

1 DEPARTMENT OF REAL ESTATE
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FILED
OCT 02 2023
DEPARTMENT OF REAL ESTATE
By J. Taggart

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of)
12) NO. H-12639 SF
13 GOODVIEW FINANCIAL & REAL ESTATE)
14 CORPORATION and BING C. JIANG,)
15) STIPULATION AND AGREEMENT IN
Respondents.) SETTLEMENT AND ORDER.

16 It is hereby stipulated by and between Respondents GOODVIEW FINANCIAL
17 & REAL ESTATE CORPORATION (GFREC), BING C. JIANG (JIANG), (Respondents),
18 their attorney, Robert F. Hahn, and the Complainant, acting by and through Richard K. Uno,
19 Counsel for the Department of Real Estate (Department), as follows for the purpose of settling
20 and disposing of the Accusation filed on December 15, 2022, 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
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
25 this Stipulation and Agreement In Settlement and Order (Stipulation).
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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 in this matter, thereby imposing the penalty and sanctions on
25 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. The Order or any subsequent Order of the Commissioner made pursuant
5 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative
6 or civil proceedings by the Department with respect to any matters which were not specifically
7 alleged to be causes for accusation in this proceeding.

8 8. Respondents understand that by agreeing to this Stipulation;
9 Respondents, pursuant to Section 10106 of the Code, Respondents agree to pay the cost of the
10 investigation which resulted in the determination that Respondents committed the violations
11 found in the Determination of Issues. The amount of said costs is \$5,444.75.

12 9. Respondents understand that by agreeing to this Stipulation,
13 Respondents agree to pay, pursuant to Section 10148 of the Code, the cost of the audit which
14 resulted in the violation(s) found in the Determination of Issues. The amount of such costs is
15 \$5,327.50.

16 10. Respondents further understand that by agreeing to this Stipulation, the
17 findings set forth below in the "Determination of Issues" become final, and that the
18 Commissioner may charge said Respondents for the costs of any audit conducted pursuant to
19 Section 10148 of the Code to determine if the violations have been corrected. The maximum
20 cost of said audit shall not exceed \$6,784.38.

21 DETERMINATION OF ISSUES

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

25 1. The acts and omissions of Respondent GFREC, as described in the
26 Accusation, are grounds for the suspension or revocation of the licenses and license rights of
27 Respondent GFREC under the provisions of Section 10177(g) of the Code.

1 2. The acts and omissions of Respondent JIANG, as described in the
2 Accusation, are grounds for the suspension or revocation of the licenses and license rights of
3 Respondent JIANG under the provisions of Section 10177(g) of the Code.
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5 ORDER

6 I. GOODVIEW FINANCIAL & REAL ESTATE CORPORATION

7 1. All licenses and licensing rights of Respondent GFREC under the Real
8 Estate Law are suspended for a period of sixty (60) days from the effective date of this
9 Stipulation; provided, however, that:

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

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

18 ii. No further cause for disciplinary action against the Real
19 Estate licenses of Respondent GFREC occurs within two (2) years from the effective date of
20 the Stipulation in this matter.

21 iii. If Respondent GFREC fails to pay the monetary penalty
22 as provided above prior to the effective date of this Stipulation, the suspension shall go into
23 effect automatically.

24 iv. If Respondent GFREC timely pays the monetary penalty
25 and any other moneys due under this Stipulation; and if no further cause for disciplinary action
26 against the real estate license of Respondent GFREC occurs within two (2) years from the
27 effective date of this Stipulation, the entire stay hereby granted pursuant to this Stipulation, as
to GFREC only, shall become permanent.

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

3 a. Respondent GFREC shall obey all laws, rules and regulations
4 governing the rights, duties and responsibilities of a real estate licensee in the State of
5 California; and,

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

12 II. BING C. JIANG

13 1. All licenses and licensing rights of Respondent JIANG under the Real
14 Estate Law are suspended for a period of sixty (60) days from the effective date of this
15 Stipulation; provided, however, that:

16 a. Thirty (30) days of said suspension shall be stayed, upon the
17 condition that Respondent JIANG petitions pursuant to Section 10175.2 of the Code and pays a
18 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$100.00 for each day of
19 the suspension for a total monetary penalty of \$3,000.00.

