Seito			
1	BUREAU of Real Estate 320 West 4th Street, Suite 350		
2	Los Angeles, California 90013-1105 NOV 2 5 2013		
3	Telephone: (213) 576-6982 DEPARTMENT OF REAL ESTATE		
4	BY:		
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7			
` 8	BEFORE THE BUREAU OF REAL ESTATE		
9	STATE OF CALIFORNIA		
10	* * *		
. 11	To: )		
12	SKYWAY INVESTMENT CORPORATION, ) No. H- 39170 LA		
13	doing business as Skyway Financial Company; ) and )		
14	YAOTIAN LUO, individually and as designated )       ORDER TO DESIST         AND REFRAIN		
15	officer of Skyway Financial Company, ) ) (B&P Code Section 10086)		
16	) (200 00000)		
17	The Commissioner ("Commissioner") of the California Bureau of Real Estate		
18	("Bureau") caused an investigation to be made of the activities of SKYWAY INVESTMENT		
19			
20			
21	Based on that investigation, the Commissioner has determined that SIC and LUO		
22	have engaged in or are engaging in acts or are attempting to engage in practices constituting		
23	violations of the California Financial Code.		
24	Based on the findings of that investigation, set forth below, the Commissioner		
25	hereby issues the following Findings of Fact, Conclusions of Law, and Desist and Refrain Order		
26	under the authority of Business and Professions Code ("Code") Section 10086.		
27	///		
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FINDINGS OF FACT		
1.		
From May 6, 1997, Respondent SIC has been licensed as a real estate		
corporation. At all times relevant herein, SIC was acting by and through Respondent LUO as its		
designated broker-officer since February 5, 1999, pursuant to Business and Professions Code		
("Code") Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law.		
2.		
From February 5, 1999, through the present, Respondent LUO has been licensed		
as a real estate broker.		
3.		
Whenever reference is made in a finding to an act or omission of SIC or LUO,		
such finding shall be deemed to mean that the officers, directors, employees, agents and real		
estate licensees employed by or associated with SIC or LUO committed such act or omission		
while engaged in the furtherance of the business or operations of SIC or LUO and while acting		
within the course and scope of their corporate authority and employment.		
4.		
At all times mentioned, in the City of Monterey Park, County of Los Angeles,		
Respondents SIC and LUO acted as real estate brokers and conducted licensed activities within		
the meaning of:		
A. Code Section 10131(a). Respondents engaged in the business of a residential		
resale brokerage and acted in the capacity of, advertised or assumed to act as a real estate broker,	,	
including the solicitation and negotiation of the sale of real property as the agent of others; and		
B. In addition, SIC conducted broker-controlled escrows through its escrow		
division, Skyway Escrow, under the exemption set forth in California Financial Code Section		
where the broker is a party and where the broker is performing acts for which a real estate		
license is required.		
- 2 -		
	<ol> <li>From May 6, 1997, Respondent SIC has been licensed as a real estate corporation. At all times relevant herein, SIC was acting by and through Respondent LUO as its designated broker-officer since February 5, 1999, pursuant to Business and Professions Code ("Code") Section 10159.2 to be responsible for ensuring compliance with the Real Estate Law.</li></ol>	

1		(Broker-Controlled Escrow Audit)				
2	5.					
3	On April 30, 2013, the Bureau completed an audit examination of the books and					
4	records of Respondent SIC pertaining only to the broker-controlled escrow activities described					
5	in Finding 6, which require a real estate license. The audit examination covered a period of time					
6	beginning on March 1, 2010 and ending on February 28, 2013. The audit examination revealed					
7	violations of the Code and the Title 10, Chapter 6, California Code of Regulations					
8	("Regulations") set forth in the following Findings, and more fully set forth in Audit Report					
9						
10	LA120234 and the exhibits and work papers attached thereto.					
11	6.					
12	In the course of activities described in Finding 4B, above, and during the					
13	examination period described in Finding 5, SIC and LUO conducted third party sales escrows					
14	for the escrows set forth in the table below wherein SIC and LUO were not performing acts in					
15	the course of or incidental to a real estate transaction, in which they were an agent or party to the					
16	transaction and in which they were performing acts for which a real estate license is required:					
17	autorion and in which they were performing dets for which a real estate neerse is required.					
18	Tał	ole:	Skyway Investment Corporation: Third Party	Escrows:		
19		r		· · · · · · · · · · · · · · · · · · ·		
20			Buyer/Borrower Name	Escrow No.		
21		1	Danny/Emily Min Leliu	SWED00108-EH		
22		2	James/Amy V.	SWED00119-EH		
23		3	Wen-Hui L	SWED00113-EH		
24		4	Steven/Mindy T.	SWED00134-EH		
25		5	Melvin/Jean Chen	SWED00126-EH		
26						
27						

1	CONCLUSIONS OF LAW				
2	7.				
3	The conduct of SIC and LUO, as alleged and described in Finding 6, violated				
4	California Financial Code Section 17006(a)(4) for performing third party escrows, in that SIC				
5	and LUO performed escrows in which SIC and LUO, were not performing acts in the course of				
7	or incidental to a real estate transaction in which they were an agent or a party to the transaction				
8	and in which they were performing an act for which a real estate license is required.				
9	and in which they were performing an act for which a rear estate needs is required.				
10	DESIST AND REFRAIN ORDER				
11	Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated				
12	herein, it is hereby ordered that:				
13	SKYWAY INVESTMENT CORPORATION and YAOTIAN LUO desist and				
14	refrain from performing any acts within the State of California, unless SKYWAY				
15	INVESTMENT CORPORATION and YAOTIAN LUO are in compliance with the law as set				
16	forth in this Order.				
17	DATED: OCT 2 1 2013, 2013.				
18	Peol Estate Commissioner				
19	Real Estate Commissioner				
20	- AL				
21	By: JEFFREY MASON				
22	cc: Skyway Investment Corporation c/o Yaotian Luo				
23	447 West Garvey Ave., Ste 201 Monterey Park,				
24	Santa Ana, CA 91754				
25	cc: Yaotian Luo 108 Crystal Court				
26 27	Arcadia, A 91006				
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