FILED

JAN - 8 2020

DEPT. OF REAL ESTATE

Ву

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

No. H-41374 LA

In the Matter of the Accusation of

STIPULATION AND AGREEMENT

HOME PRO REALTY INC,
doing business as Home Pro Funding,
Home Pro Mortgage, Home Pro
Real Estate Group, Home Pro Realty,
Neighborhood Financial Services,
and Quality Closing Solutions.

and Quality Closing Solutions, KELVIN ZEE, individually and as designated officer of Home Pro Realty Inc, and LAWRENCE ROBERT FRIEDMAN,

Respondents.

Respor

It is hereby stipulated by and between Respondent HOME PRO REALTY INC,

Respondent KELVIN ZEE, individually and as designated officer of Home Pro Realty Inc, and

Respondent LAWRENCE ROBERT FRIEDMAN ("Respondents"), 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 June 3, 2019, in this

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- All issues which were to be contested and all evidence which was to be 1. presented by Complainant and Respondents 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").
- 2. Respondents have received, read, and understand the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in this proceeding.
- On June 17, 2019, Respondents HOME PRO REALTY INC and 3. LAWRENCE ROBERT FRIEDMAN filed a Notice of Defense, and on June 24, 2019, Respondent KELVIN ZEE filed a Notice of Defense pursuant to section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents acknowledge that Respondents understand that by withdrawing said Notices of Defense, Respondents will thereby waive Respondents' right to require the Real Estate Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that Respondents will waive other rights afforded to Respondents in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.
- Respondents, pursuant to the limitations set forth below, hereby admit 4. that the factual allegations in the Accusation filed in this proceeding are true and correct and the Commissioner shall not be required to provide further evidence to prove such allegations.

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- 5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as her Decision in this matter, thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the below Order. In the event that the Commissioner in her discretion does not adopt the Stipulation, it shall be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.
- 6. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department with respect to any matters which were not specifically alleged to be causes for the Accusation in this proceeding.

DETERMINATION OF ISSUES

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

I.

The conduct, acts, and/or omissions of Respondent HOME PRO REALTY INC, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent HOME PRO REALTY INC under California Business and Professions Code ("Code") sections 10176(g), 10177(d), 10177(g), and 10177(o) for violation of Code sections 10145, 10176(g), and 10177(o) and Title 10, Chapter 6, California Code of Regulations ("Regulations") sections 2726, 2830, 2831, 2834, 2950(d), and 2951.

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The conduct, acts, and/or omissions of Respondent KELVIN ZEE, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent KELVIN ZEE under Code sections 10177(d), 10177(g), and 10177(h) for violation of Code section 10159.2 and Regulations section 2725.

III.

The conduct, acts, and/or omissions of Respondent LAWRENCE ROBERT FRIEDMAN, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent LAWRENCE ROBERT FRIEDMAN under Code sections 10177(d), 10177(g), and 10177(o) for violation of Code section 10177(o).

ORDER

I.

All licenses and licensing rights of Respondent HOME PRO REALTY INC under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that:

- 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:
 - n. 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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- No final determination be made after hearing or upon stipulation b. that cause for disciplinary action 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. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.
- All licenses and licensing rights of Respondent HOME PRO REALTY INC are indefinitely suspended unless or until Respondent HOME PRO REALTY INC pays, jointly and severally with Respondent KELVIN ZEE and Respondent LAWRENCE ROBERT FRIEDMAN, the sum of \$6,056.22 for the Commissioner's cost of the audit which led to this disciplinary action pursuant to Code section 10148. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The audit cost must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.
- All licenses and licensing rights of Respondent HOME PRO REALTY 3. INC are indefinitely suspended unless or until Respondent HOME PRO REALTY INC pays, jointly and severally with Respondent KELVIN ZEE and Respondent LAWRENCE ROBERT FRIEDMAN, the sum of \$1,870.45 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective 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 action 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. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.
- 2. All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent provides proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in Code section 10170.5(a)(3). Proof of satisfaction of this requirement includes evidence that Respondent has successfully completed the trust fund accounting and handling continuing education course within one hundred twenty (120) days prior to the effective date of this Decision and Order. Proof of completion of the trust fund accounting and handling course must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.
- 3. All licenses and licensing rights of Respondent KELVIN ZEE are indefinitely suspended unless or until Respondent KELVIN ZEE pays, jointly and severally with Respondent HOME PRO REALTY INC and Respondent LAWRENCE ROBERT FRIEDMAN, the sum of \$6,056.22 for the Commissioner's cost of the audit which led to this disciplinary action pursuant to Code section 10148. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The audit cost must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

4. All licenses and licensing rights of Respondent KELVIN ZEE are indefinitely suspended unless or until Respondent KELVIN ZEE pays, jointly and severally with Respondent HOME PRO REALTY INC and Respondent LAWRENCE ROBERT FRIEDMAN, the sum of \$1,870.45 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

III.

All licenses and licensing rights of Respondent LAWRENCE ROBERT

FRIEDMAN under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that:

- 1. Thirty (30) 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.
 - b. No final determination be made after hearing or upon stipulation that cause for disciplinary action 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. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

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All licenses and licensing rights of Respondent LAWRENCE ROBERT 2. FRIEDMAN are indefinitely suspended unless or until Respondent LAWRENCE ROBERT FRIEDMAN pays, jointly and severally with Respondent HOME PRO REALTY INC and Respondent KELVIN ZEE, the sum of \$6,056.22 for the Commissioner's cost of the audit which led to this disciplinary action pursuant to Code section 10148. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The audit cost must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

All licenses and licensing rights of Respondent LAWRENCE ROBERT FRIEDMAN are indefinitely suspended unless or until Respondent LAWRENCE ROBERT FRIEDMAN pays, jointly and severally with Respondent HOME PRO REALTY INC and Respondent KELVIN ZEE, the sum of \$1,870.45 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and

Steve Chu, Counsel

Department of Real Estate

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We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to sections 11521 and 11523 of the Government Code), and we 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.

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

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement by December 16, 2019, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105.

DATED:	11/19/19
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DATED: 11/18/19

DATED:

Respondent

By KELVIN ZEE, as

designated officer of Home Pro Realty Inc

Respondent

LAWRENCE ROBERT FRIEDMAN Respondent

DATED:

DATED: ///

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We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to sections 11521 and 11523 of the Government Code), and we 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.

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

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement by December 16, 2019, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105.

DATED:	1//25	1	1	9

HOME PRO REALTY INC

Respondent

By KELVIN ZEE, as

designated officer of Home Pro Realty Inc

KELVIN ZEE

Respondent

LAWRENCE ROBERT FRIEDMAN Respondent

The foregoing Stipulation and Agreement is hereby adopted by me as my

Decision in this matter as to Respondent HOME PRO REALTY INC, Respondent KELVIN

ZEE, and Respondent LAWRENCE ROBERT FRIEDMAN, and shall become effective at

12 o'clock noon on February 7, 2020 .

IT IS SO ORDERED December 26, 2019

SANDRA KNAU

ACŢĮŅG REAL ESTATE COMMISSIONER