

1 BUREAU OF REAL ESTATE  
2 P. O. Box 137007  
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670  
5 Fax: (916) 263-3767

**FILED**

AUG 18 2016

BUREAU OF REAL ESTATE

By B. Nicholas

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7  
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

NO. H-11903 SF

12 STEVEN HSIN-JUI WU, )

STIPULATION AND AGREEMENT

13 Respondent. )  
14 )

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16 It is hereby stipulated by and between Respondent STEVEN HSIN-JUI WU,  
17 ("Respondent") acting by and through his attorney Kenny Tan, and the Complainant, acting by  
18 and through Annette E. Ferrante, Counsel for the Bureau of Real Estate ("Bureau"), as follows  
19 for the purpose of settling and disposing of the Accusation filed on November 17, 2015, in this  
20 matter:

21 1. All issues which were to be contested and all evidence which was to be  
22 presented by Complainant and Respondent at a formal hearing on the Accusation, which  
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
24 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions  
25 of this Stipulation and Agreement ("Stipulation").  
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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  
3 this 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 Respondent understands that by withdrawing said Notice of Defense,  
8 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner  
9 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in  
10 accordance with the provisions of the APA and that Respondent will waive other rights  
11 afforded to Respondent in connection with the hearing such as the right to present evidence in  
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13                   4.     This Stipulation is based on the factual allegations contained in the  
14 Accusation. In the interest of expedience and economy, Respondent chooses not to contest these  
15 factual allegations, but to remain silent and understand that, as a result thereof, these factual  
16 statements will serve as a prima facie basis for the Determination of Issues and Order set forth  
17 below. The Commissioner shall not be required to provide further evidence to prove such  
18 allegations.

19                   5.     This Stipulation and Respondent's decision not to contest the Accusation  
20 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly  
21 limited to this proceeding and any other proceeding or case in which the Bureau, the state or  
22 federal government, an agency of this state, or an agency of another state is involved.

23                   6.     It is understood by the parties that the Commissioner may adopt this  
24 Stipulation as his decision in this matter, thereby imposing the penalty and sanctions on  
25 Respondent's real estate license and license rights as set forth in the Order below. In the event  
26 that the Commissioner in his discretion does not adopt this Stipulation, it shall

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1 be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on  
2 the Accusation under all of the provisions of the APA and shall not be bound by any admission  
3 or waiver made herein.

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

8 8. Respondent understands that by agreeing to this Stipulation, Respondent  
9 agrees to pay, pursuant to Section 10148 of the California Business and Professions Code ("the  
10 Code"), the cost of the audit which resulted in the determination that Respondent committed  
11 the trust fund violation(s) found in the Determination of Issues. The amount of such cost is  
12 \$4,223.05.

13 9. Respondent further understands that by agreeing to this Stipulation, the  
14 findings set forth below in the Determination of Issues become final, and that the  
15 Commissioner may charge said Respondent for the cost of any audit conducted pursuant to  
16 Section 10148 of the Code to determine if the violations have been corrected. The maximum  
17 cost of said audit shall not exceed \$5,278.81.

18 10. Respondent understands that by agreeing to this Stipulation, Respondent  
19 agrees to pay, pursuant to Section 10106 of the Code, the cost of the investigation and  
20 prosecution of this case which resulted in the determination that Respondent committed the  
21 violation(s) found in the Determination of Issues. The amount of such cost is \$1,938.50.

#### 22 DETERMINATION OF ISSUES

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

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1 **Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,**  
2 **prior to the effective date of this Decision and Order.**

3 3. Respondent shall, within six (6) months from the effective date of this  
4 **Decision and Order**, take and pass the Professional Responsibility Examination administered  
5 by the Bureau including the payment of the appropriate examination fee. If Respondent fails to  
6 satisfy this condition, Respondent's real estate license shall automatically be suspended until  
7 Respondent passes the examination.

8 4. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of  
9 \$4,223.05 for the Commissioner's cost of the audit which led to this disciplinary action.  
10 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from  
11 the Commissioner. Payment of audit costs should not be made until Respondent receives the  
12 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,  
13 Respondent's real estate license shall automatically be suspended until payment is made in full,  
14 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
15 condition.

16 5. Pursuant to Section 10148 of the Code, Respondent shall pay the  
17 Commissioner's reasonable cost, not to exceed \$5,278.81, for an audit to determine if  
18 Respondent has corrected the violation(s) found in the Determination of Issues. In calculating  
19 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated  
20 average hourly salary for all persons performing audits of real estate brokers, and shall include  
21 an allocation for travel time to and from the auditor's place of work. Respondent shall pay such  
22 cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of  
23 the audit costs should not be made until Respondent receives the invoice. If Respondent fail to  
24 satisfy this condition in a timely manner as provided for herein, Respondent's real estate license  
25 shall automatically be suspended until payment is made in full, or until a decision providing  
26 otherwise is adopted following a hearing held pursuant to this condition.



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6. All licenses and licensing rights of Respondents are indefinitely suspended  
unless or until Respondents jointly and severally pay the sum of \$1,938.50 for the  
Commissioner's reasonable cost of the investigation and enforcement of this disciplinary action.  
Said payment shall be in the form of a cashier's check made payable to the Bureau of Real  
Estate. **The investigation 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 Decision and Order.**

06/09/16

DATED



Annette E. Ferrante, Counsel  
Bureau of Real Estate

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I have read this Stipulation 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 by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on this Stipulation, 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. Respondent and Respondent's attorney further agree to send the original signed Stipulation by mail to the following address no later than one (1) week from the date the Stipulation is signed by Respondent and Respondent's attorney: Bureau of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.

6/8/2016

DATED

  
STEVEN HSIN-JUI WU, Respondent

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I have reviewed this Stipulation and Agreement and Order as to form and content and have advised my client accordingly.

6-9-16

DATED



Kenny Tan,  
Attorney for Respondent

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The foregoing Stipulation and Agreement and Order is hereby adopted by me as  
my Decision in this matter as to Respondent STEVEN HSIN-JUI WU, and shall become  
effective at 12 o'clock noon on SEP 08 2016.

IT IS SO ORDERED 8/13/2016.

**WAYNE S. BELL**  
REAL ESTATE COMMISSIONER

