

Sin

FILED

JAN 14 2021

DEPT. OF REAL ESTATE

By *[Signature]*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

| | | |
|------------------------------------|---|----------------------------------|
| In the Matter of the Accusation of |) | No. H-41406 LA |
| |) | |
| RICHARD SIN, |) | <u>STIPULATION AND AGREEMENT</u> |
| |) | |
| Respondent. |) | |
| _____ |) | |

It is hereby stipulated by and between Respondent RICHARD SIN ("Respondent"), represented by Frank Buda, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on July 11, 2019, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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 and Agreement ("Stipulation").

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

///

1 3. On July 26, 2019, Respondent filed a Notice of Defense pursuant to
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
4 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
5 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate
6 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
7 hearing held in accordance with the provisions of the APA and that Respondent will waive
8 other rights afforded to Respondent in connection with the hearing such as the right to present
9 evidence in defense of the allegations in the Accusation and the right to cross-examine
10 witnesses.

11 4. Respondent, pursuant to the limitations set forth below, hereby admits
12 that the factual allegations in the Accusation, excluding paragraph 8 of the Accusation, filed in
13 this proceeding are true and correct and the Commissioner shall not be required to provide
14 further evidence to prove such allegations.

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

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

26 ///

27 ///

1 DETERMINATION OF ISSUES

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

5 I.

6 The conduct, acts, and/or omissions of Respondent RICHARD SIN, as described
7 in the Accusation, excluding paragraph 8 of the Accusation, constitute cause for the suspension
8 or revocation of all real estate licenses and license rights of Respondent RICHARD SIN under
9 California Business and Professions Code ("Code") section 10177(g) for violation of Code
10 sections 10145 and 10159.5 and Title 10, Chapter 6, California Code of Regulations
11 ("Regulations") sections 2731 and 2832.

12 ORDER

13 I.

- 14 1. Respondent RICHARD SIN is publicly reprovod.
- 15 2. All licenses and licensing rights of Respondent are indefinitely
16 suspended unless or until Respondent pays the sum of \$3,113.26 for the Commissioner's cost
17 of the audit which led to this disciplinary action pursuant to Code section 10148. Respondent
18 shall pay such cost within sixty (60) days of receiving an invoice therefore from the
19 Commissioner. Said payment shall be in the form of a cashier's check made payable to the
20 Department of Real Estate. The audit cost must be delivered to the Department of Real Estate,
21 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

3. All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$3,388.20 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

4. Respondent shall pay the Commissioner's reasonable cost, not to exceed \$3,891.57, for any subsequent audit to determine if Respondent has corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. If Respondent fails to satisfy this condition in a timely manner as provided for herein, Respondent real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 12-4-2020


Steve Chu, Counsel
Department of Real Estate

///
///
///
///
///
///
///

1 * * *

2 I have read the Stipulation and Agreement. I understand that I am waiving rights
3 given to me by the California Administrative Procedure Act, (including but not limited to
4 Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and
5 voluntarily waive those rights, including the right to seek reconsideration and the right to seek
6 judicial review of the Commissioner's Decision and Order by way of a writ of mandate.


7 I agree, acknowledge, and understand that I cannot rescind or amend this
8 Stipulation and Agreement.

9 I can signify acceptance and approval of the terms and conditions of this
10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement to:
11 Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles,
12 California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement
13 or a copy faxed to (213) 576-6917 by November 30, 2020; if not, this Stipulation and
14 Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the
15 investigation and enforcement which led to this disciplinary action will increase.

16
17 DATED: Nov. 13, 2020

18 
RICHARD SIN
Respondent

19
20
21 DATED: Nov. 17, 2020

22 
Frank Buda
Counsel for Respondent
Approved as to Form

23
24 ///

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

I have read the Stipulation and Agreement. I understand that I am waiving rights given to me by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

I agree, acknowledge, and understand that I cannot rescind or amend this Stipulation and Agreement.

I can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by November 30, 2020; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: _____

RICHARD SIN
Respondent

DATED: _____

Frank Buda
Counsel for Respondent
Approved as to Form

///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent RICHARD SIN, and shall become effective at
12 o'clock noon on February 12, 2021 .

IT IS SO ORDERED 1.7.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

