

**FILED**

JUN 18 2015

BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE  
BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	NO. H-11784 SF
GEORGE HUNG,	)	
Respondent.	)	<u>STIPULATION AND AGREEMENT</u>
	)	<u>IN SETTLEMENT AND ORDER</u>

It is hereby stipulated by and between GEORGE HUNG ("Respondent"), acting by and through EDGARDO GONZALEZ, counsel for Respondent, and the Complainant, acting by and through JOHN W. BARRON, Counsel for the Bureau of Real Estate (the "Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on December 29, 2014, in this matter:

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

1                   2. Respondent has received, read, and understands the Statement to  
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in this  
3 proceeding.

4                   3. Respondent filed a Notice of Defense pursuant to Section 11505 of the  
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
7 acknowledges that he will thereby waive his right to require the Real Estate Commissioner  
8 (the "Commissioner") to prove the allegations in the Accusation at a contested hearing held in  
9 accordance with the provisions of the APA and that he will waive other rights afforded to him  
10 in connection with the hearing such as the right to present evidence in defense of the allegations  
11 in the Accusation and the right to cross-examine witnesses.

12                  4. Respondent, pursuant to the limitations set forth below, hereby admits that  
13 the factual allegations in the Accusation filed in this proceeding are true and correct and the  
14 Commissioner shall not be required to provide further evidence to prove such allegations.

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

22                  6. The Order or any subsequent Order of the Commissioner made pursuant  
23 to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any  
24 further administrative or civil proceedings by the Bureau with respect to any matters which  
25 were not specifically alleged to be causes for accusation in this proceeding as admitted or  
26 withdrawn.

27                  7. Respondent further understands that by agreeing to this Stipulation and

1 Agreement, the findings set forth below in the Determination of Issues become final, and that the  
2 Commissioner may charge said Respondent for the costs of the investigation and enforcement  
3 herein. The amount of said costs is \$869.00.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions, and waivers, and solely for  
6 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed  
7 that the following Determination of Issues shall be made:

8 The acts and/or omissions of Respondent as described in the Accusation violate  
9 Section 10177(f) (acts, which if done by a real estate licensee, would be grounds for suspension  
10 or revocation) of the California Business and Professions Code (the "Code").

11 ORDER

12 1. All licenses and licensing rights of Respondent under the Real Estate Law  
13 are revoked; provided, however, a restricted real estate broker's license shall be issued to  
14 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore  
15 and pays to the Bureau the appropriate fee for the restricted license within 90 days from the  
16 effective date of this Decision.

17 2. The restricted license issued to Respondent shall be subject to all of the  
18 provisions of Section 10156.7 of the Code as to the following limitations, conditions, and  
19 restrictions imposed under authority of Section 10156.6 of that Code:

20 (a) The restricted license issued to Respondent shall be suspended prior to  
21 hearing by Order of the Commissioner in the event of Respondent's  
22 conviction (including by plea of guilty or nolo contendere) to a crime  
23 which is substantially related to Respondent's fitness or capacity as a real  
24 estate licensee; and

25 (b) The restricted license issued to Respondent shall be suspended prior to  
26 hearing by Order of the Commissioner on evidence satisfactory to the  
27 Commissioner that Respondent has violated provisions of the California

1 Real Estate Law, the Subdivided Lands Law, Regulations of the Real  
2 Estate Commissioner or conditions attaching to the restricted license.

3 3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
4 real estate license nor for removal of any of the conditions, limitations or restrictions of a  
5 restricted license until two (2) years have elapsed from the effective date of this Decision.

6 4. Respondent shall notify the Commissioner in writing within 72 hours of any  
7 arrest by sending a certified letter to the Commissioner at: Bureau of Real Estate, P, O. Box  
8 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest,  
9 the crime for which Respondent was arrested, and the name and address of the arresting law  
10 enforcement agency. Respondent's failure to timely file written notice shall constitute an  
11 independent violation of the terms of the restricted license and shall be grounds for the  
12 suspension or revocation of that license.

13 5. Respondent shall, within nine (9) months from the effective date of this  
14 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the most  
15 recent issuance of an original or renewal real estate license, taken and successfully completed the  
16 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
17 of a real estate license. If Respondent fails to satisfy this condition, the Commissioner shall  
18 order the suspension of the restricted license until the Respondent presents such evidence. The  
19 Commissioner shall afford Respondent the opportunity for hearing pursuant to the APA to  
20 present such evidence.


21 6. Respondent shall, within six (6) months from the effective date of this  
22 Order, take and pass the Professional Responsibility Examination administered by the Bureau,  
23 including the payment of the appropriate examination fee. If Respondent fails to satisfy this  
24 condition, the Commissioner may order the suspension of all licenses and licensing rights of  
25 Respondent until Respondent passes the examination.

26 7. All licenses and licensing rights of Respondent are indefinitely suspended  
27 unless or until Respondent pays the sum of \$869.00, representing the Commissioner's reasonable

1  
2 cost of the investigation and enforcement which led to this disciplinary action. Said payment  
3 shall be in the form of a cashier's check or certified check made payable to the Real Estate Fund.  
4 Said check must be received by the Bureau prior to the effective date of the Order in this matter  
5 at the following address: Bureau of Real Estate, Post Office Box 137007, Sacramento, CA  
6 95813-7007

7 4/30/15

8 DATED

  
9 JOHN W. BARRON, Counsel for the Bureau

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

17 April 30th, 2015

18 DATED

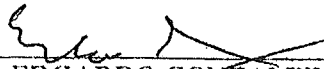
  
19 GEORGE HUNG, Respondent

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21 *I have reviewed this Stipulation and Agreement In Settlement and Order as to*  
22 *form and content and have advised my client accordingly.*

23 4-30-15

24 DATED

  
25 EDGARDO GONZALEZ  
26 Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
this matter and shall become effective at 12 o'clock noon on JUL 09 2015

IT IS SO ORDERED JUNE 16, 2015

REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner