

1 Bureau of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013
(213) 576-6982

FILED

SEP - 4 2015

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12 AB AMERICAN DREAM HOMES, INC.;

13 SECURELINE REALTY AND FUNDING, INC.;

14 KONSTANTINE KABILAFKAS,

15 individually, and as designated officer of

16 AB American Dream Homes, Inc. and

17 Secureline Realty and Funding, Inc.;

JULIO CESAR ANDIA; and

TAMARA DADYAN,

Respondents.

) CalBRE No. H - 39712 LA

) OAH No. 2015031091

) STIPULATION & AGREEMENT

) WITH RESPONDENT

) KONSTANTINE KABILAFKAS

18

19 It is hereby stipulated by and between KONSTANTINE KABILAFKAS

20 ("KABILAFKAS") and his attorney, Frank M. Buda, and the Complainant, acting by and

21 through Lissete Garcia, Counsel for the Bureau of Real Estate, as follows for the purpose of

22 settling and disposing of the Accusation filed on January 16, 2015, 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 KABILAFKAS at a formal hearing on the
3 Accusation, which hearing was to be held in accordance with the provisions of the
4 Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely
5 on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

6 2. Respondent KABILAFKAS has received, read and understands the Statement
7 to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Bureau of
8 Real Estate ("Bureau") in this proceeding.

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

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

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1 5. This Stipulation and Respondent's decision not to contest the Accusation are
2 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
3 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate
4 ("Bureau"), or another licensing agency of this state, another state or if the federal government is
5 involved and otherwise shall not be admissible in any other criminal or civil proceedings.

6 6. Respondent understands that by agreeing to this Stipulation, he agrees to pay
7 pursuant to Business and Professions Code Section 10106, his share of the investigation and
8 enforcement costs which led to this disciplinary action. The amount of said costs is \$3,015.41.

9 7. It is understood by the parties that the Real Estate Commissioner may adopt
10 the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on
11 Respondent KABILAFKAS's real estate licenses and license rights as set forth in the below
12 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation, the
13 Stipulation shall be void and of no effect, and Respondent KABILAFKAS shall retain the right
14 to a hearing on the Accusation under all the provisions of the APA and shall not be bound by
15 any stipulation or waiver made herein.

16 8. The Order or any subsequent Order of the Real Estate Commissioner
17 made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
18 administrative or civil proceedings by the Bureau with respect to any conduct which was not
19 specifically alleged to be causes for accusation in this proceeding.

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1 DETERMINATION OF ISSUES

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

5 The conduct, acts and/or omissions of Respondent KONSTANTINE
6 KABILAFKAS as set forth in the Accusation, constitute cause for the suspension or revocation
7 of all the real estate licenses and license rights of Respondent KONSTANTINE KABILAFKAS
8 under the provisions of Section 10177(h) of the Business and Professions Code ("Code") for
9 violation of Code Section 10159.2.

10 ORDER

11 WHEREFORE, THE FOLLOWING ORDER is hereby made:

12 I.

13 All licenses and licensing rights of Respondent KONSTANTINE KABILAFKAS
14 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date
15 of this Order; provided, however, that the initial thirty (30) days of said suspension shall be
16 stayed for two (2) years upon the following terms and conditions:

17 1. Respondent shall obey all laws, rules and regulations governing the rights,
18 duties and responsibilities of a real estate licensee in the State of California;

19 2. That no final subsequent determination be made, after hearing or upon
20 stipulation, that cause for disciplinary action occurred within two (2) year of the effective date of
21 this Decision. Should such a determination be made, the Commissioner may, in his discretion,
22 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.

23 Should no such determination be made, the stay imposed herein shall become permanent; and
24

V.

All licenses and licensing rights of Respondent are indefinitely suspended unless
or until Respondent pays the sum of \$3,015.41 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.

The Commissioner may suspend Respondent's licenses pending a hearing held in
accordance with California Government Code Section 11500, et seq., if payment is not timely made as provided for herein. The suspension shall remain in effect until payment is made in full or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 8/3/2015


LISSETE GARCIA, Counsel for the
Bureau of Real Estate


* * *

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

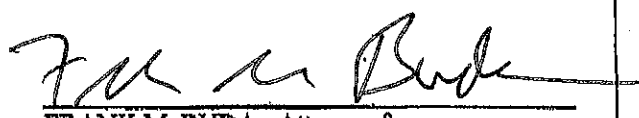
1 Respondent, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondent
 2 agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy
 3 of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed
 4 copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original
 5 signed Stipulation and Agreement.

6
 7 DATED: 8-3-15


 KONSTANTINE KABILAFKAS
 Respondent

8
 9 *I have reviewed the Stipulation and Agreement as to form and content and have*
 10 *advised my client accordingly.*

11 DATED: 8-3-15


 FRANK M. BUDA, Attorney for
 Respondent Konstantine Kabilafkas

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 14 * * *
 15 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
 16 this matter, and shall become effective at 12 o'clock noon on _____.

17 IT IS SO ORDERED _____

18
 19 REAL ESTATE COMMISSIONER
 20
 21 _____

1 Respondent, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondent
2 agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy
3 of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed
4 copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original
5 signed Stipulation and Agreement.

6
7 DATED: _____

KONSTANTINE KABILAFKAS
Respondent

8
9 *I have reviewed the Stipulation and Agreement as to form and content and have*
10 *advised my client accordingly.*

11 DATED: _____

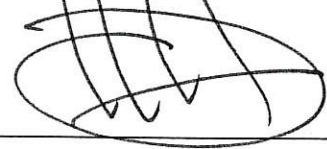
FRANK M. BUDA, Attorney for
Respondent Konstantine Kabilafkas

14 * * *

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
16 this matter, and shall become effective at 12 o'clock noon on SEP 24 2015

17 IT IS SO ORDERED August 26, 2015.

18
19 REAL ESTATE COMMISSIONER

20 

By: JEFFREY MASON
Chief Deputy Commissioner