

1 Bureau of Real Estate  
2 320 West Fourth Street, #350  
3 Los Angeles, California 90013

4 (213) 576-6982

**FILED**

MAY 30 2018

BUREAU OF REAL ESTATE

By Scott J. Harris

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of

No. H-40779 LA

12 }  
13 } **IDEAL PROPERTY AND REALTY INC and**  
14 } **SAMUEL SHIH-HSIEN WU,**  
15 } **individually and as designated officer**  
16 } **of Ideal Property and Realty Inc,**

**STIPULATION AND AGREEMENT**

17 Respondent.

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19 It is hereby stipulated by and between Respondents IDEAL PROPERTY AND  
20 REALTY INC ("IPRI") and SAMUEL SHIH-HSIEN WU ("WU"), both represented by Scott J.  
21 Harris, Esq./SJ Harris Law, and the Complainant, acting by and through Julie L. To, Counsel for  
22 the Bureau of Real Estate, as follows for the purpose of settling and disposing of the First  
23 Amended Accusation ("Accusation") filed on October 10, 2017 in Case No. H-40779 LA (the  
24 original Accusation in Case No. H-40779 LA was filed on September 7, 2017), in this-matter:

25 1. All issues which were to be contested and all evidence which was to be  
26 presented by Complainant and Respondents at a formal hearing on the Accusation, which  
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CalBRE Stipulation & Agreement - Ideal Property and Realty Inc & Samuel Shih-Hsien Wu, H-40779 LA

1 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
2 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of  
3 this Stipulation and Agreement ("Stipulation").

4 2. Respondents have received, read and understand the Statement to Respondent,  
5 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in  
6 this proceeding.

7 3. On September 25, 2017, Respondents filed their Notices of Defense pursuant  
8 to Section 11506 of the Government Code for the purpose of requesting a hearing on the  
9 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw their Notices  
10 of Defense. Respondents acknowledge that they understand that by withdrawing said Notices of  
11 Defense they thereby waive their right to require the Commissioner to prove the allegations in  
12 the Accusation at a contested hearing held in accordance with the provisions of the APA and  
13 that they will waive other rights afforded to them in connection with the hearing such as the  
14 right to present evidence in defense of the allegations in the Accusation and the right to cross-  
15 examine witnesses.

16 4. This Stipulation is based on the factual allegations contained in the  
17 Accusation. In the interest of expedience and economy, Respondents choose not to contest  
18 these allegations, but to remain silent and understand that, as a result thereof, these factual  
19 allegations, without being admitted or denied, will serve as a prima facie basis for the  
20 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to  
21 provide further evidence to prove said factual allegations.

22 5. This Stipulation is made for the purpose of reaching an agreed disposition of  
23 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
24 which the Bureau of Real Estate ("Bureau") or another licensing agency of this state, another  
25 state or if the federal government is involved, and otherwise shall not be admissible in any other  
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1 criminal or civil proceeding.

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

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

13           8. Respondents understand that by agreeing to this Stipulation and Agreement,  
14 Respondents agree to pay, pursuant to Section 10148 of the Code, the cost of the audit which  
15 resulted in the determination that Respondents committed the violations found in the  
16 Determination of Issues. The amount of said costs for the original audit (Audit No. LA150105)  
17 is \$5,808.98. Respondents agree to pay, pursuant to Section 10148 of the Code, \$5,808.98 for  
18 the cost of Audit No. LA150105.

19           9. Respondents have received, read, and understand the "Notice Concerning  
20 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,  
21 the findings set forth below in the Determination of Issues become final, and the Commissioner  
22 may charge Respondents for the cost of any subsequent audits conducted pursuant to Business  
23 and Professions Code Section 10148 to determine if the violations have been corrected. The  
24 maximum cost of the follow-up audits will not exceed one hundred twenty percent (120%) of the  
25 cost of the original audits. In the instant case, the total cost of the original audit LA150105 is  
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1 \$5,808.98, and the maximum cost of the follow-up audits will not exceed \$6,970.78. Therefore,  
2 Respondents may be charged a maximum of \$6,970.78 in the event of a subsequent audit.

