	1 2 3 4 5
	6
	7
٤	B DEPARTMENT OF REAL ESTATE
•	9 STATE OF CALIFORNIA
10	) * * * *
11	In the Matter of the Accusation of )
12	
13	and SAMUEL SHIH-HSIEN WU
14	Respondents )
15	ORDER GRANTING REINSTATEMENT OF LICENCE
16 17	On September 17 1996 - Designer and law 1
18	herein, revoking the corporate roal estate broker ligence of
19	NEW IDEAL DEVELOPMENT, INC. and the real estate broker
20	license of SAMUEL SHIH-HSIEN WU, effective October 10, 1996.
21	Respondents were given the right to apply for and receive a
22	restricted corporate real estate broker license and a
23	restricted real estate broker license which were issued to
24	them on October 10, 1996.
25	On October 30, 1997, Respondents
26	petitioned for reinstatement of their unrestricted real
27	estate licenses and the Attorney General of the State of
	California has been given notice of both filings.
OURT PAPER TATE OF CALIFORNIA TD. 113 (REV. 3-95) 28391	-1-

-1-

	1 l have considered Respondents' petitions and the	
	$_2$ evidence and arguments in support thereof. Respondents have	
	$_3$ demonstrated to my satisfaction that grounds do not presently	
	$\frac{1}{4}$ exist to deny the issuance of an unrestricted real estate	
	5 license to each Respondent.	
	6 NOW, THEREFORE, IT IS ORDERED that Respondent NEW	
	7 IDEAL DEVELOPMENT, INC.'s petition for reinstatement is	
<pre>8 granted and that an unrestricted corporate real estate brok 9 license be issued to this Respondent after it satisfies the</pre>		
		10
1	this Order:	
12	1. Submittal of a completed application and	
13	payment of the fee for a corporate real estate broker	
14	14 license. 15 IT IS ALSO ORDERED that Respondent SAMUEL SHIH- 16 HSIEN WU's petition for reinstatement is granted and that an	
15		
16	HSIEN WU's petition for reinstatement is granted and that an	
16 17	unrestricted real estate broker license be issued to him	
	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6)	
17	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6)	
17 18	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19 20	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19 20 21	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19 20 21 22	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19 20 21 22 23	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19 20 21 22 23 24	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19 20 21 22 23 24 25	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19 20 21 22 23 24 25 26 27 €€€€€€€€€	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	
17 18 19 20 21 22 23 24 25 26 27 €€	unrestricted real estate broker license be issued to him after he satisfies the following conditions within six (6) months from the date of this Order: 1. Submittal of a completed application and payment	

\_\_\_\_\_

Submittal of evidence satisfactory to the Real 2. 1 a support the support of the support Estate Commissioner that Respondent has, since October 10, 2 1996, taken and successfully completed the continuing 3 Service and the service of the servi education requirements of Article 2.5 of Chapter 3 of the 4 er en la company de la comp Real Estate Law for renewal of a real estate license. 5 6 This Order shall become effective immediately. 7 IQR DATED: 8 JIM ANTT, JR. 9 Real Estate Commissioner 10 11 12 NEW IDEAL DEVELOPMENT, INC. SAMUEL SHIH-HSIEN WU 13 2501 Davidson Drive Monterey Park, California 91754 14 15 16 17 18 19 20 21 22 23 24 25 26 27 COURT PAPER 5TD. 113 (REV. 3-95) -3-

