

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED

FEB 22 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 CHRISTOPHER INWHAN LIM ) NO. H-10580 SF  
13 MARY A. GEBRIAN, and ) STIPULATION AND AGREEMENT  
14 MARK CHOY, ) IN SETTLEMENT AND ORDER  
(as to MARY A. GEBRIAN only)  
Respondents.)

15 It is hereby stipulated by and between Respondent MARY A. GEBRIAN, by and  
16 through Michael L. Smith, attorney of record herein for Respondent, and the Complainant, acting  
17 by and through Mary F. Clarke, Counsel for the Department of Real Estate (herein "the  
18 Department"), as follows for the purpose of settling and disposing of the First Amended  
19 Accusation filed on April 3, 2009, in this matter:

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

25 2. Respondent MARY A. GEBRIAN has received, read, and understands the  
26 Statement to Respondent, the Discovery Provisions of the APA, and the First Amended  
27 Accusation filed by the Department in this proceeding.

1                   3. A Notice of Defense was filed on January 23, 2009, by Respondent MARY A.  
2 GEBRIAN pursuant to Section 11505 of the Government Code for the purpose of requesting a  
3 hearing on the allegations in the First Amended Accusation. Respondent MARY A. GEBRIAN  
4 hereby freely and voluntarily withdraws said Notice of Defense. Respondent MARY A.  
5 GEBRIAN acknowledges that she understands that by withdrawing said Notice of Defense, she  
6 will thereby waive her right to require the Real Estate Commissioner (herein "the Commissioner")  
7 to prove the allegations in the First Amended Accusation at a contested hearing held in  
8 accordance with the provisions of the APA and that she will waive other rights afforded to her in  
9 connection with the hearing such as the right to present evidence in defense of the allegations in  
10 the First Amended Accusation and the right to cross-examine witnesses.

11                   4. Respondent MARY A. GEBRIAN, pursuant to the limitations set forth below,  
12 hereby admits that the factual allegations pertaining to her in the First Amended Accusation filed  
13 in this proceeding are true and correct and the Commissioner shall not be required to provide  
14 further evidence of such allegations.

15                   5. It is understood by the parties that the Commissioner may adopt the Stipulation  
16 and Agreement in Settlement and Order as his decision in this matter thereby imposing the  
17 penalty and sanctions on Respondent MARY A. GEBRIAN's real estate license and license  
18 rights as set forth in the below "Order". In the event that the Commissioner in his discretion  
19 does not adopt the Stipulation and Agreement in Settlement and Order, it shall be void and of no  
20 effect, and Respondent MARY A. GEBRIAN shall retain the right to a hearing and proceeding  
21 on the First Amended Accusation under all the provisions of the APA and shall not be bound by  
22 any admission or waiver made herein.

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

1 DETERMINATION OF ISSUES

2 I

3 The acts and omissions of Respondents CHRISTOPHER INWHAN LIM (herein  
4 "Respondent LIM"), MARY A. GEBRIAN (herein "Respondent GEBRIAN"), and MARK  
5 CHOHEY (herein "Respondent CHOHEY"), as described in the First Amended Accusation are  
6 grounds for the suspension or revocation of the licenses and license rights of Respondents LIM,  
7 GEBRIAN, and CHOHEY under the following provisions of the California Business and  
8 Professions Code (herein "the Code") and/or Chapter 6, Title 10, California Code of Regulations  
9 (herein "the Regulations"):

- 10 a. Respondent LIM failed to obtain broker license from the Department prior to  
11 engaging in the activities described in Paragraphs 4 through 7 of the First  
12 Amended Accusation, in violation of Section 10130 of the Code, which act  
13 and/or omission is grounds for discipline under the Code;
- 14 b. Respondents LIM and GEBRIAN failed to immediately deliver, upon receipt,  
15 trust funds, to Urban Bay Properties (UBP) or The Chris James Corporation  
16 (CJC) or a neutral escrow depository or to deposit the funds into UBP's or  
17 CJC's trust fund accounts, in violation Section 10145(c) of the Code, which acts  
18 and/or omissions are grounds for discipline under Section 10177(d) of the Code;
- 19 c. Respondents LIM and CHOHEY caused, suffered or permitted money of others  
20 which was received and held by Respondents as trustees in Bank Accounts #1  
21 and #2 to be commingled with Respondents' own money, in violation of Section  
22 10176(e), which acts and/or omissions are grounds for discipline under the  
23 Code;
- 24 d. Respondents LIM and GEBRIAN accepted compensation from persons other  
25 than the brokers under whom they were at the time licensed, in violation of  
26 Sections 10137, 10176(g) and (i), and/or 10177(j) of the Code, which acts  
27 and/or omissions are grounds for discipline under the Code; and