3 10. Respondents understand that by agreeing to this Stipulation and Agreement,  
4 Respondents agree to pay, pursuant to Section 10106 of the California Business and Professions  
5 Code ("Code"), the cost of the investigation and enforcement which resulted in the  
6 determination that Respondents committed the violations found in the Determination of Issues.  
7 The amount of said costs is \$2,155.90; therefore, Respondents agree to pay, pursuant to Section  
8 10106 of the Code, \$2,155.90.

9 DETERMINATION OF ISSUES

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

13 The conduct, acts or omissions of Respondents IPRI and WU, as described in  
14 Paragraph 4, herein above, are in violation of: Business and Professions Code ("Code") Section  
15 10177(g) (IPRI) and Code Sections 10159.2 and 10177(h) (WU), and are bases for the  
16 suspension or revocation of Respondents IPRI and WU's licenses and license rights as violations  
17 of the Real Estate Law pursuant to Code Sections 10177(g) as to IPRI and 10177(h) as to WU.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondents IDEAL PROPERTY AND REALTY INC and SAMUEL SHIH-HSIEN WU under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

a) Respondents shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California;

and,

b) That no final subsequent determination be made, after hearing or upon stipulation, that cause of disciplinary action occurred within two (2) years from the effective date of this Decision and Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. All licenses and licensing rights of Respondent WU are indefinitely suspended unless or until Respondent WU provides proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent WU has successfully completed the trust fund accounting courses, no earlier than one hundred and twenty (120) days prior to the effective date of the Decision and Order in this

1 matter. Proof of completion of the trust fund accounting and handling courses must be  
2 delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA  
3 95813-7013 or by fax at 916-263-8758, prior to the effective date of this Decision and Order.

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

9 4. Respondent WU shall, within nine (9) months from the effective date of this  
10 Decision and Order, present evidence satisfactory to the Commissioner that Respondent WU has,  
11 since the most recent issuance of an original or renewal real estate license, taken and successfully  
12 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
13 Law for renewal of a real estate license. If Respondent WU fails to satisfy this condition,  
14 Respondent WU's real estate license shall automatically be suspended until Respondent WU  
15 presents evidence satisfactory to the Commissioner of having taken and successfully completed  
16 the continuing education requirements. Proof of completion of the continuing education courses  
17 must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento,  
18 CA 95813-7013.

19 5. All licenses and licensing rights of Respondents are indefinitely suspended  
20 unless or until Respondents pay the sum of \$2,155.90 for the Commissioner's reasonable cost of  
21 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
22 the form of a cashier's check or certified check made payable to the Bureau of Real Estate. The  
23 investigation and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section  
24 at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and  
25 Order.



1 electronically sending the Bureau a scan of Respondents' actual signatures as they appear on the  
2 Stipulation and Agreement, that receipt of the scan by the Bureau shall be binding on  
3 Respondents as if the Bureau had received the original signed Stipulation and Agreement.

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5 DATED: 4/20/18

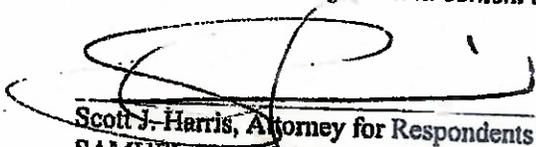
  
SAMUEL SHIH-HSIEN WU, Respondent

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7 DATED: 4/20/18

  
IDEAL PROPERTY & REALTY INC, Respondent  
by: Samuel Shih-Hsien Wu, Designated Officer

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10 I have reviewed the Stipulation and Agreement as to form and content and have  
11 advised my clients accordingly.

12 DATED: 4/23/18

  
Scott J. Harris, Attorney for Respondents  
SAMUEL SHIH-HSIEN WU and IDEAL  
PROPERTY & REALTY INC

15 \* \* \*

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
17 this matter and shall become effective at 12 o'clock noon on JUN 18 2018

18 IT IS SO ORDERED May 22, 2018.

19  
20 WAYNE S. BELL  
REAL ESTATE COMMISSIONER



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22 By: DANIEL J. SANDRI  
23 Chief Deputy Commissioner