

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

4 (213) 576-6982

FILED

MAR 26 2013

DEPARTMENT OF REAL ESTATE
BY: C.R.

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) DRE No. H-38277 LA
13 USLMP, INC., LONI MARIE BARNHART,) OAH No. 2012110154
14 individually and as designated)
15 officer of USLMP, Inc.,;) STIPULATION AND AGREEMENT
16 ESMERALDA VALLE NOVIKOFF,)
17 JARED A. STANSFIELD,)
18 DARRYL LLOYD WASHINGTON, and)
19 CHRISTOPHER KIFAYA,)
20 Respondents.)

21 It is hereby stipulated by and between CHRISTOPHER
22 KIFAYA ("Respondent") and the Complainant, acting by and through
23 Lisette Garcia, Counsel for the Department of Real Estate, as
24 follows for the purpose of settling and disposing of the
25 Accusation filed on July 20, 2012, in this matter:

26 1. All issues which were to be contested and all
27 evidence which was to be presented by Complainant and Respondent
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
6 ("Department") in this 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
11 of Defense. Respondent acknowledges that he understands that by
12 withdrawing said Notice of Defense he will thereby waive his
13 right to require the Commissioner to prove the allegations in
14 the Accusation at a contested hearing held in accordance with
15 the 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 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 filed in this
21 proceeding. In the interest of expedience and economy,
22 Respondent chooses not to contest these factual allegations, but
23 to remain silent and understands that, as a result thereof,
24 these factual statements, will serve as a prima facie basis for
25 the disciplinary action stipulated to herein. The Real Estate
26 Commissioner shall not be required to provide further evidence
27 to prove such allegations.

1 5. This Stipulation and Respondent's decision not to
2 contest the Accusation are made for the purpose of reaching an
3 agreed disposition of this proceeding and are expressly limited
4 to this proceeding and any other proceeding or case in which the
5 Department, or another licensing agency of this state, another
6 state or if the federal government is involved and otherwise
7 shall not be admissible in any other criminal or civil
8 proceedings.

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

19 7. The Order or any subsequent Order of the Real
20 Estate Commissioner made pursuant to this Stipulation shall not
21 constitute an estoppel, merger or bar to any further
22 administrative or civil proceedings by the Department with
23 respect to any conduct which was not specifically alleged to be
24 causes for accusation in this proceeding.

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WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent
CHRISTOPHER KIFAYA under the Real Estate Law are suspended for a
period of thirty (30) days from the effective date of this
Decision; provided, however, that if Respondent petitions, said
suspension (or a portion thereof) shall be stayed upon condition
that:

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1 credit, prorated or otherwise, for money paid to the Department
2 under the terms of this Decision.

3 5. If Respondent pays the monetary penalty and if no
4 further cause for disciplinary action against the real estate
5 license of Respondent occurs within one (1) year from the
6 effective date of the Decision, the stay hereby granted shall
7 become permanent.

8 II

9 Respondent CHRISTOPHER KIFAYA shall, within thirty (30)
10 days from the effective date of this Decision, provide proof of
11 paying restitution of \$500 to Eugene and Jestine Carrington as
12 follows:

13 (a) Respondent shall deliver or mail the restitution
14 payment, by certified mail, return receipt requested, to Eugene
15 and Jestine Carrington's last address on file with or known to
16 Respondent.

17 (b) If the payment is returned by the Post Office marked
18 "unable to deliver," Respondent shall employ a locator service
19 (that may include or be limited to the Internet or other database
20 retrieval search) to try and locate Eugene and Jestine
21 Carrington. Repayment shall then be made to the addresses
22 recommended by the locator service.

23 (c) If unable to effect repayment after using a locator
24 service, Respondent shall provide reasonable proof satisfactory
25 to the Commissioner of his efforts to comply with the provisions
26 of this Paragraph.

(d) If the Commissioner determines that proof to be
unsatisfactory, he shall so advise Respondent, and indicate what
additional reasonable efforts should be made to make repayment to
Eugene and Jestine Carrington.

(e) If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent effects compliance herein; and

(f) Restitution payments not made to Eugene and Jestine Carrington shall escheat to the State of California.

(g) All proof shall be submitted to Department Counsel
Lisette Garcia, Attention: Legal Section, Department of Real
Estate, 320 W. Fourth St., Suite 350, Los Angeles, California
90013-1105.

III

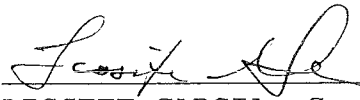
Respondent shall, within six (6) months from the
effective date of this Decision, take and pass the Professional
Responsibility Examination administered by the Department
including the payment of the appropriate examination fee. If
Respondent fails to satisfy this condition, the Commissioner may
order the suspension of Respondent's license until Respondent
passes the examination.

IV

Respondent shall, within nine (9) months from the
effective date of this Decision, present evidence satisfactory
to the Real Estate Commissioner that Respondent has, since the
most recent issuance of an original or renewal real estate
license, taken and successfully completed the continuing

1 education requirements of Article 2.5 of Chapter 3 of the Real
2 Estate Law for renewal of a real estate license. If Respondent
3 fails to satisfy this condition, the Commissioner may order the
4 suspension of the restricted license until the Respondent
5 presents such evidence. The Commissioner shall afford
6 Respondent the opportunity for a hearing pursuant to the
7 Administrative Procedures Act to present such evidence.

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9 DATED: Jan. 30, 2013


LISSETTE GARCIA, Counsel for
the Department of Real Estate

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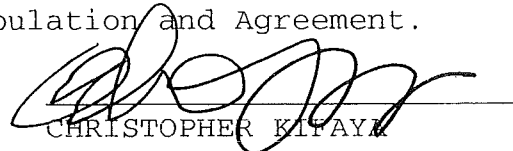
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13 I have read the Stipulation and Agreement and its
14 terms are understood by me and are agreeable and acceptable to
15 me. I understand that I am waiving rights given to me by the
16 California Administrative Procedure Act (including but not
17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

24
25 Respondent can signify acceptance and approval of the
26 terms and conditions of this Stipulation and Agreement by faxing
27 a copy of the signature page, as actually signed by Respondent,

1 to the Department at the following telephone/fax number:

2 (213) 576-6917. Respondent agrees, acknowledges and understands
3 that by electronically sending to the Department a fax copy of
4 his actual signature as it appears on the Stipulation and
5 Agreement, that receipt of the faxed copy by the Department
6 shall be as binding on Respondent as if the Department had
7 received the original signed Stipulation and Agreement.

8 DATED: 1/15/13

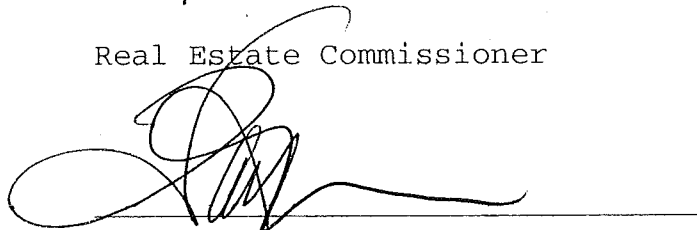

9 CHRISTOPHER KILAYAK
10 Respondent

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 April 15, 2013.

15 IT IS SO ORDERED 3/19/2013.

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18 Real Estate Commissioner

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21 WAYNE S. BELL