

1 RICHARD K. UNO, Counsel III (SBN 98275)
2 Bureau of Real Estate
3 P. O. Box 137007
4 Sacramento, CA 95813-7007

5 Telephone: (916) 263-8670
6 (916) 263-3767 (Fax)
7 (916) 263-8679 (Direct)

FILED

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BUREAU OF REAL ESTATE

By R. Diaz

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TOP MISSION REALTY AND INVESTMENTS,)
13 LEON HU and LINDA PEYRUU YOUNG,)
14 Respondents.)

No. H-12203-SF
ACCUSATION

15 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the
16 State of California, for cause of Accusation against TOP MISSION REALTY AND
17 INVESTMENTS (TMRI), LEON HU (HU) and LINDA PEYRUU YOUNG (YOUNG),
18 collectively referred to as RESPONDENTS, is informed and alleges as follows:

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20 The Complainant makes this Accusation in her official capacity.

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22 At all times herein mentioned, TMRI was and is presently licensed and/or has
23 license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
24 Professions Code (Code) by the Bureau of Real Estate (Bureau) as a corporate real estate broker.

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26 HU is presently licensed and/or has license rights under the Real Estate
27 Law, Part 1 of Division 4 of the Business and Professions Code (the Code) as a real estate broker

1 whose license has at all times mentioned herein since May 26, 2016, has been, and now is, a
2 restricted real estate broker license subject to terms, conditions and restrictions pursuant to
3 Sections 10156.6 and 10156.7 of the Business and Professions Code.

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5 At all times herein mentioned, YOUNG was and is presently licensed and/or has
6 license rights as a real estate salesperson and had her license under TMRI, except for the period
7 of May 27, 2016 through August 21, 2016, when her license was NBA or she worked for another
8 broker.

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10 From June 30, 2016 through August 21, 2016, YOUNG had her license under
11 Tsing Wang.

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13 At all times herein mentioned, HU was licensed by the Bureau as the designated
14 broker/officer of TMRI. As the designated broker/officer, HU was responsible, pursuant to
15 Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real
16 estate licensees and employees of TMRI for which a real estate license is required.

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18 At all times herein mentioned, RESPONDENTS engaged in the business of, acted
19 in the capacity of, advertised or assumed to act as a real estate broker in the State of California,
20 within the meaning of Section 10131(a) of the Code, including the operation and conduct of a
21 residential resale brokerage wherein RESPONDENTS bought, sold, or offered to buy or sell,
22 solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or
23 business opportunities, all for or in expectation of compensation.

24 FIRST CAUSE OF ACTION

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26 Complainant refers to Paragraphs 1 through 7, above, and incorporates the same
27 herein.

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On or about June 29, 2016, YOUNG acting on behalf of TMRI and Sellers entered into a Residential Listing Agreement with YOUNG, to sell that certain real property commonly known as 43274 Luzon Court, Fremont, California (Luzon Property).

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From and since June 29, 2016, until the close of escrow, YOUNG solicited buyers, marketed the Luzon Property and negotiated the sale of the property.

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YOUNG conducted the real estate activities on behalf of TMRI despite the fact that her license was under Tsing Wang .

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The acts of RESPONDENTS, described above, constitute violations of Section 10137 (broker compensates licensee not under license/salesperson accepts compensation from broker whom they are not under), and are grounds for the suspension or revocation of RESPONDENTS' real estate licenses under Sections 10177(d) (willful/disregard Real Estate Law) and 10177(g) (negligence/incompetence real estate licensee) of the Code.

SECOND CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 12, above, and incorporates the same herein.

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On or about June 9, 2016, YOUNG, acting on behalf of TMRI, and Sellers entered into a Residential Listing Agreement with YOUNG to sell that certain real property commonly known as 4325 Burke Way, Fremont, California (Burke Property).

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From and since June 9, 2016, until the close of escrow, YOUNG solicited buyers, marketed the Burke Property and negotiated the sale of the property.

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YOUNG conducted the real estate activities on behalf of TMRI despite the fact that her license was under Tsing Wang and without the knowledge of the designated officer of Pinetree Investments, Inc.

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The acts of RESPONDENTS, described above, constitute violations of Section 10137 (broker compensates licensee not under license/salesperson accepts compensation from broker whom they are not under), and are grounds for the suspension or revocation of RESPONDENTS' real estate licenses under Sections 10177(d) (willful/disregard Real Estate Law) and 10177(g) (negligence/incompetence real estate licensee) of the Code.

THIRD CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 17, above, and incorporates the same herein.

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From and since May 27, 2016 through August 21, 2016, YOUNG, on behalf of TMRI, listed various real properties for sale, including, but not limited to those listed below, and otherwise conducted residential resale activities on behalf of TMRI for sellers.

<u>Address</u>	<u>Listing Date:</u>	<u>Closing Date:</u>
49000 Cinnamon Fern, Unit 507, Fremont	6/03/16	
43534 Puesta Del Sol, Fremont	6/08/16	
45241 S. Grimmer Blvd., Fremont	6/15/16	
45465 Cocho Ct., Fremont	6/30/16	
74 Burnham Place, Sunol	7/04/17	

1 2067 Verbena Ct., Fremont

7/06/16

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3 The acts of RESPONDENTS, described above, constitute violations of Section
4 10137 (broker compensates licensee not under license/salesperson accepts compensation from
5 broker whom they are not under), and are grounds for the suspension or revocation of
6 RESPONDENTS' real estate license under Sections 10177(d) (willful/disregard Real Estate
7 Law) and 10177(g) (negligence/incompetence real estate licensee) of the Code.

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9 FOURTH CAUSE OF ACTION

10 Complainant refers to Paragraphs 1 through 20, above, and incorporates the same
11 herein.

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13 At all times herein above mentioned, HU was responsible as the supervising
14 broker for TMRI, for the supervision and control of the activities conducted on behalf of TMRI's
15 business by its employees. HU failed to exercise reasonable supervision and control over the
16 property management activities of TMRI. In particular, HU permitted, ratified and/or caused the
17 conduct described above to occur, and failed to take reasonable steps, including but not limited to
18 handling of trust funds, supervision of employees, and the implementation of policies, rules, and
19 systems, to ensure the compliance of the business with the Real Estate Law and the Regulations.

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21 The above acts and/or omissions of HU violate Section 10159.2
22 (responsibility/directing officer) of the Code and Section 2725 (broker supervision) of the
23 Regulations and constitute grounds for disciplinary action under the provisions of Sections
24 10177(g) and 10177(h) (broker supervision) of the Code.

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PRIOR ADMINISTRATIVE DISCIPLINE

Effective May 27, 2016, in Case No. H 11898 SF, the Real Estate Commissioner revoked HU's real estate broker license, with the right to a restricted real estate broker license. The Commissioner suspended YOUNG's real estate salesperson license for a period of sixty (60) days, with the right to buy down the suspension.

COSTS

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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 Code, for the reasonable costs of investigation and prosecution of this case, including agency attorney's fees and for such other and further relief as may be proper under other provisions of law.



ROBIN S. TANNER
Supervising Special Investigator

Dated at Oakland, California,
this 22nd day of February, 2018.

DISCOVERY DEMAND

The Bureau of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Bureau may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.