

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 Respondent.

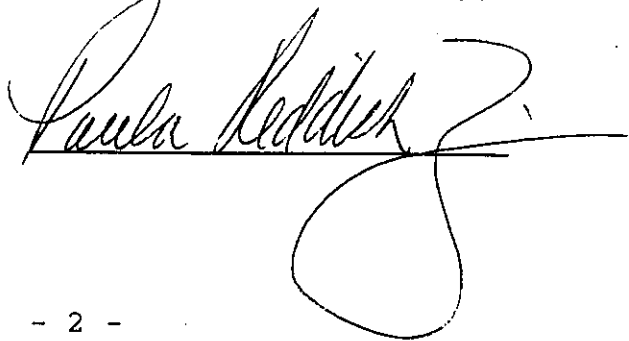
8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a real estate
10 salesperson license be issued to Respondent if Respondent
11 satisfies the following conditions within nine months from the
12 date of this Order:

- 13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.
- 15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: July 7, 2000

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012
4 Telephone (213) 897-3937

FILED
NOV 15 1996
DEPARTMENT OF REAL ESTATE

By K. Rudolph

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

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|---|----------------------------------|
| 11 In the Matter of the Accusation of) | No. H-26725 LA |
| 12) | |
| 13 VIRGENCITA TAN LEE) | <u>STIPULATION AND AGREEMENT</u> |
| 14 Respondent.) | <u>IN SETTLEMENT AND ORDER</u> |

15 It is hereby stipulated by and between VIRGENCITA TAN LEE
16 (hereafter sometimes referred to as Respondent), and the
17 Complainant, acting by and through Marjorie P. Mersel, Counsel for
18 the Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on August 8, 1996,
20 in this matter:

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

27 /

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. Respondent has filed a Notice of Defense pursuant to
6 Section 11505 of the Government Code for the purpose of requesting
7 a hearing on the allegations in the Accusation. Respondent hereby
8 freely and voluntarily withdraws said Notice of Defense.
9 Respondent acknowledges that she understands that by withdrawing
10 said Notice of Defense she will thereby waive her right to require
11 the Commissioner to prove the allegations in the Accusation at a
12 contested hearing held in accordance with the provisions of the APA
13 and that she will waive other rights afforded to her in connection
14 with the hearing such as the right to present evidence in defense
15 of the allegations in the Accusation and the right to cross-examine
16 witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admits that the factual allegations in Paragraphs
19 III, of the Accusation filed in this proceeding are true and
20 correct and the Real Estate Commissioner shall not be required to
21 provide further evidence of such allegations.

22 5. It is understood by the parties that the Real Estate
23 Commissioner may adopt the Stipulation and Agreement in Settlement
24 and Order as his decision in this matter thereby imposing the
25 penalty and sanctions on Respondent's real estate license and
26 license rights as set forth in the below "Order". In the event
27 that the Commissioner in his discretion does not adopt the

1 Stipulation and Agreement in Settlement and Order, the Stipulation
2 and Agreement in Settlement and Order shall be void and of no
3 effect, and Respondent shall retain the right to a hearing and
4 proceeding on the Accusation under all the provisions of the APA
5 and shall not be bound by any admission or waiver made herein.

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

12 DETERMINATION OF ISSUES

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

17 I

18 The conduct of Respondent, as described in Paragraph 4 is
19 grounds for the suspension or revocation of the real estate license
20 and license rights of Respondent under the provisions of Sections
21 490 and 10177(b) of the Business and Professions Code.

22 ORDER

23 WHEREFORE, THE FOLLOWING ORDER is hereby made:

24 1. The license and license rights of Respondent
25 VIRGENCITA TAN LEE under Part 1 of Division 4 of the Business and
26 Professions Code are revoked.

1 2. A restricted real estate salesperson license shall be
2 issued to Respondent pursuant to Section 10156.5 of the Business
3 and Professions Code if Respondent makes application heretofore,
4 and pays to the Department of Real Estate the appropriate fee for
5 said license within ninety (90) days from the effective date of the
6 Order herein.

7 3. The restricted real estate salesperson license issued
8 to respondent shall be subject to all of the provisions of Section
9 10156.7 of the Business and Professions Code and the following
10 limitations, conditions and restrictions imposed under authority of
11 Section 10156.6 of the Code.

12 A. The restricted license may be suspended prior
13 to hearing by Order of the Real Estate Commissioner
14 in the event that Respondent is convicted or enters a
15 plea of nolo contendere to a crime which bears a
16 significant relationship to the fitness or capacity
17 of Respondent to function as a real estate licensee.

18 B. The restricted license may be suspended prior
19 to hearing by Order of the Real Estate Commissioner
20 on evidence satisfactory to the Real Estate
21 Commissioner that Respondent has violated provisions
22 of the California Real Estate Law, the Subdivided
23 Lands Law, Regulations of the Real Estate
24 Commissioner, or conditions attaching to the
25 restricted license.

