

1 Department of Real Estate
320 West Fourth Street, #350
2 Los Angeles, California 90013

3 (213) 576-6982
4 (213) 576-6914

FILED
OCT. 22, 2008
DEPARTMENT OF REAL ESTATE

By C. B.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	NO. H-34889 LA
)	L-2008050584
12	CALIFORNIA GATEWAY, INC.;)	
	WHISKY WUIKEE YONG; and)	<u>STIPULATION AND AGREEMENT</u>
13	<u>DENNIS J. GORDON,</u>)	
)	
14	Respondents.)	
)	

16 It is hereby stipulated by and between Respondents
17 WHISKY WUIKEE YONG and DENNIS J. GORDON (hereinafter
18 collectively referred to as "Respondents") and the Complainant,
19 acting by and through Lissete Garcia, Counsel for the Department
20 of Real Estate, as follows for the purpose of settling and
21 disposing of the Accusation filed on April 30, 2008, in this
22 matter:

- 23 1. All issues which were to be contested and all
- 24 evidence which was to be presented by Complainant and
- 25 Respondents at a formal hearing on the Accusation, which hearing
- 26 was to be held in accordance with the provisions of the
- 27

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement (hereinafter "Stipulation").

4 2. Respondents have received, read and understand the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation filed by the Department of Real Estate in this
7 proceeding.

8 3. On April 30, 2008, Respondents were served with a
9 blank Notice of Defense pursuant to Section 11506 of the
10 Government Code for the purpose of requesting a hearing on the
11 allegations in the Accusation. On May 14, 2008, Respondents
12 filed a Notice of Defense pursuant to Section 11506 of the
13 Government Code for the purpose of requesting a hearing on the
14 allegations in the Accusation. Respondents hereby freely and
15 voluntarily withdraw said Notice of Defense. Respondents
16 acknowledge that they understand that by withdrawing said Notice
17 of Defense they will thereby waive their right to require the
18 Commissioner to prove the allegations in the Accusation at a
19 contested hearing held in accordance with the provisions of the
20 APA and that they will waive other rights afforded to them in
21 connection with the hearing such as the right to present
22 evidence in defense of the allegations in the Accusation and the
23 right to cross-examine witnesses.

24 4. This Stipulation is based on the factual
25 allegations contained in the Accusation filed in this proceeding.
26 In the interest of expedience and economy, Respondents choose not
27 to contest these factual allegations, but to remain silent and

1 understand that, as a result thereof, these factual statements,
2 will serve as a prima facie basis for the disciplinary action
3 stipulated to herein. The Real Estate Commissioner shall not be
4 required to provide further evidence to prove such allegations.

5 5. This Stipulation and Respondents' decision not to
6 contest the Accusation are made for the purpose of reaching an
7 agreed disposition of this proceeding and are expressly limited
8 to this proceeding and any other proceeding or case in which the
9 Department of Real Estate, or another licensing agency of this
10 state, another state or if the federal government is involved and
11 otherwise shall not be admissible in any other criminal or civil
12 proceedings.

13 6. It is understood by the parties that the Real
14 Estate Commissioner may adopt the Stipulation and Agreement as
15 his decision in this matter, thereby imposing the penalty and
16 sanctions on Respondents' real estate licenses and license rights
17 as set forth in the below "Order". In the event that the
18 Commissioner in his discretion does not adopt the Stipulation,
19 the Stipulation shall be void and of no effect, and Respondents
20 shall retain the right to a hearing on the Accusation under all
21 the provisions of the APA and shall not be bound by any
22 stipulation or waiver made herein.

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

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions
6 and waivers and solely for the purpose of settlement of the
7 pending Accusation without a hearing, it is stipulated and
8 agreed that the following determination of issues shall be made:

9 The acts and omissions of Respondents, as set forth in
10 the Accusation, are in violation of Section 2746, Title 10,
11 Chapter 6, California Code of Regulations, and are grounds for
12 the suspension or revocation of the licenses and license rights
13 of Respondents pursuant to Section 10177(a) of the Business and
14 Professions Code.

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 The real estate broker licenses of Respondents WHISKY
18 WUIKEE YONG and DENNIS J. GORDON are hereby publicly reproved.