؛ د م	•		
	1	Department of Real Estate 107 South Broadway, Room 8107 Los Angeles, California 90012	
	3	Telephone (213) 897-3937	[ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [
	4		SEP 2 0 1996
	5		DEPARTMENT OF REAL ESTATE
	6		By C Say
	7		
	8	DEPARTMENT OF	F REAL ESTATE
	9	STATE OF C	CALIFORNIA
	10	* * *	* * *
	11	In the Matter of the Accusation of	E) NO. H-26227 LA
	12	<u>NEW IDEAL DEVELOPMENT, INC.,</u> doing business as Ideal Realty;	) L-9507120
	13	and SAMUEL SHIH-HSIEN WU, individually and as designated	) )
	14	officer of New Ideal Developmen Inc.,	t,)
	15	Respondents.	) )
	16		;`
	17	STIPULATION AND AGREEMENT	IN SETTLEMENT AND ORDER
	18	It is hereby stipulated	by and between Respondents
	19	NEW IDEAL DEVELOPMENT, INC., doing	y business as Ideal Realty; and
•	20	SAMUEL SHIH-HSIEN WU, individually	v and as designated officer of
	21	New Ideal Development, Inc. (somet	imes referred to collectively
	22	herein as "Respondents"), and the	Complainant, acting by and
	23	through Darlene Averetta, Counsel	for the Department of Real
	24	Estate, as follows for the purpose	e of settling and disposing of
	25	the Accusation filed on June 27, 1	995, in this matter (sometimes
	26	referred to herein as the "Accusat	ion"):
	27	///	

•

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

.

-

-1-

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

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. On July 11, 1995, Respondents filed a Notice of 13 Defense pursuant to Section 11505 of the Government Code for the 14 purpose of requesting a hearing on the allegations in the 15 Accusation. Respondents hereby freely and voluntarily withdraw 16 said Notice of Defense. Respondents acknowledge that they 17 understand that by withdrawing said Notice of Defense, Respondents 18 will thereby waive their right to require the Commissioner to 19 prove the allegations in the Accusation at a contested hearing 20 held in accordance with the provisions of the APA and that they 21 will waive other rights afforded to them in connection with the 22 hearing, such as the right to present evidence in defense of the 23 allegations in the Accusation and the right to cross-examine 24 witnesses.

- | | | |
- 26 ///
- 27 ///

25

COURT PAPER STATE OF CALIFORNIA STD, 113 (REV. 8-72)

-2-

This Stipulation and Agreement in Settlement and 4. 1 Order is based on the factual allegations contained in the 2 Accusation filed in this proceeding. In the interest of 3 expedience and economy, Respondents choose not to contest these 4 allegations, but to remain silent and understand that, as a result 5 thereof, these factual allegations, without being admitted or 6 denied, will serve as a prima facie basis for the disciplinary 7 action stipulated to herein. This Stipulation and Agreement in 8 Settlement and Order, and Respondents' decision not to contest the 9 Accusation, are hereby expressly limited to this proceeding and 10 made for the sole purpose of reaching an agreed disposition of 11 this proceeding. Respondents' decision not to contest the factual 12 allegations is made solely for the purpose of effectuating this 13 Stipulation and is intended to be non-binding upon them in any 14 actions against Respondents by third parties. The Real Estate 15 Commissioner shall not be required to provide further evidence to 16 prove said factual allegations. 17

- 18 ///
- 19 ///
- 20 ///
- 21 ///
- 22 ///
- 23 /// 24 /// 25 ///
- 26 ///
- 27 ///

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

-3- -

It is understood by the parties that the Real 5. 1 Estate Commissioner may adopt the Stipulation and Agreement in 2 Settlement and Order as his decision in this matter thereby 3 imposing the penalty and sanctions on Respondents' real estate 4 licenses and license rights as set forth in the below "Order". In 5 the event that the Commissioner in his discretion does not adopt 6 the Stipulation and Agreement in Settlement and Order, the 7 Stipulation and Agreement in Settlement and Order shall be void 8 and of no effect, and Respondents shall retain the right to a 9 hearing on the Accusation under all the provisions of the APA and 10 shall not be bound by any stipulation or waiver made herein. 11

12 6. The Order or any subsequent Order of the Real Estate
13 Commissioner made pursuant to this Stipulation shall not
14 constitute an estoppel, merger or bar to any further
15 administrative proceedings by the Department of Real Estate with
16 respect to any matters which were not specifically alleged to be
17 causes for accusation in this proceeding.

## DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

23 ///

18

- 24 ///
- 25 ///
- 26 ///
- 27 ///

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

-4-

Ι

2	The conduct, acts and/or omissions, of Respondent
3	NEW IDEAL DEVELOPMENT, INC., as alleged in the Accusation,
4	constitutes cause to suspend or revoke Respondent NEW IDEAL
5	DEVELOPMENT, INC.'s real estate licenses and license rights under
6	the provisions of Business and Professions Code Section ("Code")
7	10177(d) for violations of Code Section 10145 and Sections 2830,
8	2832, 2832.1 and 2834, of Title 10, Chapter 6, California Code of
9	Regulations.
10	İI
11	The conduct, acts and/or omissions, of Respondent SAMUEL
12	SHIH-HSIEN WU, as alleged in the Accusation, constitutes cause to
13	suspend or revoke Respondent SAMUEL SHIH-HSIEN WU's real estate
14	licenses and license rights under the provisions of Code Section
15	10177(d) for violations of Code Section 10145 and Sections 2830,
16	2832, 2832.1 and 2834, of Title 10, Chapter 6, California Code of
17	Regulations.
18	III
19	The conduct, acts and/or omissions, of SAMUEL SHIH-HSIEN
20	WU, as alleged in the Accusation, constitutes cause to suspend or
21	revoke Respondent SAMUEL SHIH-HSIEN WU's real estate licenses and
22	license rights under the provisions of Code Section 10177(h) for
23	failing to exercise reasonable supervision and control over the
24	licensed activities of New Ideal Development, Inc., as required by
25	Code Section 10159.2.
26	111
27	111
RNIA 8+72)	É
	-5-

COURT PAPER STATE OF CALIFORN STD. 113 (REV. 8-

l

1

1 ORDER  $\mathbf{2}$ WHEREFORE, THE FOLLOWING ORDER is hereby made: 3 I. The real estate licenses and license rights of 4 Respondent, NEW IDEAL DEVELOPMENT, INC., under the provisions of 5 Part 1 of Division 4 of the California Business and Professions 6 Code, are revoked; provided, however, a restricted real estate 7 corporation license shall be issued to Respondent NEW IDEAL 8 DEVELOPMENT, INC. ("NEW IDEAL"), if Respondent NEW IDEAL first 9 provides evidence satisfactory to the Real Estate Commissioner 10 that any trust fund deficit found by the Department audit 11 examination of NEW IDEAL and SAMUEL SHIH-HSIEN WU, as set forth 12 in the Accusation, has been cured; and makes proper application no 13 later than 90 days from the effective date of this Decision. 14 Respondent NEW IDEAL may apply for and be issued a restricted real 15 estate corporation license which shall be issued pursuant to the 16 provisions of Code Sections 10156.5, 10156.6 and 10156.7, subject 17 to the following terms limitations, conditions and restrictions:

1. The restricted license to be issued upon application of Respondent NEW IDEAL shall not confer any property right in the privileges to be exercised thereunder. Said restricted license and any privileges granted thereunder may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of the receipt of evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or the conditions attaching to the restricted license.

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 3-95)

18

19

20

21

22

23

24

25

26

27

-6-

2. Respondent NEW IDEAL shall not petition the Commissioner for the removal of any of the conditions, limitations or restrictions attaching to the restricted license or be eligible to apply for the issuance of an unrestricted real estate license until one (1) year has elapsed from the date of issuance of the restricted license to Respondent.

Pursuant to Section 10148 of the Business and 7 3. Professions Code, Respondent NEW IDEAL shall pay the 8 Commissioner's reasonable costs for an audit to ensure Respondent 9 is in compliance with the Real Estate Law, including the handling 10 of trust funds. In calculating the amount of the Commissioner's 11 reasonable costs, the Commissioner may use the estimated average 12 hourly salary for all Department Audit Section personnel 13 performing audits of real estate brokers, and shall include an 14 allocation for travel costs, including mileage, time to and from 15 the auditor's place of work, and per diem. The Commissioner's 16 17 reasonable costs shall in no event exceed \$6,200.00.

