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FILED

SEP 27 2021

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-41761 LA
)	
REAVANS CORPORATION,)	<u>STIPULATION AND AGREEMENT</u>
doing business as)	
Reavan's Mortgage Service,)	
Reavans Real Estate and Investments, and)	
Wealthy Realty, and)	
<u>KENICHI KIMURA,</u>)	
doing business as KenDAX International,)	
individually and as designated officer of)	
Reavans Corporation,)	
)	
Respondents.)	
)	

It is hereby stipulated by and between Respondent KENICHI KIMURA, individually and as designated officer of Reavans Corporation, ("Respondent"), represented by Marisol Ocampo, 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 August 21, 2020, in this matter:

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1 1. All issues which were to be contested and all evidence which was to be
2 presented by Complainant and Respondent at a formal hearing on the Accusation, which
3 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
4 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of
5 this Stipulation and Agreement ("Stipulation").

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

9 3. On September 3, 2020, Respondent filed a Notice of Defense pursuant to
10 Section 11506 of the Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
12 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
13 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate
14 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
15 hearing held in accordance with the provisions of the APA and that Respondent will waive
16 other rights afforded to Respondent in connection with the hearing such as the right to present
17 evidence in defense of the allegations in the Accusation and the right to cross-examine
18 witnesses.

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

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

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

12 DETERMINATION OF ISSUES

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

16 I.

17 The conduct, acts, and/or omissions of Respondent KENICHI KIMURA, as
18 described in the Accusation, constitute cause for the suspension or revocation of all real estate
19 licenses and license rights of Respondent KENICHI KIMURA under California Business and
20 Professions Code ("Code") sections 10177(d), 10177(g), and 10177(h) for violation of Code
21 section 10159.2 and Title 10, Chapter 6, California Code of Regulations ("Regulations")
22 section 2725.

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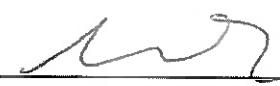
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1 3. All licenses and licensing rights of Respondent KENICHI KIMURA are
2 indefinitely suspended unless or until Respondent KENICHI KIMURA pays the sum of
3 \$2,580.50 for the Commissioner's reasonable cost of the investigation and enforcement which
4 led to this disciplinary action. Said payment shall be in the form of a cashier's check made
5 payable to the Department of Real Estate. The investigative and enforcement costs must be
6 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
7 95813-7013, prior to the effective date of this Decision and Order.

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9 DATED: 6-10-2021


Steve Chu, Counsel
Department of Real Estate

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

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

9 I can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement by
11 June 25, 2021, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350,
12 Los Angeles, California 90013-1105.

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14 DATED: 5/10/2021


15 KENICHI KIMURA
16 Respondent

17 DATED: _____

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19 Marisol Ocampo
20 Counsel for Respondent
21 Approved as to Form

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13
14 DATED: _____

15 KENICHI KIMURA
16 Respondent

17 DATED: 5-14-21

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19 Marisol Ocampo
20 Counsel for Respondent
21 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 KENICHI KIMURA, and shall become effective at
12 o'clock noon on 10/26/2021.

IT IS SO ORDERED 9.21.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley