

FILED

SEP - 8 2021

DEPT. OF REAL ESTATE

By ad Selou

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982
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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation Against

12 CHUTIPA PLUM PAWASITTICHOT,

13 Respondent.
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) DRE No. H-05198 SD
) OAH No. 2021070193
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STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between Respondent CHUTIPA PLUM
17 PAWASITTICHOT (sometimes referred to herein as "Respondent") and the Complainant, acting
18 by and through Judith B. Vasan, Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation ("Accusation") filed on January 26, 2021, in
20 this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
23 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
24 shall instead and in place thereof be submitted solely on the basis of the provisions of this
25 Stipulation and Agreement ("Stipulation").

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STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

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

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

13 4. Respondent, pursuant to the limitation set forth below, hereby admits that the
14 factual allegations as set forth in the Accusation filed in this proceeding are true and correct and
15 the Real Estate Commissioner shall not be required to provide further evidence of such
16 allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may adopt
18 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
19 Respondent's real estate license and license rights as set forth in the below "Order." In the event
20 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
21 void and of no effect and Respondent shall file a Notice of Defense for a hearing and proceed on
22 the Accusation under the provisions of the APA and shall not be bound by any stipulation or
23 waiver made herein.

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

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DETERMINATION OF ISSUES

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

The conduct, acts or omissions of Respondent CHUTIPA PLUM PAWASITTICHOT, as set forth in the Accusation, are in violation of the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") section 10137 and are a basis for discipline of Respondent's licenses and license rights pursuant to Code sections 10176(a), 10176(i), 10177(d), and/or 10177(g).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and license rights of Respondent CHUTIPA PLUM PAWASITTICHOT under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor and pays to the Department the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision and Order. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands

1 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
2 license.

3 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
4 real estate license nor for removal of any of the conditions, limitations or restrictions of a
5 restricted license until two (2) years have elapsed from the effective date of this Decision and
6 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
7 attaching to the license have been removed

8 4. Respondent shall submit with any application for license under an employing
9 broker, or any application for transfer to a new employing broker, a statement signed by the
10 prospective employing real estate broker on a form approved by the Department which shall
11 certify:


12 (a) That the employing broker has read the Decision of the Commissioner
13 which granted the right to a restricted license; and

14 (b) That the employing broker will exercise close supervision over the
15 performance by the restricted licensee relating to activities for which a real estate license is
16 required.

17 II.

18 All licenses and license rights of Respondent are indefinitely suspended unless or
19 until Respondent pays the sum of \$1,414.90 for the Commissioner's reasonable costs of the
20 investigation (\$992.50) and enforcement (\$422.40), which led to this disciplinary action. Said
21 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
22 The investigative and enforcement costs must be delivered to the Department of Real Estate,
23 Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, within sixty (60) days from the
24 effective date of this Decision and Order.

25 DATED: 7/28/2021

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27 Judith B. Vasan, Counsel for
Department of Real Estate

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2 EXECUTION OF THE STIPULATION

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

10 Respondent shall mail the original signed signature page of the stipulation herein
11 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
12 Suite 350, Los Angeles, California 90013-1105.

13 In the event of time constraints before an administrative hearing, Respondent can
14 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
15 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
16 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands
17 that by electronically sending the Department a scan of Respondent's actual signature as it
18 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
19 binding on Respondent as if the Department had received the original signed Stipulation and
20 Agreement.

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1 Respondent's signature below constitutes acceptance and approval of the terms
2 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
3 signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and
4 that this agreement is not subject to rescission or amendment at a later date except by a separate
5 Decision and Order of the Real Estate Commissioner.

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7 DATED: 7/27/2021

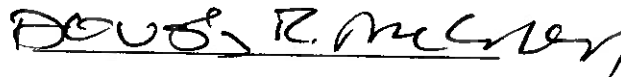
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9 CHUTIPA PLUM PAWASITTICHOT
Respondent

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12 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
13 Respondent CHUTIPA PLUM PAWASITTICHOT and shall become effective at 12 o'clock
14 noon on SEP 28 2021.

15 IT IS SO ORDERED 9.1.21

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17 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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