18 (a) Respondent shall pay such costs within 45 days
19 of receipt of an invoice from the Commissioner detailing the
20 activities performed during the audit and the amount of time spent
21 performing those activities;

22 ///

1

2

3

4

5

6

- 23 ///
- 24 ///
- 25 ///
- 26 ///

27

COURT PAPER

-7-

¢	
1	(b) Notwithstanding the provisions of any other
2	Paragraph herein, if Respondent fails to pay, within 45 days
3	from receipt of the invoice specified above, the Commissioner's
4	reasonable costs for an audit, the Commissioner may order the
5	suspension of the restricted real estate license issued to
6	Respondent pending a hearing held in accordance with Section
7	11500, et seq., of the Government Code. The suspension shall
8	remain in effect until payment is made in full, or until
9	Respondent enters into an agreement satisfactory to the
10	Commissioner to provide for such payment. The Commissioner may
11	impose further reasonable disciplinary terms and conditions upon
12	Respondent's real estate license and license rights as part of any
13	such agreement.
14	II. The real estate licenses and license rights of
15	Respondent, SAMUEL SHIH-HSIEN WU, under the provisions of Part 1
16	of Division 4 of the California Business and Professions Code are
17	revoked; provided, however, a restricted real estate broker
18	license shall be issued to Respondent SAMUEL SHIH-HSIEN WU ("WU"),
19	if Respondent WU first provides evidence satisfactory to the Real
20	Estate Commissioner that any trust fund deficit found by the
21	Department audit examination of NEW IDEAL DEVELOPMENT, INC., and
22	WU, as set forth in the Accusation, has been cured; and makes
23	proper application no later than 90 days from the effective date
24	of this Decision. Respondent WU may apply for and be issued a
25	restricted real estate broker license which shall be issued
26	pursuant to the provisions of Code Sections 10156.5, 10156.6 and
27	

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 3-95)

•

-8-

10156.7, subject to the following terms limitations, conditions
 and restrictions:

3 <u>1. The restricted license to be issued upon</u>
4 application of Respondent WU shall not confer any property right
5 in the privileges to be exercised thereunder. Said restricted
6 license and any privileges granted thereunder may be suspended
7 prior to hearing by Order of the Real Estate Commissioner in the
8 event of:

9 (a) Respondent WU's conviction (including a plea
10 of nolo contendere) to a crime which is substantially related to
11 Respondent's qualifications, functions, duties, fitness or
12 capacity as a real estate licensee.

13 (b) The receipt of evidence satisfactory to the
14 Commissioner that, subsequent to the effective date of this Order,
15 Respondent WU has violated provisions of the California Real
16 Estate Law, the Subdivided Lands Law, Regulations of the Real
17 Estate Commissioner, or the conditions attaching to this
18 restricted license.

19 2. Respondent WU shall not petition the Commissioner
20 for the removal of any of the conditions, limitations or
21 restrictions attaching to the restricted license or be eligible to
22 apply for the issuance of an unrestricted real estate license
23 until one (1) year has elapsed from the date of issuance of the
24 restricted license to Respondent.

- 111
- 26 ///

25

27

| |||

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

-9-

1 3. Respondent WU shall within nine (9) months from the 2 effective date of this Order, present evidence satisfactory to the 3 Real Estate Commissioner that he has, since March 24, 1993, taken 4 and successfully completed the continuing education requirements 5 of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of 6 a real estate license. If Respondent fails to satisfy this 7 condition, the Commissioner may order the suspension of any 8 restricted license issued to Respondent until Respondent presents 9 such evidence. The Commissioner shall afford Respondent the 10 opportunity for a hearing pursuant to the Administrative Procedure 11 Act to present such evidence. 12 Respondent shall, within nine (9) months from the 4. 13 effective date of this Order, take and pass the Professional 14 Responsibility Examination administered by the Department, 15 including the payment of the appropriate examination fee. If 16 Respondent fails to satisfy this condition, the Commissioner may 17 order suspension of the restricted license until Respondent passes 18 the examination. 19 111 20 111 21 111 22 111 23 111 24 111 25 111 26 /// 27 111

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

-10-

We have read the Stipulation and Agreement in Settlement 2 and Order and its terms are understood by us and are agreeable and 3 acceptable to us. We understand that we are waiving rights given 4 5 to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the 6 Government Code), and we willingly, intelligently and voluntarily 7 waive those rights, including the right of requiring the 8 Commissioner to prove the allegations in the Accusation at a 9 hearing at which we would have the right to cross-examine 10 witnesses against us and to present evidence in defense and 11 12 mitigation of the charges. 13 DATED: 8/16, 196 14 NEW IDEAL DEVELOPMENT, INC., Respondent, by Samuel Shih-Hsien Wu 15 designated officer of New Ideal Development, Juic., Respondent 16 17 DATED: 8/16/96 18 SAMU SHIH-HSIEN WU, Respondent

DATED: 111945+ 27, 1996

Salene Meita

DARLENE AVERETTA, Counsel for the Complainant, the Department of Real Estate

19

20

21

22

23

24

25

26

27

111

111

111

111

111

The foregoing Stipulation and Agreement in Settlement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on October 10, 1996. وموالم معود والمعارضة ومؤمن ومقام ومنافع والموالي والموار معادي محافظ والمعارف والمعار 9-17-96. IT IS SO ORDERED \_ JIM ANTT, JR. Real Estate Commissioner COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

-12-

SPA	
1	Department of Real Docate
2	107 South Broadway, Room 8107 Los Angeles, California 90012
3	(213) 897-3937
4	hand the second s
5	
6	By an and the second
7	
8	DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * * * *
11	In the Matter of the Accusation of ) No. H-26227 LA
12	NEW IDEAL DEVELOPMENT, INC., ) <u>ACCUSATION</u> doing business as Ideal Realty; )
13	and SAMUEL SHIH-HSIEN WU, ) individually and as designated )
14	officer of New Ideal Development, ) Inc., )
15	) Respondents. )
16	)
17	The Complainant, Peter F. Hurst, a Deputy Real Estate
18	Commissioner of the State of California, for cause of Accusation
/ 19	against NEW IDEAL DEVELOPMENT, INC., doing business as Ideal
20	Realty; and SAMUEL SHIH-HSIEN WU, individually and as designated
21	officer of New Ideal Development, Inc., is informed and alleges in
22	his official capacity as follows:
23	
24 25	
26 27	
۵ <i>۱</i>	
COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)	-1-

1	FIRST CAUSE OF ACCUSATION
2	(Audit Findings)
3	1.
4	NEW IDEAL DEVELOPMENT, INC., doing business as Ideal
5	Realty (hereinafter "NEW IDEAL") and SAMUEL SHIH-HSIEN WU
6	individually, and as designated officer of New Ideal Development,
7	Inc. (hereinafter "WU"), sometimes collectively referred to herein
8	as "Respondents") are presently licensed and/or have license
9	rights under the Real Estate Law, Part 1 of Division 4 of the
10	California Business and Professions Code (hereinafter "the Code").
11	2.
12	At all times material herein, NEW IDEAL was licensed by
13	the Department of Real Estate of the State of California
14	(hereinafter "the Department") as a corporate real estate broker
15	by and through WU as the designated officer and broker responsible
16	pursuant to the provisions of Section 10159.2 of the Code for
17	supervising the activities requiring a real estate license
18	conducted on behalf NEW IDEAL, by NEW IDEAL's officers, agents and
19	employees.
20	3.
21	At all times material herein, WU was licensed by the
22	Department as a real estate broker, and as the designated broker-
23	officer of NEW IDEAL. As the designated broker-officer, WU is
24	and, at all times material herein, was responsible for the
25	supervision and control of the activities requiring a real estate
26	license conducted on behalf of NEW IDEAL by its officers, agents
27	and employees, as necessary to secure full compliance with the

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

١

1

-2-

provisions of the Real Estate Law as required pursuant to the provisions of Section 10159.2 of the Code.