19
20 DATED: September 3, 2008

21 Lisette Garcia
LISSETE GARCIA, Counsel for
22 Complainant, Department of Real Estate

23 ///

24 ///

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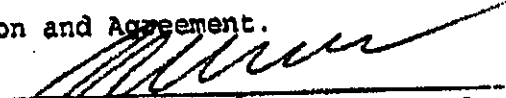
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We have read the Stipulation and Agreement, have discussed it with our counsel, and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Department at the following fax number: (213) 576-6917. Respondents agree, acknowledge and understand that by electronically sending to the Department a fax copy of their actual signatures as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation and Agreement.

DATED: 8-27-2008


WHISKEY WUIKEE YONG, Respondent

DATED: 8/27/2008


DENNIS J. GORDON, Respondent

1 I have reviewed the Stipulation and Agreement as to
 2 form and content and have advised my clients accordingly.

3
 4 DATED: 8-28-08 Waide C. Johnson
 5 WAIDE C. JOHNSON, Attorney for Respondents
 6

7 * * *

8 The foregoing Stipulation and Agreement is hereby
 9 adopted as my Decision in this matter and shall become effective
 10 at 12 o'clock noon on November 12, 2008.

11
 12 IT IS SO ORDERED 9-29-08.

13 JEFF DAVI
 14 Real Estate Commissioner

15 Barbara J. Bigby
 16

17
 18 BY: Barbara J. Bigby
 19 Chief Deputy Commissioner
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1 August 27, 2008 (attached as Exhibit "A" hereto). Respondent's
2 license certificate(s), pocket card(s) and any branch office
3 license certificate(s) shall be sent to the below listed address
4 so that they reach the Department on or before the effective
5 date of this Order:

6 Department of Real Estate
7 Atten: Licensing Flag Section
8 P.O. Box 187000
9 Sacramento, CA 95818-7000

10 This Order shall become effective at 12 o'clock noon
11 on November 12, 2008.

12 DATED: 9-29-08

13 JEFF DAVI
14 Real Estate Commissioner

15 

16 BY: Barbara J. Bigby
17 Chief Deputy Commissioner
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Exhibit "A"

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE No. H-34889 LA
)	
<u>CALIFORNIA GATEWAY, INC.</u> ;)	OAH No. L-2008050584
WHISKY WUIKEE YONG; and)	
DENNIS J. GORDON,)	
)	
Respondents.)	

DECLARATION

My name is WHISKY WUIKEE YONG, and I am the former designated broker-officer of CALIFORNIA GATEWAY, INC., which is currently licensed by the Department of Real Estate as a real estate corporation and/or has license rights with respect to said license. I am authorized and empowered to sign this Declaration on behalf of CALIFORNIA GATEWAY, INC., and am acting freely and voluntarily on behalf of CALIFORNIA GATEWAY, INC. on this matter. I am personally represented by Wade C. Johnson, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections

1 11400 et seq., of the Government Code), CALIFORNIA GATEWAY, INC.
2 wishes to voluntarily surrender its real estate license issued
3 by the Department of Real Estate ("Department"), pursuant to
4 Business and Professions Code Section 10100.2.

5 It is understood that by so voluntarily surrendering
6 its license, CALIFORNIA GATEWAY, INC. may be relicensed only by
7 petitioning for reinstatement in accordance with the provisions
8 of Section 11522 of the Government Code. It is also understood
9 that by so voluntarily surrendering its license, CALIFORNIA
10 GATEWAY, INC., agrees to the following:

11 1. The filing of this Declaration shall be deemed as
12 its petition for voluntary surrender.


13 2. It shall also be deemed to be an understanding and
14 agreement by CALIFORNIA GATEWAY, INC., that it waives all rights
15 it has to require the Commissioner to prove the allegations
16 contained in the Accusation filed in this matter at a hearing
17 held in accordance with the provisions of the Administrative
18 Procedure Act (Government Code Sections 11400 et seq.), and that
19 it also waives other rights afforded to it in connection with the
20 hearing such as the right to discovery, the right to present
21 evidence in defense of the allegations in the Accusation and the
22 right to cross-examine witnesses.

23 3. It is further agreed on behalf of CALIFORNIA
24 GATEWAY, INC., that upon acceptance by the Commissioner, as
25 evidenced by an appropriate order, all affidavits and all
26 relevant evidence obtained by the Department in this matter prior
27 to the Commissioner's acceptance, and all allegations contained

1 in the Accusation filed in the Department Case No. H-34889 LA,
 2 may be considered by the Department to be true and correct for
 3 the purpose of deciding whether to grant relicensure or
 4 reinstatement of CALIFORNIA GATEWAY, INC. pursuant to Government
 5 Code Section 11522.

