

FILED

DEC 05 2018

DEPARTMENT OF REAL ESTATE
By Py dew

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

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

10 * * *

11 In the Matter of the Accusation of)	
)	NO. H-12203 SF
12 TOP MISSION REALTY AND)	
13 INVESTMENT, LEON HU and)	
14 LINDA PEYRUU YOUNG,)	<u>STIPULATION AND AGREEMENT IN</u>
)	<u>SETTLEMENT AND ORDER</u>
15 Respondents.)	

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17 It is hereby stipulated by and between Respondents TOP MISSION REALTY
18 AND INVESTMENT (TMRI), LEON HU (HU), LINDA PEYRUU YOUNG (YOUNG)
19 (Collectively Respondents), and their counsel Shannon B. Jones, and the Complainant, acting by
20 and through Richard K. Uno, Counsel for the Department of Real Estate (Department), as
21 follows, for the purpose of settling and disposing of the Accusation filed on February 27, 2018,
22 in this matter:

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

1 2. Respondents have received, read and understand the Statement to
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department
3 in this proceeding.

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

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

19 5. This Stipulation and Respondents' decision not to contest the Accusation
20 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly
21 limited to this proceeding and any other proceeding or case in which the Department, the state or
22 federal government, an agency of this state, or an agency of another state is involved.

23 6. It is understood by the parties that the Commissioner may adopt this
24 Stipulation as his Decision and Order in this matter, thereby imposing the penalty and sanctions
25 on Respondents' real estate licenses and license rights as set forth in the "Order" below. In the
26 event that the Commissioner in his discretion does not adopt this Stipulation, it shall

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1 be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on
2 the Accusation under all of the provisions of the APA and shall not be bound by any admission
3 or waiver made herein.

4 7. HU understands that by agreeing to this Order, HU agrees to pay, pursuant
5 to Section 10106 of the Business and Professions Code (Code), the cost of the investigation
6 which resulted in the determination that HU committed the violations found in the Determination
7 of Issues. The amount of said costs is \$5,784.00

8 8. The Order or any subsequent Order of the Commissioner made pursuant
9 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative
10 or civil proceedings by the Department with respect to any matters which were not specifically
11 alleged to be causes for accusation in this proceeding.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions and waivers and solely for
14 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
15 that the following determination of issues shall be made:

16 1. The acts and omissions of HU, as described in the Accusation, are
17 grounds for the suspension or revocation of the licenses and license rights of HU under the
18 provisions of Section 10177(g) of the Code.

19 2. The acts and omissions of YOUNG, as described in the Accusation, are
20 grounds for the suspension or revocation of the licenses and license rights of Respondent
21 YOUNG under the provisions of Section 10177(g) of the Code.

22 ORDER

23 TOP MISSION REALTY AND INVESTMENTS

24 1. TMRI shall be dismissed as a Respondent from the Accusation filed
25 herein.

1 LEON HU

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

9 1. The restricted license issued to HU may be suspended prior to hearing by
10 Order of the Commissioner on evidence satisfactory to the Commissioner that HU has violated
11 provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the
12 Commissioner or conditions attaching to the restricted license.

13 2. HU shall not be eligible to apply for the issuance of any unrestricted real
14 estate license nor the removal of any of the conditions, limitations, or restrictions of a restricted
15 license until two (2) years have elapsed from the effective date of this Stipulation. HU shall not
16 be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have
17 been removed.

18 3. All licenses and licensing rights of HU under the Real Estate Law are
19 suspended for a period of ninety (90) days from the effective date of this Stipulation; provided,
20 however, that:

21 a. Forty-five (45) days of said suspension shall be stayed, upon the
22 condition that HU petitions pursuant to Section 10175.2 of the Code and pays a monetary
23 penalty pursuant to Section 10175.2 of the Code at a rate of \$100.00 for each day of the
24 suspension for a total monetary penalty of \$4,500.00.

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

3 ii. No further cause for disciplinary action against the Real
4 Estate license of HU occurs within two (2) years from the effective date of the Stipulation in
5 this matter.

6 iii. If HU fails to pay the monetary penalty as provided
7 above prior to the effective date of this Stipulation, the suspension shall go into effect
8 automatically.

9 iv. If HU timely pays the monetary penalty and any other
10 moneys due under this Stipulation; and if no further cause for disciplinary action against the
11 real estate license of HU occurs within two (2) years from the effective date of this Stipulation,
12 the entire stay hereby granted pursuant to this Stipulation shall become permanent.