4.

All further references to "Respondents", unless otherwise specified, includes the parties identified in Paragraphs 1 through 3 above, and also includes the officers, directors, managers, employees, agents and real estate licensees employed by or associated with said parties, who at all times herein mentioned were engaged in the furtherance of the business or operations of said parties and who were acting within the course and scope of their authority, agency, or employment.

5.

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Code Sections 10131(a) and 10131(b), including:

(a) the operation and conduct of a real estate sale business with the public wherein, for compensation or in expectation of compensation, for another or others, Respondents sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property in the State of California, and also including,

(b) the operation and conduct of a property management business with the public wherein, for compensation or in expectation of compensation, for another or others, Respondents leased or rented or offered for lease or rent, or placed for rent,

-3-

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

1

2

3

4

5

6

7

8

9

10

11

12

16

17

18

19

20

21

22

23

24

25

26

or solicited listings of places for rent, or solicited for prospective tenants, or collected rents from real property, or improvements thereon in the State of California.

6.

At all times material herein, in connection with the 5 activities described in Paragraph 5, above, Respondents accepted 6 or received funds including funds in trust (hereinafter "trust 7 funds") from or on behalf of actual and prospective parties to 8 real property transactions handled by Respondents and thereafter 9 made deposits and/or disbursements of such funds. For the period 10 ending September 30, 1994, said trust funds were deposited and/or 11 maintained by Respondents in approximately sixty (60) bank 12 accounts, including Account Number 681-000666, "New Ideal 13 Development Inc. ITF General Trust Account" at Far East National 14 Bank (hereinafter "Account No. 1"); Account Number 681-004025, 15 "New Ideal Development Inc. ITF Live Oak Center", at Far East 16 National Bank (hereinafter "Account No. 2"); and Account Number 17 681-001263, "New Ideal Development Inc. ITF Main St. Plaza", at 18 Far East National Bank (hereinafter "Account No. 3"). 19

20 21 22

23

24

25

26

27

1

2

3

4

On or about December 21, 1994, the Department completed an examination of the books and records of Respondents, pertaining to the real estate and trust fund handling activities described in Paragraphs 5 and 6, above, covering a period from approximately September 1, 1994 through September 30, 1994. A bank reconciliation of Account No. 1, Account No. 2 and Account No. 3, was performed. Said examination revealed violations of the Code

-4-

7.

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72) and of Title 10, Chapter 6, California Code of Regulations (hereinafter the "Regulations") as set forth below.

8.

In the course of activities described in Paragraphs 5 and 6, above, and during the examination period described in Paragraph 7, Respondents acted in violation of the Code and the Regulations in that:

 (a) as of September 30, 1994, Account No. 1 had a shortage in the amount of approximately Seventeen Thousand Four Hundred Seventy Dollars and Seventy Cents (\$17,470.70).

Respondents caused, permitted and/or allowed, the withdrawal or 11 disbursement of trust funds from Account No. 1, without the prior 12 written consent of every principal who then was an owner of funds 13 in the account, thereby reducing the balance of funds in the said 14 account to an amount less than the existing aggregate trust fund 15 liability of the broker to all owners of said trust funds, in 16 violation of Code Section 10145 and Regulation 2832.1. Based on 17 documents examined, it appeared that the shortage had been cured 18 as of December 22, 1994;

(b) Respondents failed to place all trust funds received by Respondents into a neutral escrow depository, or into the hands of the principal on whose behalf the funds were received, or into trust accounts in the name of the broker as trustee in a bank or other financial institution, in that Respondents deposited, allowed, permitted or caused the deposit of trust funds into Account No. 2 and Account No. 3, which accounts was not maintained in Respondents' name as broker and trustee, or