1 e. Respondents LIM, GEBRIAN, and CHOHEY failed to obtain real estate licenses  
2 bearing the fictitious business names "Climb Real Estate Group," "Climb Real  
3 Estate Group LLC," "Climb Real Estate Group, Inc." and/or "The Choey  
4 Group," while conducting activities for which a license was required in  
5 violation of Section 10159.5 of the Code and Section 2731 of the Regulations,  
6 which acts and/or omissions are grounds for discipline under Section 10177(d)  
7 of the Code.

8  
9 ORDER

10 All licenses and licensing rights of Respondent GEBRIAN under the Real Estate  
11 Law are revoked; provided, however, a restricted real estate sales license shall be issued to  
12 Respondent GEBRIAN pursuant to Section 10156.5 of the Code if, within 90 days from the  
13 effective date of the Decision entered pursuant to this Order, Respondent GEBRIAN, prior to  
14 and as a condition of the issuance of said restricted license makes application for the restricted  
15 license and pays to the Department the appropriate fee therefor.

16 The restricted license issued to Respondent GEBRIAN shall be subject to all of  
17 the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and  
18 restrictions imposed under authority of Section 10156.6 of that Code:

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

23 2. The restricted license issued to Respondent GEBRIAN may be suspended  
24 prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that  
25 Respondent GEBRIAN has violated provisions of the California Real Estate Law, the Subdivided  
26 Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to the  
27 restricted license.

1                   3. Respondent GEBRIAN shall not be eligible to apply for the issuance of an  
2 unrestricted real estate license or for the removal of any of the conditions, limitations or restrictions  
3 of a restricted license until two (2) years have elapsed from the effective date of this Order.

4                   4. Respondent GEBRIAN shall submit with any application for license under an  
5 employing broker, or any application for transfer to a new employing broker, a statement signed  
6 by the prospective employing real estate broker on a form approved by the Department of Real  
7 Estate which shall certify:

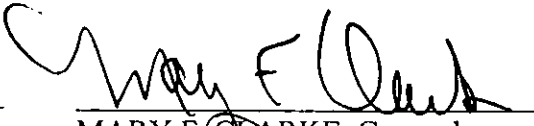
8                   (a) That the employing broker has read the Decision of the  
9 Commissioner which granted the right to a restricted license; and

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

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

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

26                  1-7-10  
27                                   DATED

25                                     
26                                   MARY F. CLARKE, Counsel  
27                                   DEPARTMENT OF REAL ESTATE



1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
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DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 \* \* \*

12 In the Matter of the Accusation of )

13 CHRISTOPHER INWHAN LIM, )  
14 MARY A. GEBRIAN, and )  
15 MARK CHOHEY, )

16 Respondent. )

NO. H-10580 SF

STIPULATION AND AGREEMENT  
IN SETTLEMENT AND ORDER  
(as to MARK CHOHEY only)

17  
18 It is hereby stipulated by and between Respondent MARK CHOHEY (herein  
19 "Respondent" or "Respondent CHOHEY"), by and through Michael L. Smith, attorney of record  
20 herein for Respondent, and the Complainant, acting by and through Mary F. Clarke, Counsel for  
21 the Department of Real Estate (herein "the Department"), as follows for the purpose of settling  
22 and disposing of the First Amended Accusation filed on April 3, 2009, in this matter:

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

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

4                   3. A Notice of Defense was filed on January 22, 2009, by Respondent pursuant  
5 to Section 11505 of the Government Code for the purpose of requesting a hearing on the  
6 allegations in the First Amended Accusation. Respondent hereby freely and voluntarily  
7 withdraws said Notice of Defense. Respondent acknowledges he understands that by  
8 withdrawing said Notice of Defense he will thereby waive his right to require the Commissioner  
9 to prove the allegations in the First Amended Accusation at a contested hearing held in  
10 accordance with the provisions of the APA and that he will waive other rights afforded to him in  
11 connection with the hearing such as the right to present evidence in defense of the allegations in  
12 the First Amended Accusation and the right to cross-examine witnesses.

