

AUG 24 2000

By Jean Cremo

STATE OF CALIFORNIA

* * *

No. H-3319 SAC

On October 7, 1999, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

- 1 -

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated to
4 my satisfaction that Respondent meets the requirements of law for
5 the issuance to Respondent of an unrestricted real estate broker
6 license and that it would not be against the public interest to
7 issue said license to Respondent.

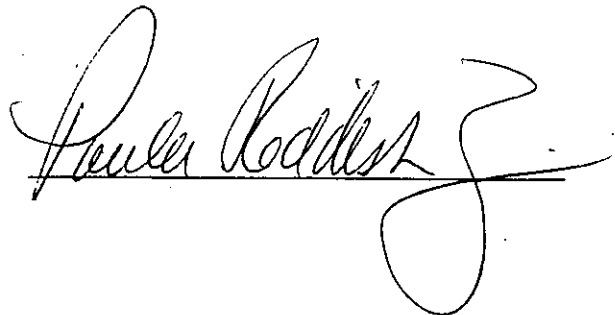
8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 broker license be issued to Respondent if Respondent satisfies
11 the following conditions within nine months from the date of this
12 Order:

- 13 1. Submittal of a completed application and payment of
14 the fee for a real estate broker license.
- 15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: July 28, 2000

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

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FILED
MAR 18 1998
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
FUMEI SU and) No. H-3319 SAC
ROBERT CHING SHENG KUO,)
Respondents.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On November 20, 1997, an Accusation was filed in this matter against Respondents FUMEI SU and ROBERT CHING SHENG KUO.

On February 23, 1998, Respondent FUMEI SU only petitioned the Commissioner to voluntarily surrender her real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent FUMEI SU's petition for voluntary surrender of her real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated February 23, 1998 (attached as Exhibit "A" hereto).

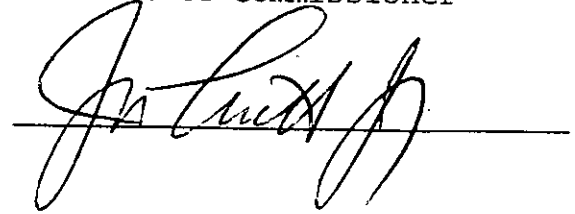


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This Order shall become effective at 12 o'clock
noon on April 7, 1998

DATED: 3/16/98

JIM ANTT, JR.
Real Estate Commissioner



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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
FUMEI SU,)	No. H-3319 SAC
Respondent.)	
_____)	

DECLARATION

My name is FUMEI SU.

I am the Respondent in the above-entitled case. I am representing myself in this matter.

Pursuant to Business and Professions Code Section 10100.2, I wish to voluntarily surrender my real estate license issued by the Department.

I understand that by so voluntarily surrendering my license, I agree to the following:

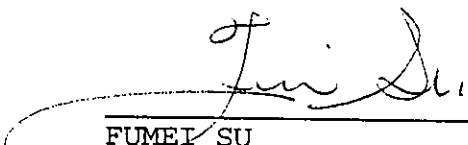
The filing of my petition shall be deemed to be an understanding and agreement by me that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained in the investigation prior to



1 the acceptance and all allegations contained in the Accusation
2 filed in Department of Real Estate Case No. H-3319 SAC may be
3 considered by the Department to be true and correct for the
4 purpose of deciding whether or not to grant reinstatement of my
5 license.

6 I declare under penalty of perjury under the laws of the
7 State of California that the above is true and correct.

8 DATED: 23/2/98

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11 FUMEI SU
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1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
FEB 17 1998
DEPARTMENT OF REAL ESTATE

Laurie A. Zain

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 FUMEI SU and,) NO. H-3319 SAC
13 ROBERT CHING SHENG KUO,) STIPULATION AND AGREEMENT
14 Respondents.)

15 It is hereby stipulated by and between ROBERT CHING
16 SHENG KUO (hereinafter "Respondent KUO"), and the Complainant,
17 acting by and through David A. Peters, Counsel for the Department
18 of Real Estate, as follows for the purpose of settling and
19 disposing of the Accusation filed on November 20, 1997, in this
20 matter:

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

H-3319 SAC

- 1 -

STIPULATION OF
ROBERT CHING SHENG KUO

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

5 3. On December 3, 1997, Respondent KUO filed a Notice
6 of Defense pursuant to Section 11505 of the Government Code for
7 the purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent KUO hereby freely and voluntarily
9 withdraws said Notice of Defense. Respondent KUO acknowledges
10 that he understands that by withdrawing said Notice of Defense, he
11 will thereby waive his right to require the Commissioner to prove
12 the allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that he will waive
14 other rights afforded to him in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. Respondent KUO, pursuant to the limitations set
18 forth below, admits that the factual allegations (or findings of
19 fact as set forth below) in Paragraphs VIII and XI of the
20 Accusation filed in this proceeding are true and correct and the
21 Real Estate Commissioner shall not be required to provide further
22 evidence of such allegations.

23 5. It is understood by the parties that the Real Estate
24 Commissioner may adopt the Stipulation and Agreement as his
25 Decision in this matter, thereby imposing the penalty and
26 sanctions on Respondent's real estate license and license rights
27 as set forth in the below "Order". In the event that the



1 Commissioner in his discretion does not adopt the Stipulation and
2 Agreement, it shall be void and of no effect, and Respondent shall
3 retain the right to a hearing and proceeding on the Accusation
4 under all the provisions of the APA and shall not be bound by any
5 admission or waiver made herein.

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

12 DETERMINATION OF ISSUES

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

17 I

18 The acts and omissions of Respondent KUO as described in
19 Paragraphs XI of the Accusation in this matter are grounds for the
20 suspension or revocation of all of the real estate license and
21 license rights of Respondent KUO under the provisions of Section
22 10137 of the Business and Professions Code.

23 ORDER

24 A. The real estate broker license and all license
25 rights of Respondent under the Real Estate Law are revoked,
26 however, a restricted real estate broker license shall be issued
27 to Respondent KUO pursuant to Business and Professions Code



1 Section 10156.5, if Respondent KUO makes application therefor and
2 pays to the Department the appropriate fee for said license with
3 ninety (90) days from the effective date of the Order herein.

4 B. The restricted license issued to Respondent KUO
5 shall be subject to all the provisions of Section 10156.7 of the
6 Business and Professions Code and to the following limitations,
7 conditions and restrictions imposed under authority of Section
8 10156.6 of said Code:

9 (1) The license shall not confer any property right in
10 the privileges to be exercised, and the Real Estate
11 Commissioner may by appropriate order suspend the
12 right to exercise any privileges granted under the
13 restricted license in the event of:

14 (a) The conviction of Respondent KUO (including a
15 plea of nolo contendere) to a crime which
16 bears a significant relation to Respondent
17 KUO's fitness or capacity as a real estate
18 licensee; or

19 (b) The receipt of evidence that Respondent KUO
20 has violated provisions of the California Real
21 Estate Law, Subdivided Lands Law, Regulations
22 of the Real Estate Commissioner or conditions
23 attaching to the restricted license.

24 C. Respondent shall not be eligible to apply for
25 issuance of an unrestricted real estate license nor removal of
26 any of the conditions, limitations or restrictions attaching to

27 ///



1 the restricted license until one (1) year has elapsed from the
2 date of issuance of a restricted license to Respondent KUO.

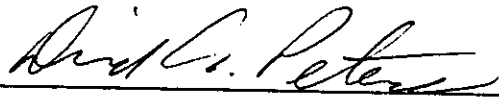
3 D. Respondent KUO shall, within nine (9) months from
4 the effective date of the Order, present evidence satisfactory to
5 the Real Estate Commissioner that he has, since the most recent
6 issuance of an original or renewal real estate license, taken and
7 successfully completed the continuing education requirements of
8 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
9 real estate license. If Respondent KUO fails to satisfy this
10 condition, the Commissioner may order the suspension of the
11 restricted license until Respondent KUO presents such evidence.
12 The Commissioner shall afford Respondent KUO the opportunity for a
13 hearing pursuant to the Administrative Procedure Act to present
14 such evidence.

15 E. Respondent KUO shall, within six (6) months from
16 the effective date of the restricted license, take and pass the
17 Professional Responsibility Examination administered by the
18 Department including the payment of the appropriate examination
19 fee. If Respondent fails to satisfy this condition, the
20 Commissioner may order suspension of the restricted license until
21 Respondent passes the examination.

22 F. Any restricted real estate broker license issued to
23 Respondent may be suspended or revoked for a violation by
24 Respondent of any of the conditions attaching to the restricted
25 license.

26 12/29/97

27 DATED



DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

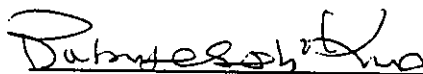
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I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 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.

12 / 22 / 97

DATED



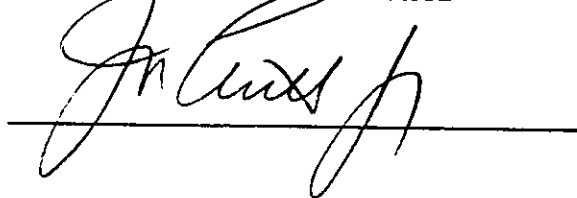
ROBERT CHING SHENG KUO
Respondent

* * *

The foregoing Stipulation and Agreement for Settlement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on March 9, 1998.

IT IS SO ORDERED

1/22/98
JIM ANTT, JR.
Real Estate Commissioner





1 DAVID A. PETERS, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)
7

FILED
NOV 20 1997
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zia*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 FUMEI SU and)
13 ROBERT CHING SHENG KUO,)
14 Respondents.)

No. H-3319 SAC
ACCUSATION

15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against FUMEI SU (hereinafter "Respondent SU"), and ROBERT CHING
18 SHENG KUO dba Best Real Estate & Loan Co. (hereinafter "Respondent
19 KUO"), is informed and alleges as follows:

20 I

21 The Complainant, Charles W. Koenig, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity.

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1 II

2 Respondent SU is presently licensed and/or has license
3 rights under the Real Estate Law (Part 1 of Division 4 of the
4 Business and Professions Code) (hereinafter "Code"), as a real
5 estate salesperson.

6 III

7 Respondent KUO is presently licensed and/or has license
8 rights under the Code, as a real estate broker.

9 IV

10 Within the three-year period immediately preceding the
11 filing of this Accusation and continuing through on or about
12 May 8, 1996, Respondent SU was licensed in the employ of real
13 estate broker Gary Massari (hereinafter "broker Massari").

14 V

15 Beginning on or about January 23, 1995, and continuing
16 through on or after December 22, 1995, Respondent SU, a real
17 estate salesperson, engaged in the capacity of, advertised, or
18 assumed to act as a real estate broker in the State of California
19 within the meaning of Section 10131(a) of the Code, by selling or
20 offering to sell, buying or offering to buy, soliciting
21 prospective sellers or purchasers of, soliciting or obtaining
22 listings of, or negotiating the purchase, sale or exchange of real
23 property or a business opportunity on behalf of another or others,
24 all for or in expectation of a compensation.

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VI

On or about January 23, 1995, in connection with the real estate broker activities described in Paragraph V above, Respondent SU, without the authorization, approval or knowledge of her employing broker Massari, listed for sale a business opportunity commonly known as May's Kitchen, located at 818 Tennessee Street, Vallejo, California (hereinafter "May's Kitchen") owned by Kwok Y. Cheung (hereinafter "Seller"). Respondent represented in said listing that she was working for Best Realty & Loan the dba of Respondent KUO. Respondent SU made said representation without the authorization, approval or knowledge of Respondent KUO.

VII

On or about April 27, 1995, in connection with the real estate broker activities described in Paragraph V above, Respondent SU without the authorization, approval or knowledge of her employing broker Massari, caused a written offer to purchase May's Kitchen from Jock Fu Lee (hereinafter "Buyer Lee") to be submitted to the Seller. Said offer recited that Respondent SU held a deposit of \$2,500.00 in the form of a personal check from Buyer Lee. Respondent SU did not then or at any other time hold a deposit from Buyer Lee on account of the proposed purchase of May's Kitchen. Beginning on or about April 27, 1995, and continuing through on or about May 2, 1995, Respondent SU failed to disclose to Seller that Respondent SU did not in fact hold a \$2,500.00 deposit from Buyer Lee.

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VIII

On or about October 24, 1995, in connection with the real estate broker activities described in Paragraph V above, Respondent SU without the authorization, approval or knowledge of her employing broker Massari, caused a written offer to purchase May's Kitchen from Jia Chi Chen (hereinafter "Buyer Chen") to be submitted to the Seller. Said offer was accepted by the Seller.

IX

On or about December 22, 1995 escrow closed on the sale of May's Kitchen as described in Paragraph VIII above.

X

On or about December 22, 1995, Respondent SU in connection with activities for which a real estate broker license is required as described in Paragraph VIII above, accepted compensation from Respondent KUO, a person other than the broker under whom Respondent SU was licensed.

XI

On or about December 22, 1995, Respondent KUO compensated Respondent SU in connection with activities for which a real estate broker license is required as described in Paragraph VIII above, at a time when Respondent SU was not licensed as a real estate salesperson in the employ of Respondent KUO.

XII

The facts alleged above are grounds for the suspension or revocation of Respondent SU's licenses and/or license rights under Sections 10130, 10137, 10176(a), and 10176(i) of the Code.

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XIII

The facts alleged above are grounds for the suspension or revocation of Respondent KUO's licenses and/or license rights under Section 10137 of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 13th day of November, 1997.