6 4. CALIFORNIA GATEWAY, INC. freely and voluntarily
 7 surrenders all licenses and license rights under the Real Estate
 8 Law.

9 I declare under penalty of perjury under the laws of
 10 the State of California that the above is true and correct and
 11 that this Declaration was executed on Aug 27, 2008,
 12 at Long Beach, California.

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 14 
 15 WHISKY WUIKEE YONG for
 16 CALIFORNIA GATEWAY, INC.
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1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 Direct: (213) 576-6914 (Direct)

FILED
April 30, 2008
DEPARTMENT OF REAL ESTATE

By C. h.

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-34889 LA
12 CALIFORNIA GATEWAY, INC.;)
13 WHISKY WUIKEE YONG; and) A C C U S A T I O N
14 DENNIS J. GORDON,)
15 Respondents.)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against CALIFORNIA GATEWAY, INC., a California corporation;
19 WHISKY WUIKEE YONG; and DENNIS J. GORDON is informed and alleges
20 in her official capacity as follows:

21 1.

22 Respondent CALIFORNIA GATEWAY, INC., (Respondent
23 "CGI"); WHISKY WUIKEE YONG (Respondent "YONG"); and DENNIS J.
24 GORDON (Respondent "GORDON") are presently licensed and/or have
25 license rights under the Real Estate Law (Part 1 of Division 4 of
26 the Business and Professions Code, hereinafter "Code").
27

2.

1 From on or about August 15, 2007, to the present,
2 Respondent YONG was licensed as a real estate broker and as the
3 broker-officer of Respondent CGI.
4

3.

5 From on or about May 19, 2006, to August 15, 2007,
6 Respondent GORDON was licensed as a real estate broker and the
7 broker-officer of Respondent CGI.
8

4.

9 At all times mentioned herein, Respondent CGI was
10 licensed as a real estate corporation acting by and through
11 Respondents YONG and GORDON as its designated broker-officers.
12

13 FIRST CAUSE OF ACCUSATION

5.

14 On or about April 12, 2006, Respondents CGI and GORDON,
15 pursuant to the provisions of Sections 10150 and 10159 of the
16 Code, made application to the Department of Real Estate
17 (hereinafter "Department") for the issuance to CGI of a corporate
18 real estate broker license.
19

6.

20 In response to Section III - Regulation 2746 of the
21 corporation license application, Respondent GORDON certified that
22 a Corporation Background Statement was not needed for any
23 officers of Respondent CGI. A background statement of
24 information is required for all officers with responsibility for
25 forming policy of the corporation and all natural persons owning
26
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1 or controlling more than ten percent of its shares, if such
2 person(s) has (a) had a license to engage in or practice real
3 estate or other regulated profession, occupation or vocation
4 denied, suspended or revoked during the preceding 10 years; or
5 (b) been convicted of a crime which is substantially related to
6 the qualifications, functions or duties of a licensee of the
7 Department. In reliance on this certification the Department
8 issued Respondent CGI a corporate real estate broker license.
9 Respondents CGI and GORDON obtained this license by knowingly
10 making a false statement or material fact or knowingly omitting
11 to state a material fact in its application.

12 7.

13 At all times mentioned herein, Respondent CGI was and
14 now is a corporation organized and existing under the laws of the
15 State of California, and William Stayart, aka Bill Stayart
16 (hereinafter "Stayart") was and now is an officer, director,
17 and/or person owning or controlling ten percent or more of the
18 stock of Respondent CGI.

19 Stayart's Criminal Convictions

20 8.

21 On or about July 15, 2005, in the Superior Court of
22 California, County of Los Angeles, Case No. 5LM04182, STAYART was
23 convicted of violating two counts of California Penal Code
24 Section 166, subdivision (c)(1) (disobeyance of protective order
25 and contempt of court), misdemeanors. Stayart was sentenced to
26 summary probation for 36 months on certain terms and conditions.
27 Stayart was found in violation of the terms of his probation on

1 February 24, 2006 and on August 31, 2006. Stayart's probation
2 was revoked and reinstated.

3 9.

