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FILED

MAY 8 3 2010

DEPARTMENT OF REAL ESTATE

BY 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

LEE SURYANI,

Respondent.

No. H-3711 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 17, 2007, in Case No. H-3711 SD, a Decision was rendered revoking the real estate salesperson license of Respondent effective November 7, 2007, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on December 3, 2007, and Respondent has operated as a restricted licensee since that time.

On November 13, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

FILED
OCT 18 2007

DEPARTMENT OF REAL ESTATE

By Gene Shaver

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0781
5
6

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11)
12 LEE SURYANI,)
13 Respondent.)

No. H-3711 SD

STIPULATION AND AGREEMENT

14 It is hereby stipulated by and between LEE SURYANI
15 (hereinafter "Respondent") and the Complainant, acting by and
16 through Truly Sughrue, Counsel for the Department of Real Estate,
17 as follows for the purpose of settling and disposing of the
18 Accusation filed on July 30, 2007 in this matter:

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

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

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

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations in the
18 Accusation filed in this proceeding are true and correct and the
19 Real Estate Commissioner shall not be required to provide further
20 evidence to prove such allegations

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 his decision in this matter thereby imposing the penalty and
24 sanctions on Respondent's real estate license and license rights
25 as set forth in the below "Order". In the event that the
26 Commissioner in his discretion does not adopt the Stipulation and
27 Agreement in Settlement, it shall be void and of no effect, and

1 restricted license within 90 days from the effective date of this
2 Decision. The restricted license issued to Respondent shall be
3 subject to all of the provisions of Section 10156.7 of the
4 Business and Professions Code and to the following limitations,
5 conditions and restrictions imposed under authority of Section
6 10156.6 of that Code:

7 1. The restricted license issued to Respondent may be
8 suspended prior to hearing by Order of the Real Estate
9 Commissioner in the event of Respondent's conviction or plea of
10 nolo contendere to a crime which is substantially related to
11 Respondent's fitness or capacity as a real estate licensee.

12 2. The restricted license issued to Respondent may be
13 suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner that
15 Respondent has violated provisions of the California Real Estate
16 Law, the Subdivided Lands Law, Regulations of the Real Estate
17 Commissioner or conditions attaching to the restricted license.

18 3. Respondent shall not be eligible to apply for the
19 issuance of an unrestricted real estate license nor for removal
20 of any of the conditions, limitations or restrictions of a
21 restricted license until two years have elapsed from the
22 effective date of this Decision.

23 4. Respondent shall submit with any application for
24 license under an employing broker, or any application for
25 transfer to a new employing broker, a statement signed by the
26 prospective employing real estate broker on a form approved by
27 the Department of Real Estate which shall certify:

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- (a) That the employing broker has read the Decision of
the Commissioner which granted the right to a
restricted license; and
- (b) That the employing broker will exercise close
supervision over the performance by the restricted
licensee relating to activities for which a real
estate license is required.

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

25-Sept-07
DATED

July S
Truly Sughrue, Counsel
DEPARTMENT OF REAL ESTATE

* * *

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

1 am waiving rights given to me by the California Administrative
2 Procedure Act (including but not limited to Sections 11506,
3 11508, 11509, and 11513 of the Government Code), and I
4 willingly, intelligently, and voluntarily waive those rights,
5 including the right of requiring the Commissioner to prove the
6 allegations in the Accusation at a hearing at which I would
7 have the right to cross-examine witnesses against me and to
8 present evidence in defense and mitigation of the charges.

9
10 9/20/07

Lee Suryani

11 DATED

11 LEE SURYANI
12 Respondent

13 * * *

14 The foregoing Stipulation and Agreement for Settlement
15 is hereby adopted by the Real Estate Commissioner as Decision and
16 Order and shall become effective at 12 o'clock noon on

17 NOV 07 2007

18 IT IS SO ORDERED 10/17, 2007.

19 JEFF DAVIS
20 Real Estate Commissioner

21 Jeff Davis
22
23
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27

FILED
JUL 30 2007

DEPARTMENT OF REAL ESTATE

By Anne Shaver

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0781

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

8 In the Matter of the Accusation of) 9 LEE SURYANI,) 10 Respondent.)))))	No. H-3711 SD <u>ACCUSATION</u>
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11
12 The Complainant, JOSEPH AIU, a Deputy Real Estate
13 Commissioner of the State of California, for cause of Accusation
14 against LEE SURYANI (hereinafter "Respondent"), is informed and
15 alleges as follows:

16 I

17 The Complainant, JOSEPH AIU, a Deputy Real Estate
18 Commissioner of the State of California, makes this Accusation in
19 his official capacity.

20 II

21 Respondent is presently licensed and/or has license
22 rights under the Real Estate Law (Part 1 of Division 4 of the
23 Business and Professions Code) (Code) as a real estate
24 salesperson.

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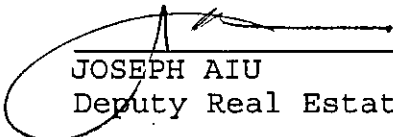
III

1 On or about July 18, 2006 in the Superior Court, County
2 of San Diego, Respondent was convicted of a violation of Section
3 593d(a)(1) of the California Penal Code (Theft of Internet/Cable
4 Service), a misdemeanor and crime involving moral turpitude which
5 bear a substantial relationship under Section 2910, Title 10,
6 California Code of Regulations, to the qualifications, functions,
7 or duties of a real estate licensee.
8

IV

9
10 The facts alleged above constitute cause under Sections
11 490 and 10177(b) of the Code for suspension or revocation of all
12 licenses and license rights of Respondent under the Real Estate
13 Law.
14

15 WHEREFORE, Complainant prays that a hearing be
16 conducted on the allegations of this Accusation and that upon
17 proof thereof, a decision be rendered imposing disciplinary
18 action against all licenses and license rights of Respondent
19 under the Real Estate Law (Part 1 of Division 4 of the Business
20 and Professions Code), and for such other and further relief as
21 may be proper under the provisions of law.
22

23
24 
JOSEPH AIU
Deputy Real Estate Commissioner

25 Dated at San Diego, California,
26 this 25 day of July, 2007
27