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FILED
MAR - 1 2004

DEPARTMENT OF REAL ESTATE

By: *[Handwritten Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
DANIEL MAN-WA LI,)	NO. H-7778 SF
)	
Respondent.)	
)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 23, 2000, an Order was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on January 31, 2001.

On January 13, 2003, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that Respondent meets the requirements of law for
2 the issuance to Respondent of an unrestricted real estate broker
3 license and that it would not be against the public interest to
4 issue said license to Respondent.


5 NOW, THEREFORE, IT IS ORDERED that Respondent's
6 petition for reinstatement is granted and that a real estate
7 broker license be issued to Respondent, if Respondent satisfies
8 the following conditions within nine months from the date of
9 this Order:

- 10 1. Submittal of a completed application and payment
11 of the fee for a real estate broker license.
- 12 2. Submittal of evidence of having, since the most
13 recent issuance of an original or renewal real estate license,
14 taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
16 for renewal of a real estate license.

17 This Order shall be effective immediately.

18 DATED: January 23, 2004.

19
20 Real Estate Commissioner

21
22 By: 
23 JOHN R. LIBERATOR
24 Chief Deputy Commissioner
25
26
27

III

On or about November 17, 1997, Respondent prepared an offer by "Shi Guang Guan and Assignee ("Buyers") for the purchase of vacant land owned by Judith Becker and Barbara Rivara ("Sellers") and commonly known as 253 Broad Street, San Francisco, California ("the property"). The offer represented that Respondent was in receipt of a deposit check for \$1,000 made payable to Fidelity National Title Company ("Fidelity"), to be held by Respondent until one business day after acceptance of the offer. The offer further represented that an additional deposit of \$9,000 would be deposited with Fidelity within 15 days, or by December 2, 1997.

IV

On or about November 24, 1997, a contract incorporating the above terms was entered into by Sellers and Buyers.

V

The representation made by Respondent that he held a \$1,000 deposit check was false, and was known by Respondent to be false at the time he made it. The truth is that Respondent did not receive any deposit funds from Buyers until on or about December 18, 1997, at which time Buyers gave Respondent a check for \$1,000 with instructions not to deposit it until further instruction. Respondent failed to deliver said check to Daniel Li or otherwise dispose of said check in accordance with instructions from Daniel Li.

VI

The additional deposit of \$9,000 called for in the contract was never made. At no time did Respondent disclose to Sellers or their agents that neither the \$1,000 initial deposit nor the \$9,000 additional deposit had been placed into escrow.

VII

On or about January 4, 1998, Respondent attempted to deposit the \$1,000 given him by Buyers after demand made upon him by sellers. The check failed to clear the bank on the basis that the account had been closed. Buyers failed to complete the purchase and Sellers were required to place the property back on the market.

VIII

The acts and omissions of Respondent set forth above constitute the making of substantial misrepresentations; fraud or dishonest dealing; and violation of Section 10145(c) of the Code.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent RICHARD LI, as set forth in Paragraph VIII above, exists under Sections 10176(a), 10176(i), and 10177(d) of the Code.

II

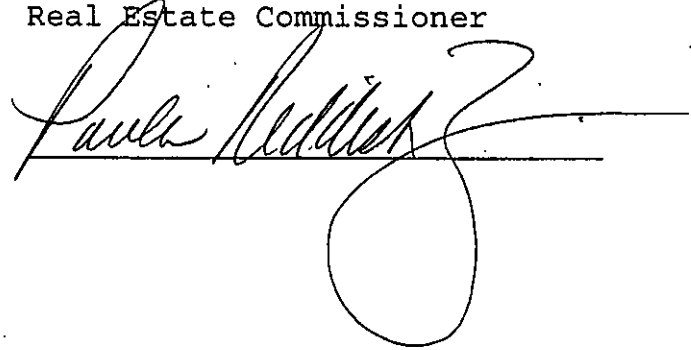
The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent RICHARD LI, under the provisions of Part I of Division 4 of the Business and Professions Code, are revoked. This Decision shall become effective at 12 o'clock noon on January 2, 2001.

DATED: December 6, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A large, stylized handwritten signature in black ink, appearing to read "Paula Reddish Zinnemann", is written over a horizontal line. The signature is highly cursive and extends significantly below the line.

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
JUN 28 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)	
13 DANIEL MAN-WA LI and)	NO. H-7778 SF
14 RICHARD LI,)	<u>DEFAULT ORDER</u>
15 Respondents.)	<u>AS TO RICHARD LI</u>

16 Respondent RICHARD LI, having failed to file a Notice
17 of Defense within the time required by Section 11506 of the
18 Government Code, is now in default. It is, therefore, ordered
19 that a default be entered on the record in this matter.

20 IT IS SO ORDERED June 6, 2000.

22 PAULA REDDISH ZINNEMANN
23 Real Estate Commissioner

24 By: Steven J. Ellis
25 STEVEN J. ELLIS
26 Regional Manager

1 DEPARTMENT OF REAL ESTATE
P. O. Box 187000
2 Sacramento, CA 95818-7000
3 Telephone: (916) 227-0789

FILED
DEC - 5 2000

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 DANIEL MAN-WA LI,)
13 Respondent.)

NO. H-7778 SF

STIPULATION AND AGREEMENT

14
15 It is hereby stipulated by and between DANIEL MAN-WA
16 LI (hereafter Respondent), represented by Ilene M. Hochstein,
17 Attorney at Law, and the Complainant, acting by and through
18 Larry A. Alamao, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing the
20 Accusation as to him filed on January 3, 2000, 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 Procedures Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

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

4 3. On January 13, 2000, Respondent filed his Notice
5 of Defense pursuant to Section 11505 of the Government Code for
6 the purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his right to require the Commissioner to prove
11 the allegations in the Accusation at a contested hearing held
12 in accordance with the provisions of the APA, and that he will
13 waive other rights afforded to him in connection with the
14 hearing such as the right to present evidence in defense of the
15 allegations in the Accusation and the right to cross-examine
16 witnesses.

17 4. Respondent, without admitting the truth of the
18 allegations pertaining to him contained in the Accusation,
19 stipulates that he will not interpose a defense thereto. This
20 Stipulation is based on the factual allegations contained in the
21 Accusation. In the interests of expedience and economy,
22 Respondent chooses not to contest these allegations, but to
23 remain silent and understands that, as a result thereof, these
24 factual allegations, without being admitted or denied, will serve
25 as a basis for the disciplinary action stipulated to herein. The
26 Real Estate Commissioner shall not be required to provide further
27 evidence to prove said factual allegations.

1 removal of any of the conditions of the restricted
2 license, until two (2) years have elapsed from the
3 effective date of this Decision.

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

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

25 8/29/00

26 DATED

25 *Larry Alamao*

26 LARRY A. ALAMAO
27 Counsel for Complainant

1 * * *

2 I have read the Stipulation and Agreement, have
3 discussed it with my counsel or understand that I have the right
4 to consult legal counsel, and its terms are understood by me and
5 are agreeable and acceptable to me. I understand that I am
6 waiving rights given to me by the California Administrative
7 Procedure Act, and I willingly, intelligently, and voluntarily
8 waive those rights, including the right of requiring the
9 Commissioner to prove the allegations in the Accusation at a
10 hearing at which I would have the right to cross-examine
11 witnesses against me and to present evidence in defense and
12 mitigation of the charges.

13 Sept 6th 2000
14 DATED

Daniel Man-Wa Li
15 DANIEL MAN-WA LI
Respondent

16 APPROVED AS TO FORM:

17 5/16/00
18 DATED

Ilene M. Hochstein
19 ILENE M. HOCHSTEIN
20 Attorney for Respondent

21 * * *

22 The foregoing Stipulation and Agreement is hereby
23 adopted as my Decision and shall become effective at 12 o'clock
24 noon on December 26, 2000.

25 IT IS SO ORDERED October 23, 2000.

26 PAULA REDDISH ZINNEMANN
27 Real Estate Commissioner

Paula Reddish Zinnemann

FILED
AUG 17 2000

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

DANIEL MAN-WA LI, and
RICHARD LI,

}

Case No. H-7778 SF

OAH No. N-2000060102

Respondent

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 Office of Administrative Hearings, the Elihu Harris State

Building, 1515 Clay Street, Suite 206, Oakland, California 94612

on September 11, 2000, at the hour of 9:00 AM,

or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: August 17, 2000

By Thomas C. Lasken
THOMAS C. LASKEN
(RE) Counsel

1 THOMAS C. LASKEN, Counsel (SBN 61832)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED
JAN 03 2000

DEPARTMENT OF REAL ESTATE

By Jean Arnold

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12
13 In the Matter of the Accusation of)
14 DANIEL MAN-WA LI and) NO. H- 7778 SF
15 RICHARD LI,) ACCUSATION
16 Respondents.)

17 The Complainant, Les R. Bettencourt, a Deputy Real
18 Estate Commissioner of the State of California, for cause of
19 Accusation against DANIEL MAN-WA LI ("Respondent DANIEL LI") and
20 RICHARD LI (Respondent RICHARD LI"), is informed and alleges as
21 follows:

22 FIRST CAUSE OF ACCUSATION

23 I

24
25 The Complainant, Les R. Bettencourt, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation in his official capacity.

1 II

2 Respondents DANIEL LI and RICHARD LI are licensed
3 and/or have license rights under the Real Estate Law (Part 1 of
4 Division 4 of the Business and Professions Code) (hereinafter
5 "the Code") as follows:

6 DANIEL LI - as a real estate broker.

7 RICHARD LI - as a real estate salesperson, in the
8 employ of Respondent DANIEL LI during the period from
9 September 1, 1997, to February 10, 1998.

10 III

11 Whenever reference is made in an allegation in this
12 Accusation to an act or omission of "Respondents", such
13 allegation shall be deemed to mean the act or omission of each of
14 the Respondents named in the caption hereof, acting individually,
15 jointly, and severally, and as agents of each other. At all
16 times herein mentioned, Respondents were performing acts
17 requiring a real estate license.

