

1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

**FILED**

AUG 20 2007

DEPARTMENT OF REAL ESTATE

BY: James B. Cray

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of*

11  
12 **CRAIG C. KENNEY**

13  
14 Respondent

)  
) No. H- 34040 LA  
)  
)

) **STIPULATION AND**  
) **WAIVER**  
)  
)

15 I, CRAIG C. KENNEY, respondent herein, do hereby affirm that I have applied to the Department of  
16 Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of  
17 the statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
19 filed by the Department of Real Estate on June 11, 2007, in connection with my application for a real estate  
20 salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of  
21 Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other  
22 allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate  
23 salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of  
24 Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory  
25 showing that I meet all the requirements for issuance of a real estate salesperson license. I further  
26 understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate  
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1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
10 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to a  
12 restricted license issued by the Department of Real Estate pursuant hereto:

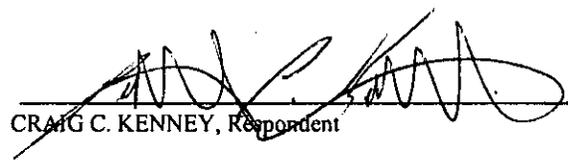
- 13 1. The license shall not confer any property right in the privileges to be exercised including the  
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
15 to exercise any privileges granted under this restricted license in the event of:
  - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 18 b. The receipt of evidence that respondent has violated provisions of the California Real  
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or  
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license  
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I  
25 shall submit a statement signed by the prospective employing broker on a form approved by the  
26 Department of Real Estate wherein the employing broker shall certify as follows:  
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- a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
- b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

June 20<sup>th</sup>, 2007.  
Dated

  
CRAIG C. KENNEY, Respondent

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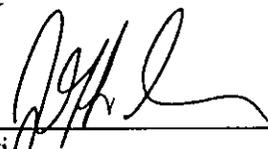
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I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent CRAIG C. KENNEY if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 8-9-07

  
\_\_\_\_\_  
Jeff Davis  
Real Estate Commissioner

*Sachs*

JAMES DEMUS, Counsel (SBN 225005)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

**FILED**

JUN 11 2007

Telephone: (213) 576-6982  
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DEPARTMENT OF REAL ESTATE  
BY: Jama B. Oum

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	NO. H-34040 LA
)	)
CRAIG C. KENNEY,	) <u>STATEMENT OF ISSUES</u>
)	)
Respondent.	)
)	)

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against CRAIG C. KENNEY, ("Respondent"), is informed and alleges in her official capacity as follows:

1.

On or about February 8, 2006, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license. On or about June 22, 2006, Respondent made another application to the Department of Real Estate of the State of California for a real estate salesperson license.

1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTIONS)

3  
4 2.

5 On or about January 21, 1993, Respondent was convicted  
6 in the Superior Court of California, Case No. 92SM75788 for  
7 violating California Penal Code Section 594(a) (vandalism), a  
8 misdemeanor. Said crime involves moral turpitude and bears a  
9 substantial relationship under Section 2910, Title 10, Chapter  
10 6, California Code of Regulations, to the qualifications,  
11 functions or duties of a real estate licensee.

12 4.

13 On or about February 10, 1995, Respondent was  
14 convicted in the Superior Court of California, Case No. 94CF2356  
15 for violating two counts of California Vehicle Code Section  
16 10851 (driving without owner's consent), a felony, and one count  
17 of California Vehicle Code Sections 10802 (knowingly altering a  
18 vehicle identification number) and 10752 (possessing a  
19 fraudulent vehicle registration), as well as Health & Safety  
20 Code Section 11377(a) (possession of a controlled substance),  
21 all felonies. Respondent was also convicted for violating two  
22 counts of California Penal Code Section 496(a) (receipt of  
23 stolen property), a felony. Said crimes involve moral turpitude  
24 and bear a substantial relationship under Section 2910, Title  
25 10, Chapter 6, California Code of Regulations, to the  
26 qualifications, functions or duties of a real estate licensee.

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The crimes of which Respondent was convicted, as alleged in Paragraphs 2 through 4 above, constitute cause for denial of Respondent's application for a real estate license under Business and Professions Code Sections 475(a)(2), 480(a) and 10177(b).

SECOND CAUSE FOR DENIAL

(FAILURE TO REVEAL CONVICTION)

6.

In response to Question 25 of the license application, to wit: "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE", Respondent failed to reveal the conviction described in Paragraph 2 above on his February 8, 2006 application.

7.

Respondent's failure to disclose the conviction, as set forth in Paragraph 2 above, in his February 8, 2006 license application, constitutes an attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under Business and Professions Code Sections 475(a)(1), 480(c) and 10177(a).

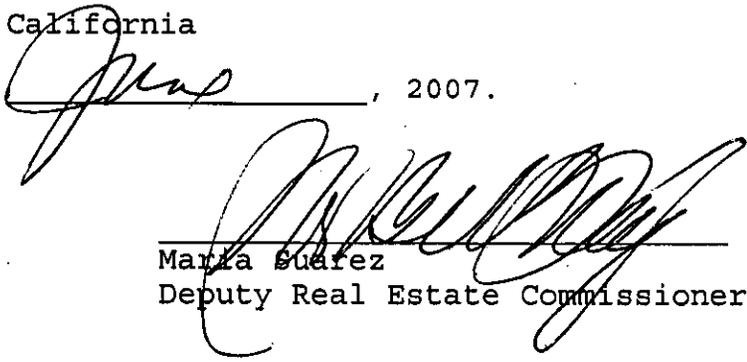
These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code

1 of the State of California and Sections 11500 through 11528 of  
2 the California Government Code.

3 WHEREFORE, the Complainant prays that the above-  
4 entitled matter be set for hearing and, upon proof of the  
5 charges contained herein, that the Commissioner refuse to  
6 authorize the issuance of, and deny the issuance of, a real  
7 estate salesperson license to Respondent, CRAIG C. KENNEY, and  
8 for such other and further relief as may be proper in the  
9 premises.

10 Dated at Los Angeles, California

11 this 14 day of June, 2007.

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15 Maria Suarez  
16 Deputy Real Estate Commissioner  
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25 cc: CRAIG C. KENNEY  
26 Direct Financial Lending Group, Inc.  
27 Maria Suarez  
Sacto.