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

24 ii. No further cause for disciplinary action against the Real
25 Estate licenses of Respondent JIANG occurs within two (2) years from the effective date of the
26 Stipulation in this matter.

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1 iii. If Respondent JIANG fails to pay the monetary penalty as
2 provided above prior to the effective date of this Stipulation, the suspension shall go into effect
3 automatically.

4 iv. If Respondent JIANG timely pays the monetary penalty
5 and any other moneys due under this Stipulation; and if no further cause for disciplinary action
6 against the real estate license of Respondent JIANG occurs within two (2) years from the
7 effective date of this Stipulation, the entire stay hereby granted pursuant to this Stipulation, as
8 to JIANG only, shall become permanent.

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

11 a. Respondent JIANG shall obey all laws, rules and regulations
12 governing the rights, duties and responsibilities of a real estate licensee in the State of
13 California; and,

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

20 III. RESPONDENTS GOODVIEW FINANCIAL & FINANCIAL
21 CORPORATION. AND BING C. JIANG

22 1. Pursuant to Section 10148 of the Code, Respondents shall jointly and
23 severally pay the sum of \$5,327.50 for the Commissioner's cost of the audit which led to this
24 disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an
25 invoice therefore from the Commissioner. Payment of audit costs should not be made until
26 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
27 as provided for herein, Respondents' real estate licenses shall automatically be

1 suspended until payment is made in full, or until a decision providing otherwise is adopted
2 following a hearing held pursuant to this condition.

3 2. Pursuant to Section 10148 of the Code, Respondents shall jointly and
4 severally pay the Commissioner's reasonable cost, not to exceed \$6,784.38, for an audit to
5 determine if Respondents have corrected the violation(s) found in the "Determination of Issues".
6 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
7 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
8 include an allocation for travel time to and from the auditor's place of work. Respondents shall
9 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
10 Payment of the audit costs should not be made until Respondents receive the invoice. If
11 Respondents fail to satisfy this condition in a timely manner as provided for herein,
12 Respondents' real estate licenses shall automatically be suspended until payment is made in full,
13 or until a decision providing otherwise is adopted following a hearing held pursuant to this
14 condition.

15 3. All licenses and licensing rights of Respondents are indefinitely
16 suspended unless or until Respondents pay the sum of \$5,444.75 for the Commissioner's
17 reasonable cost of the investigation which led to this disciplinary action. Said payment shall be
18 in the form of a cashier's check made payable to the Department of Real Estate. The
19 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
20 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
21 stipulation.


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DATED

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Richard K. Uno, Counsel
Department of Real Estate

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1 I have read the Stipulation and Order in Settlement and Order and its terms are
2 understood by me and are agreeable and acceptable to me. I understand that I am waiving
3 rights given to me by the California Administrative Procedure Act (including but not limited to
4 Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly,
5 intelligently, and voluntarily waive those rights, including the right of requiring the
6 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
7 right to cross-examine witnesses against me and to present evidence in defense and mitigation
8 of the charges. Respondents can signify acceptance and approval of the terms and conditions of
9 this Stipulation and Order by emailing a copy of the signature page, as actually signed by
10 Respondents, to the Department at Richard.Uno@dre.ca.gov. Respondents agree,
11 acknowledge and understand that by electronically sending to the Department an electronic
12 copy of Respondents' actual signatures as they appear on the Stipulation and Order, that receipt
13 of the electronic copy by the Department shall be as binding on Respondents as if the
14 Department had received the original signed Stipulation and Order.

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16
17 6/22/2023
18 DATED


GOODVIEW FINANCIAL & REAL ESTATE
CORPORATION, Respondent
BING C. JIANG,
Designated Officer of Respondent

19
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21 6/22/2023
22 DATED


BING C. JIANG,
Respondent

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

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6-22-23
DATED


ROBERT F. HAHN
Attorney for Respondents

The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by me as my Decision in this matter as to Respondents GOODVIEW FINANCIAL & REAL ESTATE CORPORATION and BING C. JIANG, and shall become effective at 12 o'clock noon on OCT 23 2023.

IT IS SO ORDERED 9/27/23.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



Fr Doug McCauley