

FILED

MAY 06 2016

BUREAU OF REAL ESTATE

By B dew

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

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8 **BEFORE THE BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

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11
12 In the Matter of the Accusation of) BRE No. H-11898 SF
13)
14 ELITE REALTY AND INVESTMENT,)
15 LEON HU and LINDA PEYRUU YOUNG,) STIPULATION AND AGREEMENT
) IN SETTLEMENT AND ORDER
)

16 It is hereby stipulated by and between ELITE REALTY AND INVESTMENT
17 (ERI), LEON HU (HU), LINDA PEYRUU YOUNG (YOUNG), (collectively referred to as
18 Respondents), and their counsel, Hannah M. Shafsky, and the Complainant, acting by and
19 through Richard K. Uno, Counsel for the Bureau of Real Estate (Bureau); as follows for the
20 purpose of settling and disposing of the Accusation filed on October 26, 2015, in this matter:

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

26 2. Respondents have received, read, and understand the Statement to
27 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in

1 this proceeding.

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

11 4. This Stipulation is based on the factual allegations contained in the
12 Accusation. In the interest of expediency and economy, Respondents chose not to contest these
13 factual allegations, but to remain silent and understand that, as a result thereof, these factual
14 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
15 forth below. The Commissioner shall not be required to provide further evidence to prove such
16 allegations.

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

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

1 shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the
2 license have been removed.

3 B. LEON HU

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

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

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

18 3. HU shall not be eligible to apply for the issuance of any unrestricted real
19 estate license nor the removal of any of the conditions, limitations, or restrictions of a restricted
20 until two (2) years have elapsed from the effective date of this Decision and Order. HU shall not
21 be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have
22 been removed.

23 4. HU shall, within nine (9) months from the effective date of this
24 Stipulation, present evidence satisfactory to the Commissioner that HU has, since the most
25 recent issuance of an original or renewal real estate license, taken and successfully completed the
26 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
27 of a real estate license. If HU fails to satisfy this condition, HU's real estate license shall

1 automatically be suspended until HU presents evidence satisfactory to the Commissioner of
2 having taken and successfully completed the continuing education requirements. Proof of
3 completion of the continuing education courses must be delivered to the Bureau of Real Estate,
4 Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013.

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

10 C. LINDA PEYRUU YOUNG

11 1. All licenses and licensing rights of YOUNG under the Real Estate Law
12 are suspended for a period of sixty (60) days from the effective date of this Decision and Order;
13 provided, however, that:

14 a. Thirty (30) days of said suspension shall be stayed, upon the
15 condition that YOUNG petitions pursuant to Section 10175.2 of the Code and pays a monetary
16 penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of the
17 suspension for a total monetary penalty of \$1,500.00.

18 i. Said payment shall be in the form of a cashier's check
19 made payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real
20 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
21 date of this Order.

22 ii. No further cause for disciplinary action against the Real
23 Estate licenses of YOUNG occurs within two (2) years from the effective date of the Decision
24 and Order in this matter.

25 iii. If YOUNG fails to pay the monetary penalty as provided
26 above prior to the effective date of this Stipulation, the suspension shall go into effect
27 automatically.

1 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
2 effective date of this Decision and Order.

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5 3/28/16

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DATED

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RICHARD K. UNO, Counsel III
BUREAU OF REAL ESTATE

I have read the Stipulation and Agreement in Settlement and Order 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.

3-23-2016

DATED



ELITE REALTY AND INVESTMENT
BY LEON HU, D.O.

3-23-2016

DATED

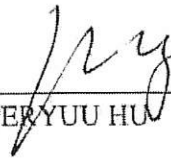


LEON HU

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3-23-2016

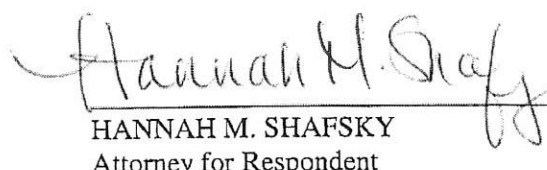
DATED


LINDA PERYUU HU

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

3/28/16

DATED

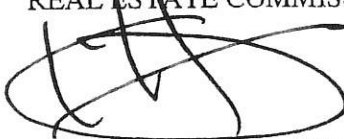

HANNAH M. SHAFSKY
Attorney for Respondent

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

MAY 27 2016

IT IS SO ORDERED MAY 4, 2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner