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FILED

OCT 07 2011

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

CARMEN TAN STARRING,

Respondent.

No. H-2746 SAC

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 7, 1992, in Case No. H-2746 SAC, a Decision was rendered revoking the real estate salesperson license of Respondent effective November 11, 1992, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on March 11, 1993, and Respondent has operated as a restricted licensee since that time.

On January 26, 2010, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

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1 requirements of law for the issuance to Respondent of an unrestricted real estate salesperson
2 license and that it would not be against the public interest to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
4 reinstatement is granted and that a real estate salesperson license be issued to Respondent if
5 Respondent satisfies the following requirements:

- 6 1. Submits a completed application and pays the fee for a real estate
7 salesperson license within the 12 month period following the date of this Order; and
8 2. Submits proof that Respondent has completed the continuing education
9 requirements for renewal of the license sought. The continuing education courses must be
10 completed either (i) within the 12 month period preceding the filing of the completed
11 application, or (ii) within the 12 month period following the date of this Order.

12 This Order shall become effective immediately.

13 DATED: 10/3/11

14 BARBARA J. BIGBY
15 Acting Real Estate Commissioner

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1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 739-3607
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FILED
NOV 16 1992
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 **CARMEN TAN STARRING,**)
14 Respondent.)

NO. H-2746 SAC
STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between **CARMEN TAN**
16 **STARRING** (sometimes referred to as Respondent) and her attorney
17 of record, Dirk Fulton and the Complainant, acting by and through
18 Susan Y. Bennett, Counsel for the Department of Real Estate, as
19 follows, for the purpose of settling and disposing of the
20 Accusation filed on February 19, 1992, 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
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation.

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. On March 9, 1992, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that she
10 understands that by withdrawing said Notice of Defense she waives
11 her right to require the Commissioner to prove the allegations in
12 the Accusation at a contested hearing held in accordance with the
13 provisions of the APA and that she waives other rights afforded to
14 her in connection with the hearing such as the right to present
15 evidence in defense of the allegations in the Accusation and the
16 right to cross-examine witnesses.

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

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

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

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

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, agreements 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 Complainant, Charles W. Koenig, a Deputy Real Estate
19 Commissioner of the State of California, makes this Accusation in
20 his official capacity.

21 II

22 At all times herein mentioned, Respondent is presently
23 licensed and/or has license rights under the Real Estate Law (Part
24 1 of Division 4 of the Business and Professions Code) (Code).
25 Respondent is licensed as a real estate salesperson.

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1 III

2 On or about December 6, 1988, while in the employment
3 of Glorino Membrere Navalta and on behalf of Navalta Realty,
4 Respondent entered into a listing agreement with Elvira
5 Cornejo (hereinafter "seller") to sell her real property
6 located at 1715 Sacramento Street, Vallejo, California,
7 (hereinafter "property"). Said property contained six rental
8 units.

9 IV

10 On or about February 19, 1989, while acting on behalf
11 of Lope A. Avaricio and Sylvia I. Avaricio (hereinafter "buyers"),
12 and in order to induce the buyers to purchase said property,
13 Respondent failed to disclose to the buyers that although there
14 were six rental units on said property, in truth and in fact,
15 the zoning in which said property was situated permitted only a
16 maximum of three living units per parcel.

17 V

18 Acting in reliance on the representations of Respondent,
19 on or about February 19, 1989, the buyers authorized Respondent
20 to prepare an offer to purchase said property. On or about
21 February 19, 1989, the seller accepted the buyers' offer and the
22 transaction closed escrow on or about April 19, 1989.

23 VI

24 On or about August 1, 1989, the buyers were notified by
25 the City of Vallejo that three units is the maximum number of
26 legal units which may be maintained on said property. On or about
27 February 2, 1990, the City of Vallejo notified the buyers that

1 they must take corrective action to reduce the number of units on
2 said property.

3 VII

4 Respondent knew or should have known said failure to
5 disclose the disparity between the number of rental units
6 maintained on said property and the zoning that said property was
7 situated was a material fact and said failure to disclose was a
8 representation of the non-existence of said material fact which
9 Respondent knew or should have known affected the value or
10 desirability of said property, and which material fact was known
11 or accessible to Respondent, and which material fact was not known
12 and could not reasonably be discovered by the buyers.

13 The conduct of Respondent, as described in Paragraphs
14 III through VII of the Accusation is grounds for the suspension or
15 revocation of all of the real estate licenses and license rights
16 of Respondent under the provisions of Section 10177(g) of the
17 Business and Professions Code.

18 ORDER

19 All licenses and licensing rights of respondent
20 CARMEN TAN STARRING under the Real Estate Law are revoked;
21 provided, however, a restricted real estate salesperson license
22 shall be issued to Respondent pursuant to Section 10156.6 of the
23 Business and Professions Code, if Respondent makes application
24 therefor and pays to the Department of Real Estate the appropriate
25 fee for the restricted license within 90 days from the effective
26 date of this Order. The restricted license issued to Respondent
27 shall be subject to all of the provisions of Section 10156.7 of

1 the Business and Professions Code and to the following
2 limitations, conditions, and restrictions imposed under authority
3 of Section 10156.6 of the Code:

4 A. The restricted license issued to Respondent may be
5 suspended prior to hearing by Order of the Real Estate
6 Commissioner in the event of Respondent's conviction or plea of
7 nolo contendere to a crime which is substantially related to
8 Respondent's fitness or capacity as a real estate licensee.

9 B. The restricted license issued to Respondent may be
10 suspended prior to hearing by Order of the Real Estate
11 Commissioner on evidence satisfactory to the Commissioner that
12 Respondent has violated provisions of the California Real Estate
13 Law, the Subdivided Lands Law, Regulations of the Real Estate
14 Commissioner or conditions attaching to the restricted license.

15 C. Respondent shall not be eligible to apply for the
16 issuance of an unrestricted real estate license nor for the
17 removal of any of the conditions, limitations, or restrictions of
18 a restricted license until one year has elapsed from the effective
19 date of this Decision.

20 D. Respondent shall submit with any application for
21 license under an employing broker, or any application for transfer
22 under an employing broker, a statement signed by the prospective
23 employing real estate broker on a form approved by the Department
24 of Real Estate which shall certify:

25 (1) That the employing broker has read the
26 Decision of the Commissioner which granted the right to a
27 restricted license; and,

1 (2) That the employing broker will exercise close
2 supervision over the performance by the restricted licensee
3 relating to activities for which a real estate license is
4 required.

5 E. Respondent shall, within nine (9) months from the
6 effective date of this Order, present evidence satisfactory to the
7 Real Estate Commissioner that Respondent has, since the most
8 recent issuance of an original or renewal real estate license,
9 taken and successfully completed the continuing education
10 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
11 for renewal of a real estate license. If Respondent fails to
12 satisfy this condition, the Commissioner may order the suspension
13 of the restricted license until the Respondent presents such
14 evidence. The Commissioner shall afford Respondent the
15 opportunity for a hearing pursuant to the Administrative Procedure
16 Act to present such evidence.

17 F. Respondent shall, within six (6) months from the
18 effective date of this Decision, take and pass the Professional
19 Responsibility Examination administered by the Department
20 including the payment of the appropriate examination fee. If
21 Respondent fails to satisfy this condition, the Commissioner may
22 order suspension of Respondent's license until Respondent passes
23 the examination.

24 September 1, 1992
25 DATED

26 Susan Y. Bennett
27 SUSAN Y. BENNETT
 Counsel for Complainant

* * *

1 I have read the Stipulation and Agreement, have discussed
2 it with my counsel, and its terms are understood by me and are
3 agreeable and acceptable to me. I understand that I am waiving
4 rights given to me by the California Administrative Procedure Act
5 (including but not limited to Sections 11506, 11508, 11509, and
6 11513 of the Government Code), and I willingly, intelligently, and
7 voluntarily waive those rights, including the right of requiring
8 the Commissioner to prove the allegations in the Accusation at a
9 hearing at which I would have the right to cross-examine witnesses
10 against me and to present evidence in defense and mitigation of
11 the charges.

12 9-25-92 Carmen T. Starring
13 DATED CARMEN TAN STARRING
Respondent

14 Approved as to Form:
15 9-25-92 [Signature]
16 DATED DIRK FULTON, ESQ.
17 Counsel for Respondent

18 * * *

19 The foregoing Stipulation and Agreement in Settlement is
20 hereby adopted as my Decision and Order and shall become effective
21 at 12 o'clock noon on December 7, 1992.

22 IT IS SO ORDERED November 11, 1992.

23 CLARK WALLACE
24 Real Estate Commissioner

25 [Signature]
26 by: JOHN R. LIBERATOR
27 Chief Deputy Commissioner

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
MAY 21 1992
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

CARMEN TAN STARRING,

Respondent

By Kathleen Contreras

Case No. H-2746 SAC

OAH No. N-40536

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the
California Unemployment Insurance Appeals Board, Hearing Room,
1440 Marin, Vallejo, CA 94590-0678

on October 1, 1992 and October 2, 1992, at the hour of 9:30 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: May 18, 1992

By

Susan Y. Bennett
SUSAN Y. BENNETT

Counsel

1 SUSAN Y. BENNETT, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 739-3607

FILED
FEB 19 1992
DEPARTMENT OF REAL ESTATE

6 By *Kathleen Contreras*

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 CARMEN TAN STARRING,)

13 Respondent.)
14)
15)

NO. H-2746 SAC

ACCUSATION

16
17 The Complainant, Charles W. Koenig, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against CARMEN TAN STARRING (hereinafter "Respondent"), is
20 informed and alleges as follows:

21 I

22 The Complainant, Charles W. Koenig, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation in
24 his official capacity.

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II

At all times herein mentioned, 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) (Code). Respondent is licensed as a real estate salesperson.

III

On or about December 6, 1988, while in the employment of Glorino Membrere Navalta and on behalf of Navalta Realty, Respondent entered into a listing agreement with Elvira Cornejo (hereinafter "seller") to sell her real property located at 1715 Sacramento Street, Vallejo, California, (hereinafter "property"). Said property contained six rental units.

IV

On or about February 19, 1989, while acting on behalf of Lope A. Avaricio and Sylvia I. Avaricio (hereinafter "buyers"), and in order to induce the buyers to purchase said property, Respondent failed to disclose to the buyers that although there were six rental units on said property, in truth and in fact, the zoning in which said property was situated permitted only a maximum of three living units per parcel.

V

Acting in reliance on the representations of Respondent, on or about February 19, 1989, the buyers authorized Respondent to prepare an offer to purchase said property. On or about February 19, 1989, the seller accepted the buyers' offer and the transaction closed escrow on or about April 19, 1989.

///

VI

On or about August 1, 1989, the buyers were notified by the City of Vallejo that three units is the maximum number of legal units which may be maintained on said property. On or about February 2, 1990, the City of Vallejo notified the buyers that they must take corrective action to reduce the number of units on said property.

VII

Respondent knew or should have known said failure to disclose the disparity between the number of rental units maintained on said property and the zoning that said property was situated was a material fact and said failure to disclose was a representation of the non-existence of said material fact which Respondent knew or should have known affected the value or desirability of said property, and which material fact was known or accessible to Respondent, and which material fact was not known and could not reasonably be discovered by the buyers.

VIII

The facts alleged above are grounds for the suspension or revocation of the licenses of Respondent under Sections 10176(a); alternatively, the facts alleged above are grounds for the suspension or revocation of the licenses of Respondent under Section 10177(g) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against all
4 licenses and license rights of Respondent under the Real Estate
5 Law (Part 1 of Division 4 of the Business and Professions Code),
6 and for such other and further relief as may be proper under other
7 provisions of law.

8
9 
10 CHARLES W. KOENIG
Deputy Real Estate Commissioner

11 Dated at Sacramento, California,
12 this 19th day of February, 1992.
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