

1 DEPARTMENT OF REAL ESTATE
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3 Sacramento, CA 95813-7007

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FILED

OCT 02 2019

DEPARTMENT OF REAL ESTATE

By R. Knapp

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of:) Case No. H-6606 SAC
11)
12 DAVIS BERK REALTY, INC.,)
13 MOHAMMAD SIDDIQUE,)
14 HEIDI WING VAN, and)
15 RENT CITY PROPERTY)
16 MANAGEMENT, INC.,)
17 Respondents.)

18 Re Preliminary Bar Order and Notice of Intention) Case No. H-6697 SAC
19 to Issue Bar Order of:)
20)
21 HEIDI WING VAN)
22)

23 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER
24 (As to HEIDI WING VAN Only)

25 It is hereby stipulated by and between Respondent HEIDI WING VAN
26 (“VAN”), acting by and through Joshua A. Rosenthal, counsel for Respondent, and the
27 Complainant, acting by and through Jason D. Lazark, Counsel for the Department of Real
Estate (“the Department”), as follows solely for the purpose of settling and disposing, with
VAN only, of the Accusation filed on May 29, 2018, and the Preliminary Bar Order and Notice
of Intention to Issue Bar Order (“Preliminary Bar Order”) filed on June 26, 2018, in this matter:

1 1. All issues which were to be contested and all evidence which was to be
2 presented by Complainant and VAN at a formal hearing on the Accusation and Preliminary
3 Bar Order, which hearing was to be held in accordance with the provisions of the
4 Administrative Procedure Act (“APA”), shall instead and in place thereof be submitted solely
5 on the basis of the provisions of this Stipulation and Agreement In Settlement and Order
6 (“Stipulation and Agreement”).

7 2. VAN has received, read and understands the Statement to Respondent, the
8 Discovery Provisions of the APA, the Accusation, and the Preliminary Bar Order filed by the
9 Department in this proceeding.

10 3. On or about June 6, 2018, VAN filed a Notice of Defense pursuant to
11 Section 11505 of the Government Code for the purpose of requesting a hearing on the
12 allegations in the Accusation. VAN hereby freely and voluntarily withdraws said Notice of
13 Defense. VAN acknowledges that VAN understands that by withdrawing said Notice of
14 Defense VAN will thereby waive her rights to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in accordance with the provisions of
16 the APA and that VAN will waive other rights afforded to her in connection with the hearing
17 such as the right to present evidence in defense of the allegations in the Accusation and the
18 right to cross-examine witnesses.

19 4. On or about July 9, 2018, VAN requested a hearing on the Preliminary Bar
20 Order. VAN hereby freely and voluntarily withdraws said request for a hearing. VAN
21 acknowledges that VAN understands that by withdrawing said request for a hearing, VAN will
22 thereby waive her rights to require the Commissioner to prove the allegations in the
23 Preliminary Bar Order at a contested hearing held in accordance with the provisions of the
24 APA and that VAN will waive other rights afforded to her in connection with the hearing such
25 as the right to present evidence in defense of the allegations in the Preliminary Bar Order and
26 the right to cross-examine witnesses.

27 ///

1 5. VAN, pursuant to the limitations set forth below, hereby admits that the
2 factual allegations as set forth in the Accusation and Preliminary Bar Order filed in this
3 combined proceeding are true and correct and the Commissioner shall not be required to
4 provide further evidence of such allegations.

5 6. It is understood by the parties that the Real Estate Commissioner may adopt
6 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalties
7 and sanctions on VAN's real estate licenses and license rights as set forth in the below
8 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation
9 and Agreement, it shall be void and of no effect, and VAN shall retain the right to a hearing
10 and proceeding on the Accusation and Preliminary Bar Order under all the provisions of the
11 APA and shall not be bound by any admission or waiver made herein.

12 7. The Order or any subsequent Order of the Real Estate Commissioner made
13 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to
14 any further administrative or civil proceedings by the Department with respect to any matters
15 which were not specifically alleged to be causes for accusation or a bar order in this
16 proceeding.

17 8. VAN agrees to cooperate with the Department by providing honest and
18 truthful testimony in any administrative hearing in Department Case No. H-6606 SAC. Should
19 VAN fail to cooperate with the Department, this Stipulation and Agreement shall be void and of
20 no effect, and VAN shall retain the right to a hearing and proceeding on the Accusation and
21 Preliminary Bar Order under all the provisions of the APA.

22 DETERMINATION OF ISSUES

23 By reason of the foregoing stipulations, admissions and waivers, and solely for
24 the purpose of settlement of the pending Accusation and Preliminary Bar Order without a
25 hearing, it is stipulated and agreed that:

26 1. The acts and/or omissions of VAN, as described in the Accusation, constitute
27 grounds for the suspension or revocation of the licenses and license rights of Respondent under

1 the provisions of Sections 10130, 10140.6(b), 10145, 10145(d), 10145(g), 10162, 10176(e),
2 10176(i), 10177(d), and 10177(g) of the Business and Professions Code (“the Code”), and
3 Sections 2715, 2773, 2831, 2831.1, 2831.2, 2832, 2832.1, and 2834 of Title 10, California
4 Code of Regulations (“the Regulations).

5 2. Based on the findings set forth in the Preliminary Bar Order:

6 (A) A Bar Order is in the public interest;

7 (B) VAN knowingly committed violations of the Real Estate Law; and,

8 (C) The violations of Real Estate Law by VAN have caused material damage to
9 the public.

10 ORDER

11 1. All licenses and licensing rights of VAN under the Real Estate Law are
12 revoked.

13 2. Pursuant to the authority of Section 10087 of the Code, VAN is hereby barred
14 and prohibited for a period of thirty-six (36) months form the effective date of the Bar Order,
15 from engaging in any of the following activities in the State of California:

16 (A) Holding any position of employment, management, or control in a real
17 estate business;

18 (B) Participating in any business activity of a real estate salesperson or a real
19 estate broker;

20 (C) Engaging in any real estate related business activity on the premises where a
21 real estate salesperson or real estate broker is conducting business; and,

22 (D) Participating in any real estate related business activity of a finance lender,
23 residential mortgage lender, bank credit union, escrow company, title
24 company, or underwritten title company.

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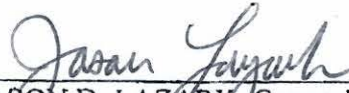
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1 3. VAN shall cooperate with the Department by providing honest and truthful
2 testimony in any administrative hearing in Department Case No. H-6606 SAC.

3
4 8/29/19


5 DATED

6 
7 JASON D. LAZARK, Counsel
8 Department of Real Estate

9 I have read the Stipulation and Agreement in Settlement and Order and its terms
10 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
11 rights given to me by the California Administrative Procedure Act (including but not limited to
12 Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,
13 intelligently, and voluntarily waive those rights, including the right of requiring the
14 Commissioner to prove the allegations in the Accusation and Preliminary Bar Order at a
15 hearing at which I would have the right to cross-examine witnesses against me and to present
16 evidence in defense and mitigation of the charges.

17 8/22/19


18 DATED

19 
20 HEIDI WING VAN,
21 Respondent

22 *I have reviewed the Stipulation and Agreement as to form and content and*
23 *have advised my client accordingly.*

24 8/29/19

25 DATED

26 
27 Joshua A. Rosenthal
 Attorney for Respondent,
 HEIDI WING VAN

28 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
29 this matter and shall become effective at 12 o'clock noon on OCT 23 2019.

30 IT IS SO ORDERED September 28, 2019

31 ACTING REAL ESTATE COMMISSIONER

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33 DANIEL J. SANDRI

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NOTICE

Pursuant to Section 10185 of the Code: Any person, including officers, directors, agents or employees of corporations, who willfully violates or knowingly participates in the violation of the Bar Order shall be guilty of a misdemeanor punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not exceeding six months, or by a fine and imprisonment.