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

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

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



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The acts and omissions of Respondents CHRISTOPHER INWHAN LIM (herein “Respondent LIM”), MARY A. GEBRIAN (herein “Respondent GEBRIAN”), and MARK CHOHEY (herein “Respondent CHOHEY”), as described in the First Amended Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondents LIM, GEBRIAN, and CHOHEY under the following provisions of the California Business and Professions Code (herein “the Code”) and/or Chapter 6, Title 10, California Code of Regulations (herein “the Regulations”):

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1 licensed, in violation of Sections 10137, 10176(g) and (i), and/or  
2 10177(j) of the Code, which acts and/or omissions are grounds for  
3 discipline under the Code; and

- 4 e. Respondents LIM, GEBRIAN, and CHOHEY failed to obtain real estate  
5 licenses bearing the fictitious business names "Climb Real Estate  
6 Group," "Climb Real Estate Group LLC," "Climb Real Estate Group,  
7 Inc." and/or "The Choey Group," while conducting activities for which  
8 a license was required in violation of Section 10159.5 of the Code and  
9 Section 2731 of the Regulations, which acts and/or omissions are  
10 grounds for discipline under Section 10177(d) of the Code.

11 ORDER

12 I

13 All licenses and licensing rights of Respondent CHOHEY under the Real Estate  
14 Law are suspended for a period of ninety (90) days from the effective date of this Order;  
15 provided, however, that:


- 16 1. Sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms  
17 and conditions:  
18 (a) Respondent CHOHEY shall obey all laws, rules and regulations governing the rights,  
19 duties and responsibilities of a real estate licensee in the State of California; and,  
20 (b) That no final subsequent determination be made, after hearing or upon stipulation, that  
21 cause for disciplinary action occurred within two (2) years from the effective date of  
22 this Order. Should such a determination be made, the Commissioner may, in his  
23 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
24 suspension. Should no such determination be made, the stay imposed herein shall  
25 become permanent.  
26 2. The remaining thirty (30) days of said 90-day suspension shall be stayed upon the condition  
27 that Respondent CHOHEY petition pursuant to Section 10175.2 of the Code and pay a

1 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of  
2 the suspension for a total monetary penalty of \$1,500.00:

- 3 (a) Said payment shall be in the form of a cashier's check or certified check made payable  
4 to the Recovery Account of the Real Estate Fund. Said check must be received by the  
5 Department prior to the effective date of the Order in this matter.
- 6 (b) No further cause for disciplinary action against the real estate licenses of Respondent  
7 CHOXY occurs within two (2) years from the effective date of the Decision in this  
8 matter.
- 9 (c) If Respondent CHOXY fails to pay the monetary penalty as provided above prior to the  
10 effective date of this Order, the stay of the suspension shall be vacated as to Respondent  
11 CHOXY and the order of suspension shall be immediately executed, under this  
12 Paragraph I of this Order, in which event Respondent CHOXY shall not be entitled to  
13 any repayment nor credit, prorated or otherwise, for the money paid to the Department  
14 under the terms of this Order.
- 15 (d) If Respondent CHOXY pays the monetary penalty and any other moneys due under this  
16 Stipulation and Agreement in Settlement and if no further cause for disciplinary action  
17 against the real estate license of Respondent CHOXY occurs within two (2) years from  
18 the effective date of this Order, the entire stay hereby granted under Paragraph I of this  
19 Order shall become permanent.