13 2. The remaining forty-five (45) days of said suspension shall also be
14 stayed for two (2) years upon the following terms and conditions:

15 a. HU shall obey all laws, rules and regulations governing the
16 rights, duties and responsibilities of a real estate licensee in the State of California; and,

17 b. That no final subsequent determination be made, after hearing or
18 upon stipulation, that cause for disciplinary action occurred within two (2) years from the
19 effective date of this Stipulation. Should such a determination be made, the Commissioner
20 may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the
21 stayed suspension. Should no such determination be made, the stay imposed herein shall
22 become permanent.

23 3. All licenses and licensing rights of HU are indefinitely suspended
24 unless or until HU pays the sum of \$5,784.00 for the Commissioner's reasonable cost of the
25 investigation which led to this disciplinary action. Said payment shall be in the form of a cashier's
26 check made payable to the Department of Real Estate. The investigative costs must be
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1 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
2 95813-7013, prior to the effective date of this Decision and Order.

3 LINDA PEYRUU YOUNG.

4 All licenses and licensing rights of YOUNG under the Real Estate
5 Law are suspended for a period of sixty (60) days from the effective date of this Stipulation;
6 provided, however, that:

7 i. Thirty (30) days of said suspension shall be stayed, upon the
8 condition that YOUNG petitions pursuant to Section 10175.2 of the Code and pays a monetary
9 penalty pursuant to Section 10175.2 of the Code at a rate of \$100.00 for each day of the
10 suspension for a total monetary penalty of \$3,000.00.

11 1. Said payment shall be in the form of a cashier's check
12 made payable to the Department of Real Estate. Said check must be delivered to the
13 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
14 prior to the effective date of this Order.

15 2. No further cause for disciplinary action against the Real
16 Estate licenses of YOUNG occurs within two (2) years from the effective date of the
17 Stipulation in this matter.

18 3. If YOUNG fails to pay the monetary penalty as provided
19 above prior to the effective date of this Stipulation, the suspension shall go into effect
20 automatically.

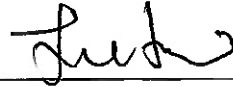
21 4. If YOUNG timely pays the monetary penalty and any
22 other moneys due under this Stipulation; and if no further cause for disciplinary action against
23 the real estate license of YOUNG occurs within two (2) years from the effective date of this
24 Stipulation, the entire stay hereby granted pursuant to this Stipulation shall become permanent.

25 b. The remaining thirty (30) days of said suspension shall also be stayed
26 for two (2) years upon the following terms and conditions:

1 faxed copy by the Department shall be as binding on Respondents as if the Department had
2 received the original signed Stipulation and Order.

3 TOP MISSION REALTY AND INVESTMENT

4 9/26/2018



5 DATED

By: LEON HU,
Designated Officer

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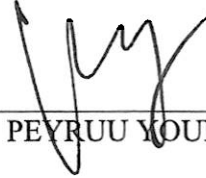
8 9/26/2018



9 DATED

LEON HU

10 9/26/2018



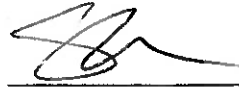
12 DATED

LINDA PEYRUU YOUNG

14 ****

15 *I have reviewed this Stipulation and Agreement as to form and content and have*
16 *advised my client accordingly.*

17 9/26/18



18 DATED

SHANNON B. JONES

19 ****

21 The foregoing Stipulation and Agreement In Settlement and Order is hereby
22 adopted by me as my Decision in this matter as to Respondents TOP MISSION REALTY AND

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INVESTMENTS, LEON HU and LINDA PEYRUU YOUNG and shall become effective at 12
o'clock noon on DEC 26 2018.

IT IS SO ORDERED November 29, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri

FILED

DEC 05 2018

DEPARTMENT OF REAL ESTATE

By P. Dew

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STATE OF CALIFORNIA

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TOP MISSION REALTY AND INVESTMENT, INC.,)	
LEON HU and)	
LINDA PEYRUU YOUNG,)	
)	
Respondents.)	
)	

DISMISSAL

The Accusation herein filed on February 27, 2018, against **TOP MISSION REALTY AND INVESTMENT, INC., only**, is DISMISSED.

IT IS SO ORDERED December 5, 2018

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

 Daniel J. Sandri