

FILED
MAR - 1 2004

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
BAYNET & COMPANY, INC., and,)
DAVID JIA-LING LIU,) NO. H-7833 SF
Respondents.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 5, 2001, an Order was rendered herein
revoking the real estate broker licenses of Respondents but
granting Respondents the right to apply for restricted real
estate broker licenses upon terms and conditions. Restricted
real estate broker licenses were issued to Respondents on
March 15, 2001, and Respondents have operated as restricted
licensees since that time.

On March 14, 2003, Respondents petitioned for
reinstatement of their real estate broker licenses and the
Attorney General of the State of California has been given
notice of the filing of said petitions.

1 I have considered the petitions of Respondents and the
2 evidence and arguments in support thereof including Respondents'
3 records as restricted licensees. Respondents have demonstrated
4 to my satisfaction that Respondents meet the requirements of law
5 for the issuance to Respondents of unrestricted real estate
6 broker licenses and that it would not be against the public
7 interest to issue said licenses to Respondents.

8 NOW, THEREFORE, IT IS ORDERED that Respondents'
9 petition for reinstatement is granted and that real estate broker
10 licenses be issued to Respondents, if Respondents satisfy the
11 following condition within nine months from the date of this
12 Order:

13 1. Submittal of completed applications and payment of
14 the fees for real estate broker licenses.

15 2. Submittal of proof satisfactory to the Commissioner
16 of Respondent DAVID JIA-LING LIU having, since the most recent
17 issuance of an original or renewal real estate license, taken and
18 successfully completed the continuing education requirements of
19 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
20 real estate license.

21 This Order shall be effective immediately.

22 DATED: February 9, 2004.
23

24 Real Estate Commissioner

25 By: John R. Liberator
26

27 JOHN R. LIBERATOR
Chief Deputy Commissioner

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

FILED
FEB 23 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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7
8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 BAYNET & COMPANY, INC., and)
14 DAVID JIA-LING LIU,)
15 Respondents.)

NO. H-7833 SF

STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between BAYNET &
17 COMPANY, INC. ("Respondent BAYNET"), and DAVID JIA-LING LIU
18 ("Respondent LIU"), (collectively "Respondents"), by and through
19 their attorney, Paul R. Perdue; and the Complainant, acting by
20 and through Thomas C. Lasken, Counsel for the Department of Real
21 Estate; as follows, for the purpose of settling and disposing of
22 the Accusation filed on May 18, 2000, in this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondents
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27 Procedure Act ("APA"), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

3 2. Respondents have received, read and understand the
4 Statement to Respondent, the Discovery Provisions of the APA, and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On May 26, 2000, Respondents filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondents hereby freely and voluntarily withdraw
11 said Notice of Defense. Respondents acknowledge that they
12 understand that by withdrawing said Notice of Defense they will
13 thereby waive their right to require the Commissioner to prove
14 the allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that they will waive
16 other rights afforded to them in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation. In the interests of
21 expedience and economy, Respondents choose not to contest these
22 allegations, but to remain silent and understand that, as a
23 result thereof, these factual allegations, without being admitted
24 or denied, will serve as a prima facie basis for the disciplinary
25 action stipulated to herein. The Real Estate Commissioner shall
26 not be required to provide further evidence to prove said factual
27 allegations.

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

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

18
19 DETERMINATION OF ISSUES

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

24 I

25 The conduct of Respondent BAYNET, as described in the
26 Accusation, is cause for the suspension or revocation of the real
27 estate license and license rights of Respondent BAYNET under the

1 provisions of Sections 10137, 10138, and 10177(d) of the Business
2 and Professions Code ("Code").

3 II

4 The conduct of the Respondent LIU, as described in the
5 Accusation, is cause for the suspension or revocation of the real
6 estate license and license rights of Respondent LIU under the
7 provisions of Section 10177(h) of the Code.