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

25  
26 1-7-10  
DATED

25   
26 MARY F. CLARKE, Counsel  
27 DEPARTMENT OF REAL ESTATE

1 \*\*\*

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

9  
10 1-4-10  
DATED

  
MARK CHOXY, Respondent

11 \*\*\*

12 I have reviewed the Stipulation and Agreement as to form and content and have  
13 advised my client accordingly.

14  
15 1/6/10  
DATED

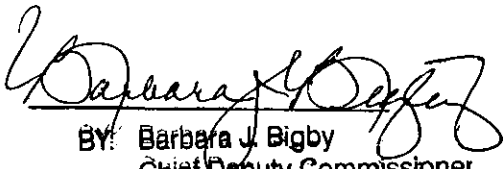
  
MICHAEL L. SMITH  
Attorney for Respondent

17 \*\*\*

18 The foregoing Stipulation and Agreement is hereby adopted by me as my Decision  
19 in this matter and shall become effective at 12 o'clock noon on March 15, 2010

20  
21 IT IS SO ORDERED 2/16/10

22  
23 JEFF DAVI  
Real Estate Commissioner

24  
25   
26 BY: Barbara J. Bigby  
27 Chief Deputy Commissioner

FILED

FEB 22 2010

DEPARTMENT OF REAL ESTATE

By B. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of

CHRISTOPHER INWHAN LIM,  
MARY A. GEBRIAN, and  
MARK CHOHEY,

Respondents.

NO. H-10580 SF  
(As to CHRISTOPHER INWHAN LIM, Only)

ORDER ACCEPTING VOLUNTARY SURRENDER

On April 3, 2009, a First Amended Accusation was filed in this matter against Respondents CHRISTOPHER INWHAN LIM, MARY A. GEBRIAN, and MARK CHOHEY.

By Declaration signed November 16, 2009, Respondent CHRISTOPHER INWHAN LIM only, petitioned the Real Estate Commissioner to voluntarily surrender his real estate license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that the petition of Respondent CHRISTOPHER INWHAN LIM for the voluntary surrender of his real estate license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in

1 the Declaration of Respondent CHRISTOPHER INWHAN LIM, dated November 16, 2009  
2 (attached hereto as Exhibit "A"). Respondent's license certificate and pocket card shall be sent  
3 to the below listed address so that they reach the Department of Real Estate on or before the  
4 effective date of this Order:

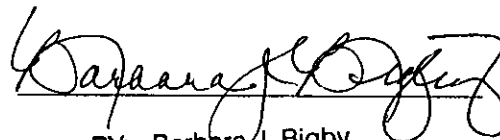
5  
6 DEPARTMENT OF REAL ESTATE  
7 Attn: Licensing Flag Section  
8 P. O. Box 187000  
9 Sacramento, CA 95818-7000

10 This Order shall become effective at 12 o'clock noon on

11 March 15, 2010.

12 DATED: 2/16, 2010.

13 JEFF DAVI  
14 Real Estate Commissioner

15  
16 

17 BY: Barbara J. Bigby  
18 Chief Deputy Commissioner  
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6  
7 BEFORE THE DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

9 \* \* \*

10  
11 In the Matter of the Accusation of )

12 CHRISTOPHER INWHAN LIM, )  
13 MARY A. GEBRIAN, and )  
14 MARK CHOY, )

H-10580 SF

15 Respondents. )  
16

17 DECLARATION

18 My name is CHRISTOPHER INWHAN LIM, and I am currently licensed as a  
19 real estate salesperson and have license rights with respect to said license. I am represented by  
20 MICHAEL L. SMITH, Attorney at Law.

21 In lieu of proceeding in this matter in accordance with the provisions of the  
22 Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to  
23 voluntarily surrender my real estate license(s) issued by the Department of Real Estate  
24 ("Department"), pursuant to Business and Professions Code Section 10100.2.

25 I understand that by so voluntarily surrendering my license, I may be relicensed as  
26 a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of  
27



1 the Government Code. I also understand that by so voluntarily surrendering my license, I agree  
2 to the following:


3 1. The filing of this Declaration shall be deemed as my petition for voluntary  
4 surrender.

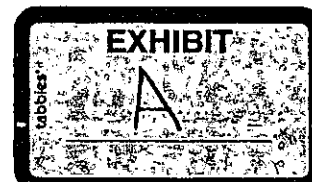
5 2. It shall also be deemed to be an understanding and agreement by me that I  
6 waive all rights I have to require the Commissioner to prove the allegations contained in the  
7 Accusation filed in this matter at a hearing held in accordance with the provisions of the  
8 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive  
9 other rights afforded to me in connection with the hearing such as the right to discovery, the right  
10 to present evidence in defense of the allegations in the Accusation and the right to cross-examine  
11 witnesses.

12 3. I further agree that upon acceptance by the Commissioner, as evidenced by  
13 an appropriate order, all affidavits and all relevant evidence obtained by the Department in this  
14 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation  
15 filed in the Department Case No. H-10580, may be considered by the Department to be true and  
16 correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to  
17 Government Code Section 11522.

18 4. I freely and voluntarily surrender all my licenses and license rights under  
19 the Real Estate Law.

20 I declare under penalty of perjury under the laws of the State of California that the  
21 above is true and correct and that this declaration was executed 16 Nov, 2009,  
22 at OAKLAND, California.

23  
24   
CHRISTOPHER LIMWHAN LIM





1 MARY F. CLARKE, Counsel, #186744  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Telephone: (916) 227-0780

FILED

APR - 3 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 CHRISTOPHER INWHAN LIM, ) NO. H-10580 SF  
13 MARY A. GEBRIAN, and )  
14 MARK CHOHEY, ) FIRST AMENDED  
15 Respondents. ) ACCUSATION

16 The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the  
17 State of California, for cause of First Amended Accusation against CHRISTOPHER INWHAN  
18 LIM (herein "LIM"), MARY A. GEBRIAN (herein "GEBRIAN"), and MARK CHOHEY  
19 (herein "CHOHEY") (collectively referred to herein as "Respondents"), is informed and alleges as  
20 follows:

21 1

22 The Complainant makes this First Amended Accusation against Respondents in  
23 his official capacity.

24 2

25 Respondents are presently licensed and/or have license rights under the Real  
26 Estate Law, Part 1 of Division 4 of the California Business and Professions Code (herein "the  
27 Code").

At all times herein mentioned, Respondents were licensed by the Department of Real Estate (herein "the Department") as real estate salespersons and were employed by Urban Bay Properties (herein "UBP") and The Chris James Corporation (herein "CJC") as follows:

<u>LICENSEE</u>	<u>EMPLOYER</u>	<u>FROM</u>	<u>TO</u>
LIM	UBP	5/2/05	1/10/07
	CJC	1/11/07	present
GEBRIAN	UBP	8/22/06	1/21/07
	CJC	2/2/07	present
CHOEY	UBP	7/7/06	1/10/07
	CJC	1/11/07	present

At all times herein mentioned, Respondent LIM engaged in the business of, acted in the capacity of, and assumed to act as a real estate broker licensee within the State of California, within the meaning of Section 10131(b) of the Code including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent LIM leased or rented or offered to lease or rent, or solicited listings of places for rent, or solicited for prospective tenants of real property or improvements thereon, or collected rents from real property or improvements thereon. Respondent GEBRIAN acted as Respondent LIM's agent and business manager.

At all times herein mentioned, Respondents LIM and GEBRIAN managed approximately six (6) properties for approximately six (6) principals, collected rents, advertised properties, screened tenants, and collected commissions.

In so acting, as described in Paragraphs 4 and 5, above, Respondents LIM and GEBRIAN accepted or received funds in trust (herein "trust funds") from or on behalf of owners,

1 tenants, and others in connection with the leasing, renting, and collection of rents on real property  
2 or improvements, and from time to time made disbursements of said funds.

3 7

4 Said trust funds accepted or received by Respondents LIM and GEBRIAN were  
5 deposited or caused to be deposited by Respondents LIM and GEBRIAN into one or more bank  
6 accounts (herein "trust fund accounts") maintained by Respondents LIM and CHOHEY for the  
7 handling of trust funds at the San Francisco, California, branch of Wells Fargo Bank, including  
8 but not necessarily limited to:

- 9 a. "Climb Real Estate Group LLC," account number 512-7319167  
10 (herein "Bank #1"); and  
11 b. "Climb Real Estate Group, Inc.," account number 216-9177488  
12 (herein "Bank #2").

