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2	Sacramento, CA 95813-7007 FEB 1 8 2016
3	Telephone: (916) 263-8670 By B. Michaelestate
4	Fax: (916) 263-3767
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7	BEFORE THE BUREAU OF REAL ESTATE
8	STATE OF CALIFORNIA
9	* * *
10	In the Matter of the Accusation of)
11)) NO. H-6190 SAC
12 13	GREGORY KEITH CHING,)) STIPULATION AND AGREEMENT
15) IN SETTLEMENT AND ORDER
14)
15	Respondent.
17	It is hereby stipulated by and between Respondent GREGORY KEITH CHING
18	(herein "Respondent") acting by and through Stephen T. Cammack, attorney of record herein for
19	Respondent and the Complainant, acting by and through Mary F. Clarke, Counsel for the Bureau
20	of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing the
21	Accusation filed on December 3, 2014, in this matter (herein "Accusation"):
22	1) All issues which were to be contested and all evidence which was to be
23	presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
24	was to be held in accordance with the provisions of the Administrative Procedure Act (herein
25	"APA"), shall instead and in place thereof be submitted on the basis of the provisions of this
26	Stipulation and Agreement in Settlement and Order (herein "Stipulation").
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	File No. H-6190 SAC -1 - GREGORY KEITH CHING

1 2

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

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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 22this 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

 violations found in the "Determination of Issues" below. The amount of said cost is \$4,730.70. 8) Respondent understands that by agreeing to this Stipulation, the findings set forth below in the "Determination of Issues" become final, and that the Commissioner may charge Respondent for the cost of any audit conducted pursuant to Section 10148 of the Code to determine if the trust fund violations found in the "Determination of Issues," below, have been corrected. The maximum cost of said audit shall not exceed \$4,730.70. 9) Respondent further understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Section 10106(a) of the Code, investigative and enforcement costs of \$1,422.30 which led to this disciplinary action. DETERMINATION OF ISSUES The acts and/or omissions of Respondent as described in the Accusation are grounds for the suspension or revocation of the license and license rights of Respondent under the following provisions of the Code and/or Chapter 6, Title 10, California Code of Regulations (herein "Regulations"): (a) as to Paragraph 7(a) under Section 10145 of the Code and Section 2832.1 of the Regulations, in conjunction with Section 10177(d) of the Code; and (b) as to Paragraph 7(b) under Section 2831.2 of the Regulations, in conjunction with Section 10177(d) of the Code. <u>ORDER</u>	.c		
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File No. H-6190 SAC - 3 - GREGORY KEITH CHINC	27	successfully completed the trust fund account and handling continuing education courses, no	
		File No. H-6190 SAC - 3 - GREGORY KEITH CHING	

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 to the effective date of this Order. 4

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.

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- 4 -

GREGORY KEITH CHING

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

Pursuant to Section 10148 of the Code, Respondent shall pay the 4)

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.

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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 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order. 23

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Respondent shall, within nine (9) months from the effective date of this 6) Order, present evidence satisfactory to the 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, Respondent's real estate
 license shall automatically be suspended until Respondent presents evidence satisfactory to the
 Commissioner of having taken and successfully completed the continuing education
 requirements. Proof of completion of the continuing education courses must be delivered to the
 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

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.

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Bureau of Real Estate Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement to Citation and Fine by faxing or electronically e-mailing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax or other electronic copy of Respondent's actual signature as it appears on the Stipulation and Agreement to Citation and Fine, that receipt of the faxed or e-mailed copy by the

Bureau shall be as binding on Respondent as if the Bureau had received the original signed
Stipulation.

I have read this Stipulation 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 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

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- 8 - 16 DATED

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 5 GREGORY KETTH CHING Respondent 6 * * * 7 I have reviewed the Stipulation and Agreement in Settlement and Order as to form 8 and content and have advised my client accordingly. 9 10 11 HEN T. CAMMACK DATED Attorney for Respondent 12 13 14 The foregoing Stipulation and Agreement in Settlement and Order is hereby 15 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on 16 MAR 1 0 2016 17 Formy (P, vala IT IS SO ORDERED 18 19 20 WAYNE S. BELL REAL ESTATE COMMISSIONER 21 22 23 By: JEFFREY MASON 24 Chief Deputy Commissioner 25 26 27 -7-File No. H-6190 SAC GREGORY KEITH CHING