18 IV

19 On or about November 17, 1997, Respondent RICHARD LI
20 prepared an offer by Shi Guang Guan and Assignee ("Buyers") for
21 the purchase of vacant land owned by Judith Becker and Barbara
22 Rivara ("Sellers") and commonly known as 253 Broad Street,
23 San Francisco, California ("the property"). The offer
24 represented that Respondent RICHARD LI was in receipt of a
25 deposit check for \$1,000 made payable to Fidelity National Title
26 Company ("Fidelity"), to be held by Respondents until one
27 business day after acceptance of the offer. The offer further

1 represented that an additional deposit of \$9,000 would be
2 deposited with Fidelity within 15 days, or by December 2, 1997.

3 V

4 On or about November 24, 1997, a contract incorporating
5 the above terms was entered into by Sellers and Buyers.

6 VI

7 The representation made by Respondent RICHARD LI that
8 he held a \$1,000 deposit check was false, and was known by
9 Respondent RICHARD LI to be false at the time he made it. The
10 truth is that Respondent RICHARD LI did not receive any deposit
11 funds from Buyers until on or about December 18, 1997, at which
12 time Buyers gave Respondent RICHARD LI a check for \$1,000 with
13 instructions not to deposit it until further instruction.
14 Respondent RICHARD LI failed to deliver said check to Respondent
15 DANIEL LI, or otherwise dispose of said check in accordance with
16 instructions from Respondent DANIEL LI.

17 VII

18 The additional deposit of \$9,000 called for in the
19 contract was never made. At no time did Respondent RICHARD LI
20 disclose to Sellers or their agents that neither the \$1,000
21 initial deposit nor the \$9,000 additional deposit had been placed
22 into escrow.

23 VIII

24 On or about January 4, 1998, Respondent RICHARD LI
25 attempted to deposit the \$1,000 given him by Buyers after demand
26 made upon him by Sellers. The check failed to clear the bank on
27 the basis that the account had been closed. Buyers failed to

1 complete the purchase and Sellers were required to place the
2 property back on the market.

3 IX

4 During the pendency of the above-described transaction,
5 Respondent DANIEL LI failed to exercise reasonable supervision
6 over the activities of Respondent RICHARD LI, and was negligent
7 or incompetent in performing acts requiring a real estate
8 license. On or about February 10, 1998, Respondent DANIEL LI
9 discharged Respondent RICHARD LI for his conduct in connection
10 with the subject transaction, but failed to notify the Real
11 Estate Commissioner of that fact.

12 X

13 The acts and omissions of Respondent RICHARD LI
14 set forth above constitute the making of substantial
15 misrepresentations; fraud or dishonest dealing; and violation
16 of Section 10145(c) of the Code; and are cause under Sections
17 10176(a), 10176(i), and 10177(d) of the Code for suspension or
18 revocation of all licenses and license rights of the Respondent
19 RICHARD LI under the Real Estate Law.

20 In the alternative, the acts and omissions of
21 Respondent RICHARD LI set forth above constitute the making of
22 substantial misrepresentations; negligence or incompetence in
23 performing acts requiring a real estate license; and violation
24 of Section 10145(c) of the Code; and are cause under Sections
25 10176(a), 10177(g), and 10177(d) of the Code for suspension or
26 revocation of all licenses and license rights of the Respondent
27 RICHARD LI under the Real Estate Law.

1 XI

2 The acts and omissions of Respondent DANIEL LI set
3 forth above constitute negligence or incompetence in performing
4 acts requiring a real estate license; failure to exercise
5 proper supervision over the activities of Respondent RICHARD LI;
6 and violation of Section 10178 of the Code; and are cause
7 under Sections 10177(g), 10177(h) and 10178 of the Code for
8 suspension or revocation of all licenses and license rights of
9 the Respondent DANIEL LI under the Real Estate Law.

10
11 SECOND CAUSE OF ACCUSATION

12 XII

13 Complainant hereby incorporates in this Second,
14 separate and distinct, Cause of Accusation, all of the
15 allegations contained in Paragraphs I and II of the First Cause
16 of Accusation with the same force and effect as if fully set
17 forth herein.

18 XIII

19 From on or about September 9, 1999, through on or
20 about March 9, 1999 ("the survey period"), Respondent DANIEL LI
21 failed to notify the Real Estate Commissioner of his employment
22 and/or termination of employment of salespersons, in violation
23 of Section 10161.8 of the Code and Section 2710(c) of Chapter 6,
24 Title 10, California Administration Code (a Section of the
25 latter is hereinafter referred to as a "Regulation").

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XIV

During the survey period, Respondent DANIEL LI failed to exercise reasonable supervision over the activities of salespersons licensed to him, in the manner required by Regulation 2725.

XV

During the survey period, Respondent DANIEL LI failed to maintain a record of all trust funds received, including uncashed checks, as required by Regulation 2831.

XVI

The acts and omissions of Respondent DANIEL LI alleged above in Paragraphs XIII through XV constitute negligence or incompetence in performing acts for which he is required to hold a real estate license, and are cause for discipline under the provisions of Sections 10177(d), 10177(g), and 10177(h) of the Code.

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

Les Bettencourt by M. Catalano
LES R. BETTENCOURT *acting*
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 6th day of December, 1999.