.5 of the Business and
5 Professions Code. Proof of satisfaction of this requirement
6 includes evidence that respondent has successfully completed the
7 trust fund account and handling continuing education course
8 within 120 days prior to the effective date of the Decision in
9 this matter.

10 IV.

11 Respondent ROBERT JAMES ALWIN shall within six (6)
12 months from the effective date of the Decision herein, take and
13 pass the Professional Responsibility Examination administered by
14 the Department including the payment of the appropriate
15 examination fee. If Respondent ROBERT JAMES ALWIN fails to
16 satisfy this condition, the Commissioner may order suspension of
17 Respondent ROBERT JAMES ALWIN's license until Respondent passes
18 the examination.

19 V.

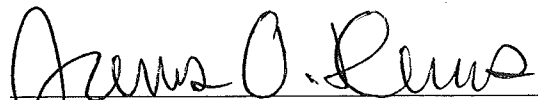
20 The payment and proof of completed coursework shall be
21 submitted to Department Counsel James A. Demus, Attention: Legal
22 Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
23 Los Angeles, California 90013-1105, on or before the dates set
24 forth above.

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2 DATED: 9/28/12



3 JAMES A. DEMUS, Counsel for
4 the Department of Real Estate

5 EXECUTION OF THE STIPULATION

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

16 Respondent can signify acceptance and approval of the
17 terms and conditions of this Stipulation by faxing a copy of its
18 signature page, as actually signed by Respondent, to the
19 Department at the following telephone/fax number: James A. Demus
20 at (213) 576-6917. Respondent agrees, acknowledges and
21 understands that by electronically sending to the Department a
22 fax copy of Respondent's actual signature, as it appears on the
23 Stipulation, that receipt of the faxed copy by the Department
24 shall be as binding on Respondent as if the Department had
25 received the original signed Stipulation.

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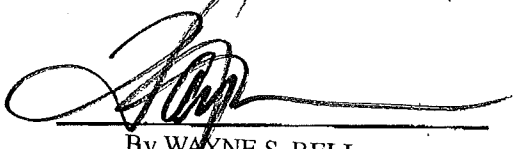
DATED: Sept 28 2012 
ROBERT JAMES ALWIN

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent ROBERT JAMES ALWIN and
shall become effective at 12 o'clock noon on

JAN 18 2013

IT IS SO ORDERED 11/29, 2012.

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel