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BUREAU OF REAL ESTATE
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Telephone: (916) 263-8670

APR 01 2016

BUREAU OF REAL ESTATE
By S. Black

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

NO. H-6325 SAC

DANIEL YU DING,)

STIPULATION AND
AGREEMENT

Respondent.)

It is hereby stipulated by and between Respondent DANIEL YU DING ("Respondent"), and the Complainant, acting by and through Annette E. Ferrante, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on November 5, 2015, 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 understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in this proceeding.

1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that Respondent understands that by withdrawing said Notice of Defense,
5 Respondent will thereby waive Respondents' right to require the Real Estate Commissioner
6 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA and that Respondent will waive other rights
8 afforded to Respondent in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the
11 Accusation. In the interest of expedience and economy, Respondent chooses not to contest
12 these factual allegations, but to remain silent and understands that, as a result thereof, these
13 factual statements will serve as a prima facie basis for the Determination of Issues and Order
14 set forth below. The Commissioner shall not be required to provide further evidence to prove
15 such allegations.

16 5. This Stipulation and Respondent's decision not to contest the Accusation
17 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly
18 limited to this proceeding and any other proceeding or case in which the Bureau, the state or
19 federal government, an agency of this state, or an agency of another state is involved.

20 6. It is understood by the parties that the Commissioner may adopt this
21 Stipulation as his decision in this matter, thereby imposing the penalty and sanctions on
22 Respondent's real estate license and license rights as set forth in the Order below. In the event
23 that the Commissioner in his discretion does not adopt this Stipulation, it shall be void and of
24 no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation
25 under all of the provisions of the APA and shall not be bound by any admission or waiver
26 made herein.
27

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

5 8. Respondent understands that by agreeing to this Stipulation, Respondent
6 agrees to pay, pursuant to Section 10106 of the California Business and Professions Code ("the
7 Code"), the cost of the investigation and enforcement of this case which resulted in the
8 determination that Respondent committed the violation(s) found in the Determination of Issues
9 set forth below. The amount of such cost is \$519.45.

10 DETERMINATION OF ISSUES

11 By reason of the foregoing stipulations, admissions and waivers and solely for
12 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
13 that the following determination of issues shall be made: The acts and omissions of
14 Respondent as described in the Accusation are grounds for the suspension or revocation of the
15 licenses and license rights of Respondent under the provisions of Sections 10177(d), 10177(f),
16 and 10177(g) of the Code, in conjunction with Section 10186.2 of the Code.

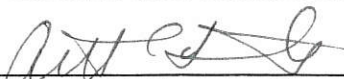
17 ORDER

18 1. All licenses and licensing rights of Respondent DANIEL YU DING,
19 under the Real Estate Law are publicly reprovred pursuant to Section 495 of the Code.

20 2. All licenses and licensing rights of Respondent are indefinitely suspended
21 unless or until Respondent pays the sum of \$519.45 for the Commissioner's reasonable cost of
22 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
23 the form of a cashier's check made payable to the Bureau of Real Estate. **The investigation and**
24 **enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**
25 **137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**

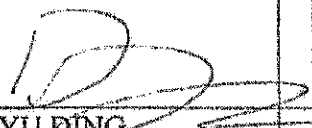
26 02-19-16

27 DATED


Annette E. Ferrante, Counsel
Bureau of Real Estate

1 I have read this Stipulation and its terms are understood by me and are agreeable
2 and acceptable to me. I understand that I am waiving rights given to me by the California
3 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and
4 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those
5 rights, including the right of requiring the Commissioner to prove the allegations in the
6 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
7 and to present evidence in defense and mitigation of the charges. Respondent can signify
8 acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of the
9 signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767.
10 Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a
11 fax copy of Respondent's actual signature as it appears on this Stipulation, that receipt of the
12 faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the
13 original signed Stipulation.
14

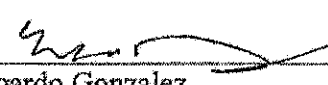
15
16 2/19/16
DATED

17 
DANIEL YU DING,
Respondent

18
19 ***

20 I have reviewed this Stipulation and Agreement and Order as to form and
21 content and have advised my client accordingly.

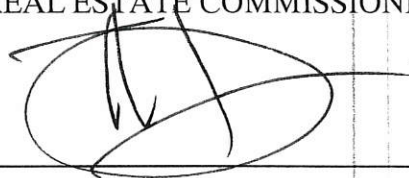
22 2/19/16
DATED

23 
Edgardo Gonzalez,
Attorney for Respondent
24
25
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The foregoing Stipulation and Agreement and Order is hereby adopted by me as my Decision and Order in this matter as to Respondent DANIEL YU DING, and shall become effective at 12 o'clock noon on APR 22 2016.

IT IS SO ORDERED MARCH 30, 2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to read 'Jeffrey Mason', is written over a horizontal line.

By: JEFFREY MASON
Chief Deputy Commissioner