

1 2) Respondent has received, read and understands the Statement to Respondent,
2 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

3 3) A Notice of Defense was filed on December 15, 2014, by Respondent
4 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
5 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said
6 Notice of Defense. Respondent acknowledges he understands that by withdrawing said Notice of
7 Defense he will thereby waive his rights to require the Real Estate Commissioner (herein
8 "Commissioner") to prove the allegations in the Accusation at a contested hearing held in
9 accordance with the provisions of the APA and that he will waive other rights afforded to him in
10 connection with the hearing such as the right to present evidence in defense of the allegations in
11 the Accusation and the right to cross-examine witnesses.

12 4) Respondent, pursuant to the "Determination of Issues" set forth below, hereby
13 admits that the factual allegations, in the Accusation filed in this proceeding are true and correct
14 and the Commissioner shall not be required to provide further evidence of such allegations.

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

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

25 7) Respondent understands that by agreeing to this Stipulation, Respondent
26 agrees to pay, pursuant to Section 10148 of the California Business and Professions Code (herein
27

1 "Code"), the cost of the audit which resulted in the determination that Respondent committed the
2 violations found in the "Determination of Issues" below. The amount of said cost is \$4,730.70.

3 8) Respondent understands that by agreeing to this Stipulation, the findings set
4 forth below in the "Determination of Issues" become final, and that the Commissioner may
5 charge Respondent for the cost of any audit conducted pursuant to Section 10148 of the Code to
6 determine if the trust fund violations found in the "Determination of Issues," below, have been
7 corrected. The maximum cost of said audit shall not exceed \$4,730.70.

8 9) Respondent further understands that by agreeing to this Stipulation,
9 Respondent agrees to pay, pursuant to Section 10106(a) of the Code, investigative and
10 enforcement costs of \$1,422.30 which led to this disciplinary action.

11 DETERMINATION OF ISSUES

12 The acts and/or omissions of Respondent as described in the Accusation are
13 grounds for the suspension or revocation of the license and license rights of Respondent under
14 the following provisions of the Code and/or Chapter 6, Title 10, California Code of Regulations
15 (herein "Regulations"):

16 (a) as to Paragraph 7(a) under Section 10145 of the Code and Section
17 2832.1 of the Regulations, in conjunction with Section 10177(d) of the
18 Code; and

19 (b) as to Paragraph 7(b) under Section 2831.2 of the Regulations, in
20 conjunction with Section 10177(d) of the Code.

21 ORDER

22 1) All licenses and licensing rights of Respondent are indefinitely suspended
23 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and
24 successfully completed the continuing education course on trust fund accounting and handling
25 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
26 Code. Proof of satisfaction of these requirements includes evidence that Respondent has
27 successfully completed the trust fund account and handling continuing education courses, no

1 earlier than 120 days prior to the effective date of the Order in this matter. Proof of completion
2 of the trust fund accounting and handling course must be delivered to the Bureau of Real Estate,
3 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior
4 to the effective date of this Order.

5 2) All licenses and licensing rights of Respondent under the Real Estate Law are
6 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent
7 pursuant to Section 10156.5 of the Code if, within 90 days from the effective date of the Decision
8 entered pursuant to this Order, Respondent, prior to and as a condition of the issuance of said
9 restricted license makes application for the restricted license and pays to the Bureau the
10 appropriate fee therefor. The restricted license issued to Respondent shall be subject to all of the
11 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
12 restrictions imposed under authority of Section 10156.6 of that Code:

13 (a) The restricted license issued to Respondent may be suspended prior to
14 hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
15 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
16 estate licensee.

17 (b) The restricted license issued to Respondent may be suspended prior to
18 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
19 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
20 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted
21 license.

22 (c) Respondent shall not be eligible to apply for the issuance of an
23 unrestricted real estate license or for the removal of any of the conditions, limitations or
24 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
25 Order.

26 3) Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
27 \$4,730.70 for the Commissioner's cost of the audit which led to this disciplinary action.

1 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
2 Commissioner. Payment of audit costs should not be made until Respondent receives the
3 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
4 Respondent's real estate license shall automatically be suspended until payment is made in full,
5 or until a decision providing otherwise is adopted following a hearing held pursuant to this
6 condition.

7 4) Pursuant to Section 10148 of the Code, Respondent shall pay the
8 Commissioner's reasonable cost, not to exceed \$4,730.70, for an audit to determine if
9 Respondent has corrected the violations found in the Determination of Issues. In calculating the
10 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
11 hourly salary for all persons performing audits of real estate brokers, and shall include an
12 allocation for travel time to and from the auditor's place of work. Respondent shall pay such cost
13 within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the
14 audit costs should not be made until Respondent receives the invoice. If Respondent fails to
15 satisfy this condition in a timely manner as provided for herein, Respondent's real estate license
16 shall automatically be suspended until payment is made in full, or until a decision providing
17 otherwise is adopted following a hearing held pursuant to this condition.

18 5) All licenses and licensing rights of Respondent are indefinitely suspended
19 unless or until Respondent pays the sum of \$1,422.30 for the Commissioner's reasonable cost of
20 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
21 the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
22 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
23 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.


24 6) Respondent shall, within nine (9) months from the effective date of this
25 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most
26 recent issuance of an original or renewal real estate license, taken and successfully completed the
27 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal

1 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
2 license shall automatically be suspended until Respondent presents evidence satisfactory to the
3 Commissioner of having taken and successfully completed the continuing education
4 requirements. Proof of completion of the continuing education courses must be delivered to the
5 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

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

11 1-8-16

12 DATED

13 
14 MARY F. CLARKE, Counsel
15 Bureau of Real Estate

16 * * *

17 Respondent can signify acceptance and approval of the terms and conditions of
18 this Stipulation and Agreement to Citation and Fine by faxing or electronically e-mailing a copy
19 of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-
20 3767. Respondent agrees, acknowledges and understands that by electronically sending to the
21 Bureau a fax or other electronic copy of Respondent's actual signature as it appears on the
22 Stipulation and Agreement to Citation and Fine, that receipt of the faxed or e-mailed copy by the
23 Bureau shall be as binding on Respondent as if the Bureau had received the original signed
24 Stipulation.

25 I have read this Stipulation and its terms are understood by me and are agreeable
26 and acceptable to me. I understand that I am waiving rights given to me by the California APA
27 (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

1 would have the right to cross-examine witnesses against me and to present evidence in defense
2 and mitigation of the charges.

3
4 12/11/15

5 DATED

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
GREGORY KEITH CHING
Respondent

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

Dec 11, 2015

DATED

STEPHEN T. CAMMACK
Attorney for Respondent

The foregoing Stipulation and Agreement in Settlement and Order is hereby
adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

MAR 10 2016

IT IS SO ORDERED

Wayne S. Bell

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner