

FILED

OCT 28, 2020

DEPT. OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) No. H-41368 LA  
)  
LIV ELIZABETH KELLGREN, )  
doing business as Bless this Address, ) STIPULATION AND AGREEMENT  
)  
Respondent. )  
\_\_\_\_\_ )

It is hereby stipulated by and between Respondent LIV ELIZABETH KELLGREN ("Respondent"), represented by Fredrick M. Ray, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on May 24, 2019, in this matter:

1. All issues which were to be contested and all 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 submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

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1                   2.       Respondent has received, read and understands the Statement to  
2 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department  
3 of Real Estate in this proceeding.

4                   3.       On June 5, 2019, Respondent filed a Notice of Defense pursuant to  
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice  
7 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said  
8 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate  
9 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested  
10 hearing held in accordance with the provisions of the APA and that Respondent will waive  
11 other rights afforded to Respondent in connection with the hearing such as the right to present  
12 evidence in defense of the allegations in the Accusation and the right to cross-examine  
13 witnesses.

14                  4.       Respondent, pursuant to the limitations set forth below, hereby admits  
15 that the factual allegations in the Accusation filed in this proceeding are true and correct and the  
16 Commissioner shall not be required to provide further evidence to prove such allegations.

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

24                  6.       The Order or any subsequent Order of the Commissioner made pursuant  
25 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
26 civil proceedings by the Department with respect to any matters which were not specifically  
27 alleged to be causes for the Accusation in this proceeding.

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions, and waivers, and solely for  
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and  
4 agreed that the following Determination of Issues shall be made:

5 I.

6 The conduct, acts, and/or omissions of Respondent LIV ELIZABETH  
7 KELLGREN, as described in the Accusation, constitute cause for the suspension or revocation  
8 of all real estate licenses and license rights of Respondent LIV ELIZABETH KELLGREN  
9 under California Business and Professions Code ("Code") sections 10137, 10177(d),  
10 and 10177(g) for violation of Code sections 10130 and 10137.

11 ORDER

12 I.

13 All licenses and licensing rights of Respondent LIV ELIZABETH KELLGREN  
14 under the Real Estate Law are suspended for a period of thirty (30) days from the effective date  
15 of this Decision and Order; provided, however, that:

16 1. Ten (10) days of said suspension shall be stayed, upon the condition that  
17 Respondent petitions pursuant to Code Section 10175.2 and pays a monetary penalty pursuant  
18 to Code Section 10175.2 at a rate of one hundred dollars (\$100) for each day of the suspension  
19 for a total monetary penalty of \$1,000, and upon the following terms and conditions:

20 a. Said payment shall be in the form of a cashier's check made  
21 payable to the Department of Real Estate. Said check must be  
22 delivered to the Department of Real Estate, Flag Section at  
23 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective  
24 date of this Decision and Order.

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b. No final determination be made after hearing or upon stipulation that cause for disciplinary against any of the real estate licenses or license rights of Respondent occurred within two (2) years from the effective date of this Decision and Order.

c. If Respondent fails to pay the monetary penalty in accordance with the terms and conditions of this Decision and Order, the suspension shall go into effect automatically. Respondent shall not be entitled to any repayment or credit, prorated or otherwise, for any money paid to the Department under the terms of this Decision and Order.

d. If Respondent pays the monetary penalty and all other money due under this Stipulation and Agreement and if no final determination be made after hearing or upon stipulation that cause for disciplinary against any of the real estate licenses or license rights of Respondent occurred within two (2) years from the effective date of this Decision and Order, then the entire stay hereby granted pursuant to this Decision and Order shall become permanent.

2. Twenty (20) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

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

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1 b. No final determination be made after hearing or upon stipulation  
2 that cause for disciplinary action against any of the real estate  
3 licenses or license rights of Respondent occurred within two (2) years  
4 from the effective date of this Decision and Order. Should such a  
5 determination be made, the Commissioner may, in his discretion,  
6 vacate and set aside the stay order and reimpose all or a portion of the  
7 stayed suspension. Should no such determination be made, the stay  
8 imposed herein shall become permanent.

9 3. Respondent withdraws all pending license applications, including the  
10 corporate real estate license application for Bless This Address.

11 4. All licenses and licensing rights of Respondent are indefinitely  
12 suspended unless or until Respondent pays the sum of \$6,970.10 for the Commissioner's  
13 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
14 payment shall be in the form of a cashier's check made payable to the Department of Real  
15 Estate. The investigative and enforcement costs must be delivered to the Department of Real  
16 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective  
17 date of this Decision and Order.

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19 DATED: 9-17-2020

  
Steve Chu, Counsel  
Department of Real Estate

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I have read the Stipulation and Agreement. I understand that I am waiving rights given to me by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

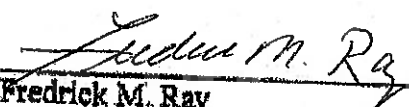
I agree, acknowledge, and understand that I cannot rescind or amend this Stipulation and Agreement.

I can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by July 9, 2020; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: 7/6/20

  
LIV ELIZABETH KELLOGREN  
Respondent

DATED: 7/6/2020

  
Fredrick M. Ray  
Counsel for Respondent  
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondent LIV ELIZABETH KELLGREN, and shall become  
effective at 12 o'clock noon on November 27, 2020.

IT IS SO ORDERED 10.20.20

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

*Douglas R. McCauley*