

1 Bureau of Real Estate  
2 320 W. 4<sup>TH</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105  
4 Telephone: (213) 576-6982

**FILED**

MAR 11 2015

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 SKYWAY INVESTMENT CORPORATION, )  
14 doing business as Skyway Financial Company, )  
15 and )  
16 YAOTIAN LUO, individually and as designated )  
17 officer of Skyway Financial Company, )  
18 Respondents, )  
19 )

No. H-39055 LA

STIPULATION  
AND  
AGREEMENT

18 It is hereby stipulated by and between Respondents SKYWAY INVESTMENT  
19 CORPORATION and YAOTIAN LUO, individually and as designated officer of Skyway  
20 Financial Company (sometimes collectively referred to as "Respondents") and the Complainant,  
21 acting by and through Elliott Mac Lennan, Counsel for the Bureau of Real Estate, as follows for  
22 the purpose of settling and disposing of the Accusation ("Accusation") filed on September 26,  
23 2013, in this matter:

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

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

7           3. Respondents filed a Notice of Defense pursuant to Section 11506 of the  
8 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
9 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
10 acknowledge that they understand that by withdrawing said Notice of Defense they thereby  
11 waive their right to require the Commissioner to prove the allegations in the Accusation at a  
12 contested hearing held in accordance with the provisions of the APA and that they will waive  
13 other rights afforded to them in connection with the hearing such as the right to present evidence  
14 in their defense and the right to cross-examine witnesses.  
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16           4. This Stipulation is based on the factual allegations contained in the  
17 Accusation. In the interest of expedience and economy, Respondents choose not to contest  
18 these allegations, but to remain silent and understand that, as a result thereof, these factual  
19 allegations, without being admitted or denied, will serve as a prima facie basis for the  
20 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to  
21 provide further evidence to prove said factual allegations.  
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23           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
24 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
25 which the Bureau of Real Estate ("Bureau") or another licensing agency of this state, another  
26  
27

1 state or if the federal government is involved, and otherwise shall not be admissible in any other  
2 criminal or civil proceeding.

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

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

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17 8. Respondents understand that by agreeing to this Stipulation, Respondents  
18 agree to pay, pursuant to Business and Professions Code Section 10148, the cost of the original  
19 audit which led to this disciplinary action. The amount of said cost is \$2,892.98.

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21 9. Respondents have received, read, and understand the "Notice Concerning  
22 Costs of Subsequent Audit." Respondents further understand that by agreeing to this  
23 Stipulation, the findings set forth below in the Determination of Issues become final, and the  
24 Commissioner may charge Respondents for the cost of any subsequent audit conducted pursuant  
25 to Business and Professions Code Section 10148 to determine if the violations have been  
26 corrected. The maximum cost of the subsequent audit shall not exceed \$2,892.98.





1 from the effective date of the Decision, the stay hereby granted shall become permanent.

2 II.

3 Pursuant to Section 10148 of the Business and Professions Code, Respondents

4 SKYWAY INVESTMENT CORPORATION and YAOTIAN LUO shall pay the

5 Commissioner's reasonable cost for (1) the audit which led to this disciplinary action and (2) a

6 subsequent audit to determine if Respondents are now in compliance with the Real Estate Law.

7 The cost of the audit which led to this disciplinary action is \$2,892.98. In calculating the

8 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated

9 average hourly salary for all persons performing audits of real estate brokers, and shall include

10 an allocation for travel time to and from the auditor's place of work. Said amount for the prior

11 and subsequent audits shall not exceed \$5,785.96. Respondents are jointly and severally liable

12 for the cost of the audit.

13 Respondents shall pay such cost within 60 days of receiving an invoice from the

14 Commissioner detailing the activities performed during the audit and the amount of time spent

15 performing those activities.

16 The Commissioner may suspend the licenses of Respondents pending a hearing

17 held in accordance with Section 11500, et seq., of the Government Code, if payment is not

18 timely made as provided for herein, or as provided for in a subsequent agreement between the

19 Respondents and the Commissioner. The suspension shall remain in effect until payment is

20 made in full or until a Respondent enters into an agreement satisfactory to the Commissioner to

21 provide for payment, or until a decision providing otherwise is adopted following a hearing held

22 pursuant to this condition.

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III.

All licenses and licensing rights of Respondents SKYWAY INVESTMENT

CORPORATION and YAOTIAN LUO, are indefinitely suspended unless or until Respondents pay the sum of \$2,255.00 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action by the effective date. Said payment must be received by the Bureau prior to the effective date of the Order in this matter.

