



1           3.     Respondents filed a Notice of Defense pursuant to Section 11505 of the  
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
4 acknowledge that Respondents will waive Respondents' right to require the Real Estate  
5 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested  
6 hearing held in accordance with the provisions of the APA and that Respondents will waive other  
7 rights afforded to Respondents in connection with the hearing, such as the right to present  
8 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9           4.     This Stipulation and Agreement and Respondents' decision not to contest  
10 the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and  
11 are expressly limited to this proceeding and any other proceeding or case in which the  
12 Department, the state or federal government, an agency of this state, or an agency of another state  
13 is involved.

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

21           6.     This Decision and Order or any subsequent Order of the Commissioner  
22 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar  
23 to any further administrative or civil proceedings by the Department with respect to any matters,  
24 which were not specifically alleged in Accusation H-3162 FR.

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1 DETERMINATION OF ISSUES

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

5 I

6 The acts and/or omissions of LUNG, as described in the Accusation, are grounds  
7 for the suspension or revocation of the licenses and license rights of LUNG under Business and  
8 Professions Code ("Code") Sections 10145, 10177(d), 10177(g), 10177(h), and 10159.2, in  
9 conjunction with the California Code of Regulations ("Regulations"), Title 10, Sections 2725,  
10 2831.1, 2831.2, 2832, 2832.1, and 2834.

11 II

12 The acts and/or omissions of FAR WEST, as described in the Accusation, are  
13 grounds for the suspension or revocation of the licenses and license rights of FAR WEST under  
14 Business and Professions Code ("Code") Sections 10145, 10177(d), and 10177(g), in conjunction  
15 with the California Code of Regulations ("Regulations"), Title 10, Sections 2831.1, 2831.2,  
16 2832, 2832.1, and 2834.

17 ORDER AS TO LUNG

18 I

19 All licenses and licensing rights of LUNG under the Real Estate Law are revoked;  
20 provided, however, a restricted real estate broker license shall be issued to LUNG pursuant to  
21 Section 10156.5 of the Code if LUNG makes application therefore for the restricted license  
22 within ninety (90) days from the effective date of this Decision and Order. The restricted license  
23 issued to LUNG shall be subject to all of the provisions of Section 10156.7 of the Code and to  
24 the following limitations, conditions and restrictions imposed under authority of Section 10156.6  
25 of that Code:

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

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

9                    3.     LUNG shall not be eligible to petition for the issuance of any unrestricted  
10 real estate license nor for removal of any of the conditions, limitations or restrictions of a  
11 restricted license until three (3) years have elapsed from the effective date of this Decision and  
12 Order. LUNG shall not be eligible to apply for any unrestricted license until all restrictions  
13 attaching to the license have been removed.

14                    4.     All licenses and licensing rights of LUNG are indefinitely suspended  
15 unless or until LUNG provides proof satisfactory to the Commissioner, of having taken and  
16 successfully completed the continuing education course on trust fund accounting and handling  
17 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of satisfaction  
18 of these requirements includes evidence that LUNG has successfully completed the trust fund  
19 accounting and handling continuing education course, no earlier than one hundred twenty (120)  
20 days prior to the effective date of the Order in this matter. Proof of completion of the trust fund  
21 accounting and handling course must be delivered to the Department of Real Estate, Flag Section  
22 at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-576-8652, prior to the  
23 effective date of this Order.

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1 of a restricted license until three (3) years have elapsed from the effective date of this Decision  
2 and Order. FAR WEST shall not be eligible to apply for any unrestricted license until all  
3 restrictions attaching to the license have been removed.

4 ORDER AS TO LUNG AND FAR WEST

5 I

6 1. All licenses and licensing rights of Respondents are indefinitely suspended  
7 unless or until Respondents, jointly and severally, pay the sum of \$4,233.00 for the  
8 Commissioner's reasonable costs of the investigation and enforcement which led to this  
9 disciplinary action. Said payment shall be in the form of a cashier's check or certified check  
10 made payable to the Department. The investigative and enforcement costs must be delivered to  
11 the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,  
12 prior to the effective date of this Order.

13 2. Respondents, jointly and severally, shall pay the sum of \$5,145.21 for  
14 the Commissioner's cost of the audit which led to this disciplinary action. Respondents shall  
15 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.  
16 The Commissioner shall indefinitely suspend all licenses and licensing rights of Respondents  
17 pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if  
18 payment is not timely made as provided for herein, or as provided for in a subsequent  
19 agreement between Respondents and the Commissioner. The suspension shall remain in effect  
20 until payment is made in full or until Respondents enter into an agreement satisfactory to the  
21 Commissioner to provide for payment, or until a decision providing otherwise is adopted  
22 following a hearing held pursuant to this condition.

23  
24  
25 10/23/19

26 DATED




27 ADRIANA Z. BADILAS, Counsel  
Department of Real Estate

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I have read the Stipulation and Agreement, have discussed it with my counsel, 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 APA (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 Respondent, to the Department at fax number (916) 263-3767 or by e-mail to [adriana.badilas@DRE.ca.gov](mailto:adriana.badilas@DRE.ca.gov). Respondents agree, acknowledge, and understand that by electronically sending to the Department a fax copy of Respondents' actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation and Agreement.

10/15/19  
DATED

  
MICHELLE A. LUNG  
Respondent

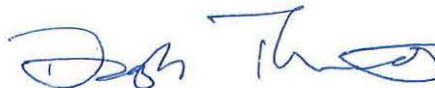
10/15/19  
DATED

  
FAR WEST PROPERTIES & FINANCIAL,  
INC.  
By: Michelle A. Lung, Designated Officer  
Respondent

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

10/14/19



DATED

DOUGLAS V. THORNTON  
Attorney for Respondents

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The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on DEC 30 2019.

IT IS SO ORDERED November 22, 2019.

DANIEL J. SANDRI  
ACTING REAL ESTATE COMMISSIONER

