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1	<sup>1</sup> Bureau of Real Estate	e. so sources Felicidadis Malalaiso.	
2	<sup>2</sup> 320 West Fourth Street, #350 Los Angeles, California 90013	AUG 2 1 2015 BUREAU OF REAL ESTATE	
3	<sup>3</sup> (213) 576-6982 (213) 576-6910	By ARN	
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8	BEFORE THE BUREAU OF REAL ESTATE		
9	STATE OF CALIFORNIA		
10	* * *		
11	In the Matter of the Accusation of () Cas	se No: H-39648 LA	
12		.H No: 2014110877	
13	) <u>STIP</u>	ULATION AND AGREEMENT	
14 15	( Kespondent. )		
16	5		
17		It is hereby stipulated by and between KELLY KEITH MORGAN (hereinafter	
1.8	3	"Respondent") and the Complainant, acting by and through James A. Demus, Counsel for the	
19	Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on November 6, 2014, in this matter:		
20	I. All issues which were to be contested and all evidence which was to be		
21	presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing		
22	was to be held in accordance with the provisions of the Administrative Procedure Act (APA),		
23	shall instead and in place thereof be submitted solely on the basis of the provisions of this		
24	Stipulation and Agreement.		
25 26	2. Respondent has received, read and under	stands the Statement to Respondent,	
27	the Discovery Provisions of the APA and the Accusation fil	led by the Bureau of Real Estate in	

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1 || this proceeding.

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3. Respondent, pursuant to the limitations set forth below, hereby admits that the
factual allegations of the Accusation filed in this proceeding are true and correct and the Real
Estate Commissioner shall not be required to provide further evidence of such allegations.

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

5. The Order or any subsequent Order of the Real Estate Commissioner made
 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
 further administrative or civil proceedings by the Bureau of Real Estate with respect to any
 matters which were not specifically alleged to be causes for accusation in this proceeding.

## **DETERMINATION OF ISSUES**

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

The conduct of Respondent, as set forth in the Accusation constitutes grounds for
 suspension or revocation of Respondent's real estate salesperson license under the provisions of
 Section <u>10177(f)</u> of the Business and Professions Code.

23	ORDER
24	WHEREFORE, THE FOLLOWING ORDER is hereby made:
25	All licenses and licensing rights of Respondent KELLY KEITH MORGAN,
26	under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
27	license shall be issued to Respondent pursuant to Section 10156.5 of the Business and

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Professions Code, if Respondent makes application therefor and pays to the Bureau the
appropriate fee within 90 days from the effective date of this Decision. The restricted license
issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business
and Professions Code and to the following limitations, conditions and restrictions imposed
under authority of Section 10156.6 of that code:

1. The restricted license issued to Respondent may be suspended prior to hearing
by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of
nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing
 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that.
 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
 Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted
 license.

15 <u>3. Respondent shall not be eligible to apply for the issuance of an unrestricted</u>
 16 real estate license nor for the removal of any of the conditions, limitations or restrictions
 17 of a restricted license until four (4) years have elapsed from the date of issuance of the restricted
 18 license to Respondent.

<u>4. Respondent shall submit with any application for license under an employing</u>
 broker, or any application for transfer to a new employing broker, a statement signed by the
 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
 shall certify:

23 (a) That the employing broker has read the Decision of the Commissioner
24 which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the
 performance by the restricted licensee relating to activities for which a real estate license is
 required.

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1	5. Respondent shall, within nine months from the effective date of this Decision,
2	present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
3	most recent issuance of an original or renewal real estate license, taken and successfully
4	completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
5	Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
6	Commissioner may order the suspension of the restricted license until the Respondent presents
7	such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
8	pursuant to the Administrative Procedure Act to present such evidence.
9	6. All licenses and licensing rights of Respondent under the Real Estate Law are
10	suspended for a period 30 days from the effective date of this Order; provided, however, that:
11	30 days of said suspension shall be stayed, upon the condition that Respondent petition pursuant
12	to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the
13	Code at a rate of \$100 for each day of the suspension for a total monetary penalty of \$3,000.
14	a) Said payment shall be in the form of a cashier's check made payable to the Bureau of
15	Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag Section at
16	P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.
17	b) No further cause for disciplinary action against the Real Estate licenses of Respondent
18	occurs within two (2) years from the effective date of the Order in this matter.
19	c) If Respondent fails to pay the monetary penalty in accordance with the terms and
20	conditions of this Order, the suspension shall go into effect automatically and remain in
21	effect until Respondent pays the monetary penalty in full.
22	d) If Respondent pays the monetary penalty and any other moneys due under this Stipulation
23	and Agreement and if no further cause for disciplinary action against the real estate
24	license of said Respondent occurs within two (2) years from the effective date of this
25	Order, the entire stay hereby granted pursuant to this Order, as to said RESPONDENT
26	only, shall become permanent.
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7. All licenses and licensing rights of RESPONDENT are indefinitely suspended unless or until RESPONDENT pays the sum of \$ 1,400.66 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

DATED: 7/23/15 IMAR Counsel for Complainant

11 I have read the Stipulation and Agreement and discussed it with counsel. Its 12 terms are understood by me and are agreeable and acceptable to me. I understand that I am 13 waiving rights given to me by the California Administrative Procedure Act (including but not 14 limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, 15 intelligently and voluntarily waive those rights, including the right of requiring the 16 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the 17 right to cross-examine witnesses against me and to present evidence in defense and mitigation of 18 the charges.

\* \* \*

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

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DATED: 7-22-2015 1 KELLY KEITH MORGAN, Respondent 2 3 4 I have read the Stipulation and Agreement as to form and content and have 5 advised my client accordingly. 6 7 DATED: 7/24/15 MAR WORK, Attorney for Respondent 8 9 10 I have read the Accusation filed herein and the foregoing Stipulation and 11 Agreement signed by Respondent. I am satisfied that the hearing for the purpose of requiring 12 further proof as to the honesty and truthfulness of Respondent need not be called and that it will 13 not be inimical to the public interest to issue a restricted real estate broker license to 14 Respondent. 15 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson 16 license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory 17 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as 18 specified in the foregoing Stipulation and Agreement. 19 The foregoing Stipulation and Agreement is hereby adopted as my Decision in 20 this matter and shall become effective at 12 o'clock noon on September 10, 2015. 21 HUgudr IT IS SO ORDERED 22 WAYNE 3, EELL 23 REAL ESTATE COMMISSIONER 24 25 26 By: JEFFREY MASON Chief Deputy Commissioner 27 6