IV.

All licenses and licensing rights of YAOTIAN LUO are indefinitely suspended

unless or until Respondent provides proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that Respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

V.

As an additional condition for the Commissioner to enter into this Stipulation,

Respondents shall provide evidence satisfactory to the Real Estate Commissioner that Respondents have disbursed from BA 1 broker's escrow fees totaling \$400.15, from BA 1.

All licenses and licensing rights of Respondents are indefinitely suspended unless  
or until Respondents provide evidence to the Commissioner sufficient to demonstrate that said disbursement has been effected.

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VI.

As a another condition for the Commissioner to enter into this Stipulation,

Respondents shall provide evidence satisfactory to the Real Estate Commissioner that Respondents either bond Elsa Hui, and/or removed her as escrow officer unless and until she is licensed by the Bureau and authorized in writing to be the escrow officer handling trust funds.

All licenses and licensing rights of Respondents are indefinitely suspended unless or until Respondents provide evidence to the Commissioner sufficient to demonstrate that said disbursement has been effected.

VII.

As a further condition for the Commissioner to enter into this Stipulation,

Respondents shall provide evidence satisfactory to the Real Estate Commissioner that all violations cited in the Determination of Issues have been corrected prior to the effective date of the Decision.

VIII.

All proof required by this Decision, shall be sent to the attention of Bureau of

Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013. All checks, unless otherwise specified, are payable to the Bureau of Real Estate. All proof required by this Decision, and all payments required herein, may be made by either cashier's check or made by credit card. Credit card payments shall be accompanied by Form RE 909. Proof and payments shall be sent to the attention of Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013.

1  
2 DATED: 2-13-15

ELIOTT MAC LENNAN  
3 ELLIOTT MAC LENNAN,  
4 Counsel for Bureau of Real Estate

5 \* \* \*

6 EXECUTION OF THE STIPULATION

7 We have read the Stipulation. Its terms are understood by us and are agreeable  
8 and acceptable to us. We understand that we are waiving rights given to us by the California  
9 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and  
10 11513 of the Government Code), and we are willingly, intelligently and voluntarily waive those  
11 rights, including the right of requiring the Commissioner to prove the allegations in the  
12 Accusation at a hearing at which we would have the right to cross-examine witnesses against us  
13 and to present evidence in defense and mitigation of the charges.

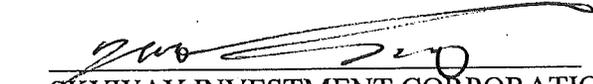
14 MAILING/FACSIMILE

15 Respondents (1) shall mail the original signed signature page of the Stipulation  
16 herein to Elliott Mac Lennan: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth  
17 St., Suite 350, Los Angeles, California 90013-1105. Respondents (2) shall also facsimile a copy  
18 of signed signature page, to the Bureau at the following fax number: (213) 576-6917, Attention:  
19 Elliott Mac Lennan.  
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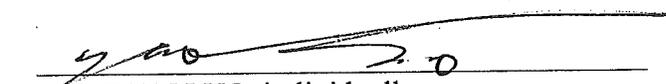
21  
22 A facsimile constitutes acceptance and approval of the terms and conditions of  
23 this Stipulation. Respondents agree, acknowledge and understand that by electronically sending  
24 to the Bureau of Real Estate a facsimile copy of Respondents' actual signatures as they appear  
25 on the Stipulation that receipt of the facsimile copy by the Bureau shall be as binding on  
26 Respondents as if the Bureau of Real Estate had received the original signed Stipulation.  
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DATED: 2-17-2015

  
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SKYWAY INVESTMENT CORPORATION  
BY: YAOTIAN LUO D.O.  
Respondent

DATED: 2-17-2015

  
\_\_\_\_\_  
YAOTIAN LUO, individually  
and as designated officer of  
Skyway Investment Corporation,  
Respondent

[This section intentionally left blank]

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2                   The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
3 Respondents SKYWAY INVESTMENT CORPORATION and YAOTIAN LUO, individually  
4 and as designated officer of Skyway Investment Corporation and shall become effective at 12  
5 o'clock noon on April 10, 2015  
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7                   IT IS SO ORDERED MARCH 6, 2015  
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9                   Real Estate Commissioner

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12                   By: JEFFREY MASON  
13                   Chief Deputy Commissioner  
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