4 On or about September 14, 2000, in the Superior Court
5 of California, County of Los Angeles, Case No. OCR04821, Stayart
6 was convicted of violating one count of California Penal Code
7 Section 166, subdivision (a)(4) (disobeyance of court order and
8 contempt of court), a misdemeanor. Stayart was placed on
9 diversion for 24 months on certain terms and conditions directing
10 Stayart to, inter alia, pay a diversion restitution fee of \$100,
11 pay child support in the amount of \$1,500 per month, and pay
12 child support arrearages in the amount of \$38,762, payable at
13 \$400 per month. On May 18, 2001, the Superior Court terminated
14 diversion for failure to comply with the terms of diversion. On
15 June 27, 2001, the court suspended sentencing and placed Stayart
16 on summary probation for 36 months on certain terms and
17 conditions directing Stayart to, inter alia, pay a restitution
18 fine of \$100, pay child support in the amount of \$1,500 per
19 month, pay child support arrearages in the amount of \$25,178.31,
20 payable at \$100 per month.

21 10.

22 The underlying facts of the crimes for which Stayart
23 was convicted involve moral turpitude and bear a substantial
24 relationship under Section 2910, Title 10, Chapter 6, California
25 Code of Regulations, to the qualifications, functions or duties
26 of a real estate licensee.
27

Stayart's Prior Denial

11.

On or about May 13, 2004, Stayart made application to the Department for a real estate salesperson license.

On January 25, 2005, the Department filed a Statement of Issues (DRE No. H-31633 LA) against Stayart. The Statement of Issues alleged cause to deny Stayart's application for licensure based on the conviction described above in Paragraph 8. On April 28, 2005, a hearing on the Statement of Issues was held before the Office of Administrative Hearings (OAH Case No. L-2005040176). A Proposed Decision recommending denial of the license; however, granting a restricted salesperson license for a three-year period under certain restrictions was rejected by the Commissioner on June 6, 2005. Effective November 28, 2005, after having reviewed the hearing record, the transcript of the hearing proceedings, and the further arguments submitted by both parties, the Commissioner issued a Decision after Rejection which denied Stayart's application for a real estate license.

12.

Respondents CGI and GORDON's failure to reveal Stayart's convictions and prior denial of a real estate license as described in Paragraphs 8, 9, and 11, above, are in violation of Section 2746, Title 10, Chapter 6, California Code of Regulations and are grounds for the suspension or revocation of Respondents CGI and GORDON's licenses under Section 10177(a) of the Code.

SECOND CAUSE FOR ACCUSATION

13.

There is hereby incorporated in this second, separate and distinct cause of Accusation, all of the allegations contained in Paragraphs 5 through 12 of the First Cause of Accusation with the same force and effect as if herein fully set forth.

14.

On or about August 15, 2007, Respondents CGI and YONG, pursuant to the provisions of Sections 10150 and 10159 of the Code, submitted a corporation change application to the Department to substitute the CGI's designated broker-officer from Respondent GORDON to Respondent YONG.

15.

On or about September 17, 2007, Respondents CGI and YONG, pursuant to the provisions of Sections 10150 and 10159 of the Code, made application to the Department for the issuance to CGI of a corporate real estate broker license which noted Respondent YONG as CGI's current designated broker-officer.

16.

In response to Section III - Regulation 2746 of the August 15, 2007, and September 17, 2007, corporation license applications, Respondent YONG certified that a Corporation Background Statement was not needed for any officers of Respondent CGI. In reliance on this answer the Department issued Respondent CGI a corporate real estate broker license.

1 Respondents CGI and YONG obtained this license by knowingly
2 making a false statement or material fact or knowingly omitting
3 to state a material fact in its application.

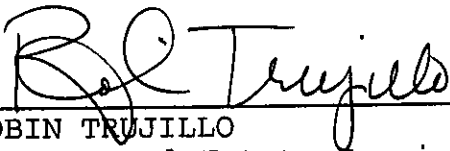
4 17.

5 Respondents CGI and YONG's failure to reveal Stayart's
6 convictions and prior denial of a real estate license as
7 described in Paragraphs 8, 9, and 11, above, are in violation of
8 Section 2746, Title 10, Chapter 6, California Code of Regulations
9 and are grounds for the suspension or revocation of Respondents
10 CGI and YONG's licenses under Section 10177(a) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondents
5 CALIFORNIA GATEWAY, INC.; WHISKY WUIKEE YONG; and DENNIS J.
6 GORDON under the Real Estate Law (Part 1 of Division 4 of the
7 Business and Professions Code) and for such other and further
8 relief as may be proper under other applicable provisions of law.

9 Dated at Los Angeles, California,
10 this 25 day of April, 2008.

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15 ROBIN TRUJILLO
16 Deputy Real Estate Commissioner
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24 cc: California Gateway, Inc.
25 Whisky Wuikee Yong
26 Dennis J. Gordon
27 Robin Trujillo
Sacto.