

1 BUREAU OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

FEB 24 2017

BUREAU OF REAL ESTATE

By Angela Renee

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7
8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the First Amended Accusation of) CalBRE No. H-04745 SD
12) OAH No. 2015110117
13)
14) ALLISON JAMES OF CALIFORNIA, INC.;)
15) KENNETH L. MOON, individually and as)
16) designated officer of Allison James of)
17) California, Inc.; and)
18) PAULA M. NARANJO,)
19) Respondents.)
20)
21)
22)
23)
24)

25 It is hereby stipulated by and between Respondent KENNETH L. MOON
26 (“Respondent”), Respondent’s attorney Kelly A. Neavel, and Complainant, acting by and
27 through Lissete Garcia, Counsel for the Bureau of Real Estate (“Bureau”), as follows for the
28 purpose of settling and disposing the First Amended Accusation filed on October 13, 2016, with
29 Bureau Case No. H-04745 SD in this matter:

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

4 2. Respondent has received, read, and understands the Statement to Respondent, the
5 Discovery Provisions of the APA, and First Amended Accusation filed by the Bureau in this
6 proceeding.

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

16 4. This Stipulation is based on the factual allegations contained in the First Amended
17 Accusation filed in this proceeding. In the interest of expedience and economy, Respondent
18 chooses not to contest these factual allegations, but to remain silent and understand that, as a
19 result thereof, these factual statements, will serve as a prima facie basis for the disciplinary
20 action stipulated to herein. The Real Estate Commissioner shall not be required to provide
21 further evidence to prove such allegations.

22 5. This Stipulation and Respondent's decision not to contest the First Amended
23 Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are
24

1 real estate license of said Respondent MOON occurs within two (2) years from the
2 effective date of this Decision and Order, the entire stay hereby granted pursuant to
3 this Decision and Order, as to said Respondent MOON only, shall become
4 permanent.

5 6. Respondent MOON shall, **within six (6) months from the effective date of this**

6 **Decision and Order**, take and pass the Professional Responsibility Examination
7 administered by the Bureau including the payment of the appropriate examination fee.
8 If Respondent fails to satisfy this condition, Respondent's real estate license shall
9 automatically be suspended until Respondent passes the examination.

10 7. Respondent MOON shall, **within nine (9) months from the effective date of this**

11 **Decision and Order**, present evidence satisfactory to the Commissioner that
12 Respondent has, since the most recent issuance of an original or renewal real estate
13 license, taken and successfully completed the continuing education requirements of
14 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If
15 Respondent fails to satisfy this condition, Respondent's real estate license shall
16 automatically be suspended until Respondent presents evidence satisfactory to the
17 Commissioner of having taken and successfully completed the continuing education
18 requirements. **Proof of completion of the continuing education courses must be**
19 **delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
20 **Sacramento, CA 95813-7013.**


21 IV.

22 All licenses and licensing rights of Respondent MOON are indefinitely suspended unless
23 or until either Respondent MOON or Respondent ALLISON JAMES OF CALIFORNIA, INC.

1 pays the sum of \$2,076.59 for MOON's apportioned share of the Commissioner's reasonable
2 costs of the investigation and enforcement which led to this disciplinary action. Said payment
3 shall be in the form of a cashier's check made payable to the Bureau of Real Estate. **The**
4 **investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag**
5 **Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this**
6 **Decision and Order.**

7
8 Dec. 8, 2016

DATED


Lissete Garcia, Counsel
Bureau of Real Estate

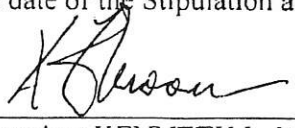
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10 * * *

11 I have read this Stipulation and its terms are understood by me and are agreeable and
12 acceptable to me. I understand that I am waiving rights given to me by the California APA
13 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government
14 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
15 requiring the Commissioner to prove the allegations in the First Amended Accusation at a
16 hearing at which I would have the right to cross-examine witnesses against me and to present
17 evidence in defense and mitigation of the charges.

18 Respondent can signify acceptance and approval of the terms and conditions of this
19 Stipulation and Agreement by electronically emailing a copy of the signature page, as actually
20 signed by Respondent, to the Bureau's counsel. Respondent agrees, acknowledges, and
21 understands that by electronically sending to the Bureau an electronic copy of Respondent's
22 actual signature, as it appears on the Stipulation, that receipt of the emailed copy by the Bureau
23 shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.
24 By signing this Stipulation, Respondent understands and agrees that Respondent may not

1 withdraw his agreement or seek to rescind the Stipulation prior to the time the Commissioner
2 considers and acts upon it or prior to the effective date of the Stipulation and Order.

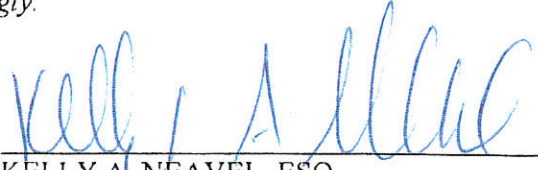
3 DATED: Dec. 8, 2016



4 Respondent KENNETH L. MOON

5 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*
6 *content and have advised my client accordingly.*

8 DATED: 12/8/16



9 KELLY A. NEAVEL, ESQ.
Attorney for Respondent KENNETH L. MOON

10 * * *

11
12 The foregoing Stipulation and Agreement in Settlement and Order is hereby
13 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
14 _____, 2016.

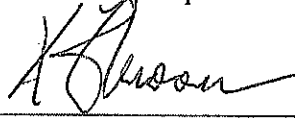
16 IT IS SO ORDERED _____, 2016.

18
19 WAYNE S. BELL
REAL ESTATE COMMISSIONER

22 _____

1 withdraw his agreement or seek to rescind the Stipulation prior to the time the Commissioner
2 considers and acts upon it or prior to the effective date of the Stipulation and Order.

3 DATED: Dec. 8, 2016



4 Respondent KENNETH L. MOON

5
6 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*
7 *content and have advised my client accordingly.*

8 DATED: _____

9 _____
10 KELLY A. NEAVEL, ESQ.
11 Attorney for Respondent KENNETH L. MOON

12 * * *

13 The foregoing Stipulation and Agreement in Settlement and Order is hereby
14 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
15 _____, 2016.

16 IT IS SO ORDERED _____, 2016.

17
18
19 WAYNE S. BELL
20 REAL ESTATE COMMISSIONER
21
22 _____
23
24

1 withdraw his agreement or seek to rescind the Stipulation prior to the time the Commissioner
2 considers and acts upon it or prior to the effective date of the Stipulation and Order.

3 DATED: _____

4 Respondent KENNETH L. MOON

5 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*
6 *content and have advised my client accordingly.*

7
8 DATED: _____

9 KELLY A. NEAVEL, ESQ.
10 Attorney for Respondent KENNETH L. MOON

11 * * *

12 The foregoing Stipulation and Agreement in Settlement and Order is hereby
13 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

14 MAR 16 2017

15
16 IT IS SO ORDERED

17 2/17/2017

18 258
19 2016.

20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER

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