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FILED

JAN 10 2024

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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| In the Matter of the Application of |) | No. H-42698 LA |
| |) | |
| KIMYA DARRELL WILLIAMS, |) | <u>STATEMENT OF ISSUES</u> |
| |) | |
| Respondent. |) | |
| _____ |) | |

The Complainant, Jason Parson, a Supervising Special Investigator of the State of California, for Statement of Issues against KIMYA DARRELL WILLIAMS ("Respondent"), is informed and alleges as follows:

1.

The Complainant, Jason Parson, acting in his official capacity as a Supervising Special Investigator of the State of California, makes this Statement of Issues against KIMYA DARRELL WILLIAMS.

2.

On or about October 7, 2022, Respondent made application to the Department of Real Estate ("Department") of the State of California for a real estate salesperson license.

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Statement of Issues of KIMYA DARRELL WILLIAMS

1 3.

2 In aggravation, on or about January 4, 1994, Respondent pled nolo contendere
3 and was convicted in the Superior Court of California, County of Los Angeles, Case
4 No. 93M09261, for violation of California Penal Code section 12031(a) (Carrying Loaded
5 Firearm in Public), a misdemeanor. Respondent was placed on 24 months of summary
6 probation, and ordered to pay fines and fees.

7 4.

8 In aggravation, on or about January 27, 2009, Respondent pled nolo contendere
9 and was convicted in the Superior Court of California, County of Los Angeles, Case
10 No. 8CA14243, for violation of California Vehicle Code section 12500(a) (Unlawful to Drive
11 unless Licensed), a misdemeanor. Respondent was placed on 24 months of summary
12 probation, and ordered to serve 60 days in jail and pay fines and fees.

13 5.

14 On or about September 20, 2010, Respondent pled nolo contendere and was
15 convicted in the Superior Court of California, County of Los Angeles, Case No. BA341973, for
16 violation of California Penal Code section 118(a) (Perjury), a felony, and Penal Code
17 section 487(a) (Grand Theft), a felony. Respondent was placed on five years of formal
18 probation, and ordered to serve 365 days in jail and pay restitution in the amount of \$349,547,
19 fines and fees.

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Statement of Issues of KIMYA DARRELL WILLIAMS

6.

On or about April 14, 2015, the Registrar of Contractors, in Case No. N2013-000140 and OAH No. 2014110875, adopted the Proposed Decision of the Administrative Law Judge and revoked Respondent's contractor license effective May 15, 2015. Within the Proposed Decision, the Administrative Law Judge found that Respondent was convicted of the crimes, as described in Paragraphs 4 and 5 above, and held that cause existed to revoke Respondent's contractor license pursuant to Code sections 490 and 7123. The Administrative Law Judge made the following factual finding, "The facts and circumstances underlying the conviction arose out of Respondent's purported operation of a family childcare business with his mother. Respondent engaged in a scheme to defraud organizations that subsidized childcare payments for eligible parents who either worked or attended school. The scheme involved collecting payments from those organizations even though the children did not attend Respondent's childcare business. Hundreds of thousands of dollars thus collected were distributed among the individuals, including Respondent, who were involved in the scheme. At that time, the childcare business was Respondent's only source of income." The Administrative Law Judge also made the following factual finding, "At the administrative hearing, Respondent testified that, although he got 'caught up' in the childcare fraud scheme, his role in the scheme was 'all pure.' (Respondent's terms.) Respondent may not now claim innocence or disavow his involvement in the scheme."

7.

On or about March 9, 2023, Respondent submitted to the Department a statement regarding the conviction described in Paragraph 5, "I had a child care in my home and some of my parents was not working or going to school and I was watching their kids. I got arrested becaus I was reciving funds that I was not legal because of their job or school situation. I had to plead guilty that my licensed day care was a sham and pay restitution to get out of jail. However I really had a childcare I just had to ple so I could get out of jail because I never been befor. I wanted to come home and I never went back."

Statement of Issues of KIMYA DARRELL WILLIAMS

1 8.

2 The conviction described in Paragraph 5 bears a substantial relationship under
3 section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications,
4 functions or duties of a real estate licensee.

5 9.

6 The crime of which Respondent was convicted, as described in Paragraph 5
7 above, constitutes cause for denial of Respondent's application for a real estate license under
8 Business and Professions Code sections 475(a)(2)-(3), 480(a)(1)-(2), and 10177(b)(1).

9 10.

10 The conduct, acts, and omissions of Respondent, as described in Paragraphs 5
11 through 7 above, involve dishonesty, fraud, or deceit, which constitutes cause for denial of
12 Respondent's application for a real estate license under Code sections 475(a)(3), 480(a)(2),
13 and 10177(j).

14 11.

15 These proceedings are brought under the provisions of section 10100,
16 Division 4 of the Business and Professions Code of the State of California and sections 11500
17 through 11528 of the California Government Code.

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Statement of Issues of KIMYA DARRELL WILLIAMS

1 WHEREFORE, the Complainant prays that the above-entitled matter be set for
2 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
3 authorize the issuance of, and deny the issuance of, a real estate salesperson license to
4 Respondent KIMYA DARRELL WILLIAMS and for such other and further relief as may be
5 proper under other applicable provisions of law.

6
7 Dated at Los Angeles, California

8 this 5th day of January, 20 24

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10 _____
11 Jason Parson
12 Supervising Special Investigator

13 cc: KIMYA DARRELL WILLIAMS
14 Jason Parson
15 Sacto.

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Statement of Issues of KIMYA DARRELL WILLIAMS