

1 this proceeding.

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

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

12 5. The Order or any subsequent Order of the Real Estate Commissioner made
13 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
14 further administrative or civil proceedings by the Bureau of Real Estate with respect to any
15 matters which were not specifically alleged to be causes for accusation in this proceeding.

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations, admissions and waivers and solely for
18 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
19 agreed that the following determination of issues shall be made:

20 The conduct of Respondent, as set forth in the Accusation constitutes grounds for
21 suspension or revocation of Respondent's real estate salesperson license under the provisions of
22 Section 10177(f) of the Business and Professions Code.

23 ORDER

24 WHEREFORE, THE FOLLOWING ORDER is hereby made:

25 All licenses and licensing rights of Respondent KELLY KEITH MORGAN,
26 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
27 license shall be issued to Respondent pursuant to Section 10156.5 of the Business and

1 Professions Code, if Respondent makes application therefor and pays to the Bureau the
2 appropriate fee within 90 days from the effective date of this Decision. The restricted license
3 issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business
4 and Professions Code and to the following limitations, conditions and restrictions imposed
5 under authority of Section 10156.6 of that code:

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

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

15 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
16 real estate license nor for the removal of any of the conditions, limitations or restrictions
17 of a restricted license until four (4) years have elapsed from the date of issuance of the restricted
18 license to Respondent.

19 4. Respondent shall submit with any application for license under an employing
20 broker, or any application for transfer to a new employing broker, a statement signed by the
21 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
22 shall certify:

23 (a) That the employing broker has read the Decision of the Commissioner
24 which granted the right to a restricted license; and

25 (b) That the employing broker will exercise close supervision over the
26 performance by the restricted licensee relating to activities for which a real estate license is
27 required.

1 5. Respondent shall, within nine months from the effective date of this Decision,
2 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
3 most recent issuance of an original or renewal real estate license, taken and successfully
4 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
5 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
6 Commissioner may order the suspension of the restricted license until the Respondent presents
7 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
8 pursuant to the Administrative Procedure Act to present such evidence.

9 6. All licenses and licensing rights of Respondent under the Real Estate Law are
10 suspended for a period 30 days from the effective date of this Order; provided, however, that:
11 30 days of said suspension shall be stayed, upon the condition that Respondent petition pursuant
12 to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the
13 Code at a rate of \$100 for each day of the suspension for a total monetary penalty of \$3,000.

14 a) Said payment shall be in the form of a cashier's check made payable to the Bureau of
15 Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag Section at
16 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

17 b) No further cause for disciplinary action against the Real Estate licenses of Respondent
18 occurs within two (2) years from the effective date of the Order in this matter.

19 c) If Respondent fails to pay the monetary penalty in accordance with the terms and
20 conditions of this Order, the suspension shall go into effect automatically and remain in
21 effect until Respondent pays the monetary penalty in full.

22 d) If Respondent pays the monetary penalty and any other moneys due under this Stipulation
23 and Agreement and if no further cause for disciplinary action against the real estate
24 license of said Respondent occurs within two (2) years from the effective date of this
25 Order, the entire stay hereby granted pursuant to this Order, as to said RESPONDENT
26 only, shall become permanent.

1 DATED: 7-22-2015

Kelly Morgan
KELLY KEITH MORGAN, Respondent

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4 I have read the Stipulation and Agreement as to form and content and have
5 advised my client accordingly.

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7 DATED: 7/24/15

Mary E. Work
MARY E. WORK, Attorney for Respondent

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10 I have read the Accusation filed herein and the foregoing Stipulation and
11 Agreement signed by Respondent. I am satisfied that the hearing for the purpose of requiring
12 further proof as to the honesty and truthfulness of Respondent need not be called and that it will
13 not be inimical to the public interest to issue a restricted real estate broker license to
14 Respondent.

15 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
16 license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory
17 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as
18 specified in the foregoing Stipulation and Agreement.

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
20 this matter and shall become effective at 12 o'clock noon on September 10, 2015.

21 IT IS SO ORDERED August 11, 2015

22
23 WAYNE S. BELL
REAL ESTATE COMMISSIONER

Jeffrey Mason

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26 By: JEFFREY MASON
Chief Deputy Commissioner