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

1

2

3

4

5

6

7

8

9

10

19

20

21

22

23

24

25

26

27

-5-

"In Trust For" or as a trust account or custodial account, but 1 were set up as "ITF" accounts, in violation of Code Section 10145 2 and Regulation 2830; 3 (c)Respondents failed to maintain adequate columnar 4 records, in violation of Regulation 2831; 5 Respondents failed to maintain adequate separate (d) 6 records, in violation Regulation 2831.1; 7 Respondents failed to maintain a monthly (e) 8 reconciliation, in violation of Regulation 2831.2; 9 Respondents failed to deposit all funds received in (f) 10 trust into the hands of the owner of the funds, into a neutral 11 escrow depository or into a trust fund account maintained pursuant 12 to Regulation 2830 not later than the next business day following 13 receipt of the trust funds, in violation of Regulation 2832; 14 Respondents caused, permitted and/or allowed, (q) 15 Sheila Wu and Fu-Chuan Tsai, who were neither licensed by the 16 Department, nor covered by a fidelity bond, to be signatories on 17 trust accounts, in violation of Regulation 2834; 18 Respondents failed to notify the Real Estate (h) 19 Commissioner of all licensed real estate salespersons employed, in 20 violation of Code Section 10161.8 and Regulation 2752. 21 111 22 111 23 111 24 1.11 25 /// 26 111 27

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

-6-

	The conduct, acts and/or omissions of Respondents as
	described in Paragraph 8, above, violated the Code and the
	Regulations as set forth below:
	PARAGRAPH PROVISIONS VIOLATED
	8(a) Code Section 10145 and Regulation 2832.1
	8(b) Code Section 10145 and Regulation 2830
	8(c) Regulation 2831
1	8(d) Begulation 2831.1
1	8(e) Regulation 2831.2
12	8(f) Begulation 2832
1:	8(g) Begulation 2834
14	8(h) Code Section 10161.8
15	
16	suspension or revocation of all real estate licenses and license
17	rights of Respondents under the provisions of Code Sections 10165
18	and 10177(d).
/ 19	SECOND CAUSE OF ACCUSATION
20	(Violation of Code Section 10159.2)
21	10.
22	Complainant incorporates herein by reference the
23	Preamble and the allegations of Paragraphs 1 through 9, inclusive,
24	herein above.
25	111
26	111
27	
COURT PAPER	
STATE OF CALIFORNIA STD. 113 (REV. 8-72) 85 34769	-7-

85 34769

1

ļ

9.

The conduct, acts and omissions, of Respondent WU, in 2 allowing NEW IDEAL to violate the Real Estate Law as described 3 herein above, constitutes a failure by Respondent WU, as the 4 officer designated by a corporate broker licensee, to exercise the 5 supervision and control over the activities of NEW IDEAL, as 6 required by Code Section 10159.2. Said conduct is cause to 7 suspend or revoke the real estate licenses and license rights of Respondent WU under Code Section 10177(h).

11.

WHEREFORE, Complainant prays that a hearing be conducted 10 on the allegations of this Accusation and that upon proof thereof, 11 a decision be rendered imposing disciplinary action against all 12 licenses and license rights of Respondents NEW IDEAL DEVELOPMENT, 13 INC., doing business as Ideal Realty; and SAMUEL SHIH-HSIEN WU, 14 individually and as designated officer of New Ideal Development, 15 Inc., under the Real Estate Law (Part 1 of Division 4 of the 16 Business and Professions Code), and for such other and further 17 relief as may be proper under other applicable provisions of law. 18 Dated at Los Angeles, California 19

this 27th day of June, 1995.

PETER F. HURST

Deputy Real Estate Commissioner

New Ideal Development, Inc. cc: Samuel Shih-Hsien Wu SACTO MGS

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8.72) 1

8

9

20

21

22

23

24

25

26