8 ORDER

9
10 A. All licenses and licensing rights of Respondents under the
11 Real Estate Law are revoked; provided, however, a restricted
12 real estate broker license shall be issued to Respondents
13 pursuant to Section 10156.5 of the Business and Professions
14 Code if Respondents make application therefor and pay to the
15 Department of Real Estate the appropriate fee for the
16 restricted license within 90 days from the effective date of
17 this Decision. The restricted license issued to Respondents
18 shall be subject to all of the provisions of Section 10156.7
19 of the Business and Professions Code and to the following
20 limitations, conditions, and restrictions imposed under
21 authority of Section 10156.6 of that Code:

- 22 (1) The restricted license issued to Respondents may be
23 suspended prior to hearing by Order of the Real Estate
24 Commissioner in the event of Respondents' conviction or
25 plea of nolo contendere to a crime which is
26 substantially related to Respondents' fitness or
27 capacity as a real estate licensee.

1 (2) The restricted license issued to Respondents may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner on evidence satisfactory to the
4 Commissioner that Respondents have violated provisions
5 of the California Real Estate Law, the Subdivided Lands
6 Law, Regulations of the Real Estate Commissioner or
7 conditions attaching to the restricted license.

8 (3) Respondents shall not be eligible to apply for the
9 issuance of an unrestricted real estate license nor the
10 removal of any of the conditions, limitations, or
11 restrictions of a restricted license until two (2)
12 years have elapsed from the effective date of this
13 Decision.

14 B. Respondent LIU shall, within nine months from the effective
15 date of this Decision, present evidence satisfactory to the
16 Real Estate Commissioner that he has, since the most recent
17 issuance of an original or renewal real estate license,
18 taken and successfully completed the continuing education
19 requirements of Article 2.5 of Chapter 3 of the Real Estate
20 Law for renewal of a real estate license. If Respondent LIU
21 fails to satisfy this condition, the Commissioner may order
22 the suspension of the restricted license until he presents
23 such evidence. The Commissioner shall afford Respondent LIU
24 the opportunity for a hearing pursuant to the Administrative
25 Procedure Act to present such evidence.

26 C. Respondent LIU shall, within six months from the effective
27 date of this Decision, take and pass the Professional

1 Responsibility Examination administered by the Department
2 including the payment of the appropriate examination fee.

3 If Respondent LIU fails to satisfy this condition, the
4 Commissioner may order the suspension of his license until
5 he passes the examination.

6
7 January 3, 2001
8 DATED

9 Thomas C. Lasken
10 THOMAS C. LASKEN, Counsel
11 DEPARTMENT OF REAL ESTATE

12 * * *

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

24 BAYNET & COMPANY, INC.
25 Respondent

26 DEC 15 2000

27 DATED

By: David Jia-Ling Liu

DAVID JIA-LING LIU
President

DEC 15 2000

DATED

DAVID JIA-LING LIU
Respondent

1 * * *

2 I have reviewed the Stipulation and Agreement in
3 Settlement as to form and content and have advised my clients
4 accordingly.

5 DEC 15 2000

6 

7 DATED

PAUL R. PERDUE
Attorney for Respondents

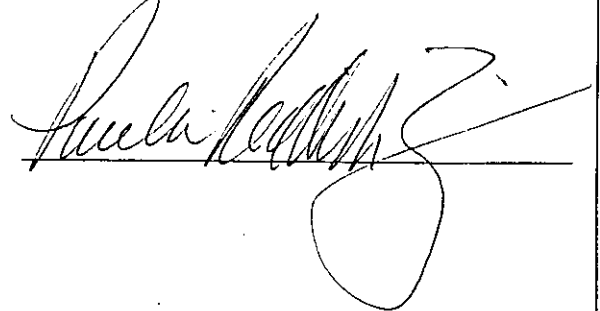
8 * * *

9
10 The foregoing Stipulation and Agreement for
11 Settlement is hereby adopted by the Real Estate Commissioner as
12 her Decision and Order and shall become effective at 12 o'clock
13 noon on March 15, 2001.

14 IT IS SO ORDERED

February 5, 2001

16 PAULA REDDISH ZINNEMANN
17 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC - 6 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

BAYNET & COMPANY, INC., and
DAVID JIA-LING LIU,

Case No. H-7833 SF

OAH No. N-2000080536

Respondent

FIRST CONTINUED
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 December 14, 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: December 6, 2000

By Thomas C. Lasken
THOMAS C. LASKEN Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
SEP 07 2000
DEPARTMENT OF REAL ESTATE

By Jean W. Lasken

In the Matter of the Accusation of

BAYNET & COMPANY, INC., and
DAVID JIA-LING LIU,

Case No. H-7833 SF

OAH No. N-2000080536

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 November 14, 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 30, 2000

By

Thomas C. Lasken

THOMAS C. LASKEN

Counsel

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

5 Telephone: (916) 227-0789

FILED

MAY 18 2009

DEPARTMENT OF REAL ESTATE

By Sean J. Arnold

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

11 * * *

12 In the Matter of the Accusation of)
13)
14 BAYNET & COMPANY, INC., and)
15 DAVID JIA-LING LIU,)
16 Respondents.)

NO. H-7833 SF
ACCUSATION

17 The Complainant, Les R. Bettencourt, a Deputy Real
18 Estate Commissioner of the State of California, for cause of
19 Accusation against BAYNET & COMPANY, INC. (hereinafter
20 "Respondent BAYNET"), and DAVID JIA-LING LIU (hereinafter
21 "Respondent LIU"), individually and as Designated Officer of
22 BAYNET, is informed and alleges as follows:

23 I

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

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II

At all times herein mentioned, Respondent BAYNET was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code") as a real estate brokerage corporation, by and through Respondent LIU as its Designated Officer.

III

At all times herein mentioned, Respondent LIU was licensed, and/or has license rights under the Code, individually and as Designated Officer of Respondent BAYNET.

IV

Emily Danao ("Danao") is not now and never has been licensed under the Code as a real estate salesperson or broker.

V

During the period from in or about mid-January, 1998, through on or about May 22, 1998, Respondent BAYNET employed and compensated Danao for performing acts requiring a real estate within the meaning of Sections 10131(a) and 10131(d) of the Code.

VI

Within the three-year period immediately preceding the filing of this Accusation, Respondent BAYNET failed to have a written agreement with each of its salespersons, in violation of Section 2726 of Title 10, California Code of Regulations (hereinafter "Regulations").

///

1 VII

2 Within the three-year period immediately preceding
3 the filing of this Accusation, Respondent BAYNET failed to
4 retain at its main office the license certificate of each of
5 its salespersons, in violation of Section 2753 of the
6 Regulations.

7 VIII

8 The facts alleged in Paragraph V above constitute
9 violation of Section 10137 of the Code, and are cause under
10 Section 10137 of the Code for the suspension or revocation of
11 all licenses and license rights of Respondent BAYNET under the
12 Real Estate Law.

13 IX

14 The facts alleged in Paragraphs VI and VII above are
15 cause under Sections 10177(d) of the Code for the suspension or
16 revocation of all licenses and license rights of Respondent
17 BAYNET under the Real Estate Law.

18 X

19 Within the three-year period immediately preceding the
20 filing of this Accusation, Respondent LIU, as designated broker-
21 officer for Respondent BAYNET, failed to exercise reasonable
22 supervision and control over the licensed activities of
23 Respondent BAYNET as required by Section 10159.2 of the Code.
24 Such failure is cause for the suspension or revocation of
25 Respondent LIU's licenses and/or license rights under Section
26 10177(h) of the Code.

27 ///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof a decision be rendered imposing disciplinary action
4 against all licenses and license rights of Respondents under the
5 Real Estate Law (Part 1 of Division 4 of the Code), and for such
6 other and further relief as may be proper under other applicable
7 provisions of law, including the imposition of a fine of up to
8 \$10,000 against Respondent BAYNET pursuant to the provisions of
9 Section 10139.5 of the Code.

10
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13 
14 LES R. BETTENCOURT
15 Deputy Real Estate Commissioner
16

17 Dated at Oakland, California,
18 this 18th day of April, 2000.
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