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2	FILED		
3	SEP 2 7 2021		
4	DEPT OF REAL ESTATE		
5	By By Brilling		
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8	BEFORE THE DEPARTMENT OF REAL ESTATE		
9	STATE OF CALIFORNIA		
10 11			
12)		
13	REAVANS CORPORATION,) STIPULATION AND AGREEMENT doing business as)		
14	Reavan's Mortgage Service,)Reavans Real Estate and Investments, and)		
15	Wealthy Realty, and) KENICHI KIMURA,		
16	doing business as KenDAX International,) individually and as designated officer of)		
17	Reavans Corporation,		
18	Respondents.		
19)		
20	It is hereby stipulated by and between Respondent KENICHI KIMURA,		
21	individually and as designated officer of Reavans Corporation, ("Respondent"), represented by		
22	Marisol Ocampo, and the Complainant, acting by and through Steve Chu, Counsel for the		
23	Department of Real Estate ("Department"), as follows for the purpose of settling and disposing		
24 25	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. /// 22 23 $\parallel \parallel$ 24 $\parallel \parallel$ 25 H26 III 27 ///

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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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1	ORDER		
2	I.		
3	All licenses and licensing rights of Respondent KENICHI KIMURA under the		
4	Real Estate Law are suspended for a period of thirty (30) days from the effective date of this		
5	Decision and Order; provided, however, that:		
6	1. Thirty (30) days of said suspension shall be stayed for two (2) years upon		
7	the following terms and conditions:		
8	a. Respondent shall obey all laws, rules, and regulations governing		
9	the rights, duties, and responsibilities of a real estate licensee in the		
10	State of California.		
11	b. No final determination be made after hearing or upon stipulation		
12	that cause for disciplinary action against any of the real estate		
13	licenses or license rights of Respondent occurred within two (2) years		
14	from the effective date of this Decision and Order. Should such a		
15	determination be made, the Commissioner may, in his discretion,		
16	vacate and set aside the stay order and reimpose all or a portion of the		
17	stayed suspension. Should no such determination be made, the stay		
18	imposed herein shall become permanent.		
19	2. All licenses and licensing rights of Respondent KENICHI KIMURA are		
20	indefinitely suspended unless or until Respondent KENICHI KIMURA pays the sum of		
21	\$12,219.62 for the Commissioner's cost of the audit which led to this disciplinary action		
22	pursuant to Code section 10148. Said payment shall be in the form of a cashier's check made		
23	payable to the Department of Real Estate. The audit cost must be delivered to the Department		
24	of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the		
25	effective date of this Decision and Order.		
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1	1 3. All licenses and licensing rights of Respondent KENICHI KIMURA a		
2	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	⁵ payable to the Department of Real Estate. The investigative and enforcement costs must be		
6	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.		
8	11 2 2 2		
9	DATED: <u>6-10-2021</u> Steve Chu, Counsel		
10	Department of Real Estate		
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3	There is a supercised and supercised and register and the fait warving rights				
4	given to me by the California Administrative Procedure Act, (including but not limited to				
	Southing 11521 and 11525 of the Government Code, and I winnight, intelligently, and				
-	⁵ voluntarily waive those rights, including the right to seek reconsideration and the right to seek				
б	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.				
13					
14	DATED: 5/10/2021				
15	KENICHI KIMURA Respondent				
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17	DATED:				
18	Marisol Ocampo Counsel for Respondent				
19	Approved as to Form				
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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.		
13			
14	DATED: KENICHI KIMURA		
15	Respondent		
16	$m^{-}DO$		
17	DATED: 5-14-21 Marisol Ocampo		
18	Counsel for Respondent Approved as to Form		
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2	The foregoing Stipulation and	d Agreement is hereby adopted by me as my
3	Decision in this matter as to Respondent KE	NICHI KIMURA, and shall become effective at
4	12 o'clock noon on 10 26 2021	·
5	IT IS SO ORDERED	9.21.21
6		DOUGLAS R. McCAULEY
7		REAL ESTATE COMMISSIONER
8		DOUGG P. McCoper
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