26 C. Respondent shall obey all laws of the United
27 States, the State of California and its political

1 subdivisions, and shall further obey and comply with
2 all rules and regulations of the Real Estate
3 Commissioner.

4 D. Respondent shall not be eligible to apply
5 for the issuance of an unrestricted real estate
6 license nor the removal of any of the conditions
7 limitations or restrictions of a restricted license
8 until at least one (1) year has elapsed from the
9 effective date of this Decision.

10 E. Respondent shall submit with her application
11 for said restricted license under an employing
12 broker, a statement signed by the prospective
13 employing broker which shall certify:

14 1. That he or she has read the Decision of
15 the Commissioner which granted the right to a
16 restricted license; and

17 2. That he or she will exercise close
18 supervision over the performance by the
19 restricted licensee of activities for which
20 a real estate license is required.

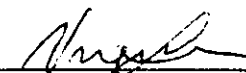
21 F. Respondent shall, within twelve (12) months from
22 the effective date of this Order, present
23 evidence satisfactory to the Real Estate Commissioner
24 that she has, during the four years prior to the
25 effective date of this Order, taken and
26 successfully completed the continuing education
27 requirements of Article 2.5 of Chapter 3 of the

1 Real Estate Law for renewal of a real estate
2 license. If Respondent fails to satisfy this
3 condition, the Commissioner may order the
4 suspension of the restricted license until
5 Respondent presents such evidence. The
6 Commissioner shall afford Respondent the
7 opportunity for a hearing pursuant to the
8 Administrative Procedure Act to present such
9 evidence.

10 * * * *

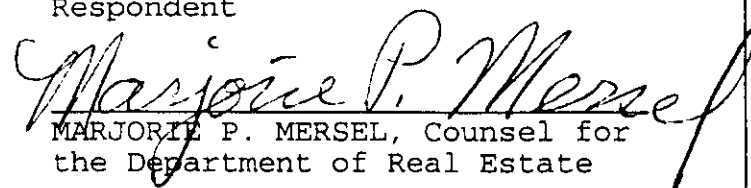
11 I have read the Stipulation and Agreement in Settlement
12 and Order, have discussed it with my counsel, and its terms are
13 understood by me and are agreeable and acceptable to me. I
14 understand that I am waiving rights given to me by the California
15 Administrative Procedure Act (including, but not limited to
16 Sections 11506, 11508, 11509 and 11513 of the Government Code), and
17 I willingly, intelligently and voluntarily waive those rights,
18 including the right of requiring the Commissioner to prove the
19 allegations in the Accusation at a hearing at which I would have
20 the right to cross-examine witnesses against me and to present
21 evidence in defense and mitigation of the charges.

22
23 DATED: Oct. 15, 1996



VIRGENGITA TAN LEE,
Respondent

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25
26 DATED: Oct. 16, 1996



MARJORIE P. MERSEL, Counsel for
the Department of Real Estate

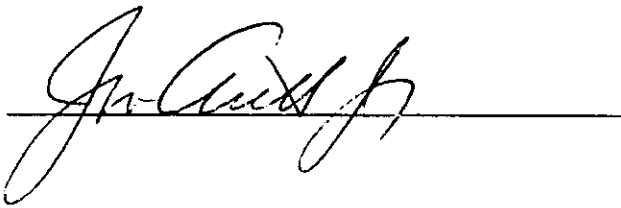
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The foregoing Stipulation and Agreement in Settlement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on December 3, 1996.

IT IS SO ORDERED 11-4-96

JIM ANTT, JR.
Real Estate Commissioner



Handwritten notes:
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MARJORIE P. MERSEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

(213) 897 3937

FILED
AUG - 8 1996
DEPARTMENT OF REAL ESTATE

By K. Oredubolt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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|--------------------------------------|----------------------------|
| In the Matter of the Accusation of) | No. H-26725 LA |
| VIRGENCITA TAN LEE,) | |
| Respondent.) | A C C U S A T I O N |

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against VIRGENCITA TAN LEE (hereinafter "Respondent"), is informed and alleges as follows:

I

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter the Code) as a real estate salesperson.

II

The Complainant Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

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III

On or about February 8, 1994, in the Municipal Court of Central Orange County Judicial District, Respondent pled guilty to and was convicted of the crime of violating Penal Code Section 484 (a) (Petty Theft), a crime involving moral turpitude.

IV

The crime of which respondent was convicted, as described in Paragraph III, above, constitutes cause under Sections 490 and 10177(b) of the Code for suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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 the license and license rights of Respondent VIRGENCITA TAN LEE under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California

this 8th day of August, 1996.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc Virgencita Tan Lee
Dennis Norman Martin
Sacto
DKB