13 8

14 Between approximately March 1, 2006 and February 28, 2007, in connection with  
15 the activities described in Paragraphs 3 through 7:

- 16 a. Respondent LIM failed to obtain broker license from the Department prior to  
17 engaging in the activities described in Paragraphs 4 through 7, in violation of  
18 Section 10130 of the Code, which act and/or omission is grounds for  
19 discipline under the Code;  
20 b. Respondents LIM and GEBRIAN failed to immediately deliver, upon receipt,  
21 trust funds, to UBP or CJC or a neutral escrow depository or to deposit the  
22 funds into UBP's or CJC's trust fund accounts, in violation Section 10145(c)  
23 of the Code, which acts and/or omissions are grounds for discipline under  
24 Section 10177(d) of the Code;  
25 c. Respondent's LIM and CHOHEY caused, suffered or permitted money of others  
26 which was received and held by Respondents as trustees in Bank Accounts #1  
27 and #2 to be commingled with Respondents' own money, in violation of

1 Section 10176(e), which acts and/or omissions are grounds for discipline  
2 under the Code;

- 3 d. Respondents LIM and GEBRIAN accepted compensation from persons other  
4 than the brokers under whom they were at the time licensed, in violation of  
5 Sections 10137, 10176(g) and (i), and/or 10177(j) of the Code, which acts  
6 and/or omissions are grounds for discipline under the Code; and  
7 e. Respondents LIM, GEBRIAN, and CHOHEY failed to obtain real estate  
8 licenses bearing the fictitious business names "Climb Real Estate Group,"  
9 "Climb Real Estate Group LLC," "Climb Real Estate Group, Inc.," and/or  
10 "The Choey Group," while conducting activities for which a license was  
11 required in violation of Section 10159.5 of the Code and Section 2731 of the  
12 California Code of Regulations, which acts and/or omissions are grounds for  
13 discipline under Section 10177(d) of the Code.

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

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21 E. J. HABERER II  
22 Deputy Real Estate Commissioner  
23

24 Dated at Oakland, California,  
25 this 26<sup>th</sup> day of March, 2009.  
26  
27

MARY F. CLARKE, Counsel, #186744  
Department of Real Estate  
P. O. Box 187007  
Sacramento, CA 95818-7007  
Telephone: (916) 227-0780

FILED

JAN - 8 2009

DEPARTMENT OF REAL ESTATE

By *K. Contreras*

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of )

CHRISTOPHER INWAHAN LIM, )  
MARY A. GEBRIAN, and )  
MARK CHOHEY, )

Respondents. )

NO. H- 10580 SF

ACCUSATION

The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the State of California, for causes of Accusation against CHRISTOPHER INWAHAN LIM (herein "LIM"), MARY A. GEBRIAN (herein "GEBRIAN"), and MARK CHOHEY (herein "CHOHEY") (collectively referred to herein as "Respondents"), is informed and alleges as follows:

1

The Complainant makes this Accusation against Respondents in his official capacity.

2

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (herein "the Code").

At all times herein mentioned, Respondents were licensed by the Department of Real Estate (herein "the Department") as real estate salespersons and were employed by Urban Bay Properties (herein "UBP") and The Chris James Corporation (herein "CJC") as follows:

<u>LICENSEE</u>	<u>EMPLOYER</u>	<u>FROM</u>	<u>TO</u>
LIM	UBP	5/2/05	1/10/07
	CJC	1/11/07	present
GEBRIAN	UBP	8/22/06	1/21/07
	CJC	2/2/07	present
CHOEY	UBP	7/7/06	1/10/07
	CJC	1/11/07	present

At all times herein mentioned, Respondent LIM engaged in the business of, acted in the capacity of, and assumed to act as a real estate broker licensee within the State of California, within the meaning of Section 10131(b) of the Code including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent LIM leased or rented or offered to lease or rent, or solicited listings of places for rent, or solicited for prospective tenants of real property or improvements thereon, or collected rents from real property or improvements thereon. Respondent GEBRIAN acted as Respondent LIM's agent and business manager.

At all times herein mentioned, Respondents LIM and GEBRIAN managed approximately six (6) properties for approximately six (6) principals, collected rents, advertised properties, screened tenants, and collected commissions.

In so acting, as described in Paragraphs 4 and 5, above, Respondents LIM and GEBRIAN accepted or received funds in trust (herein "trust funds") from or on behalf of owners,

1 tenants, and others in connection with the leasing, renting, and collection of rents on real property  
2 or improvements, and from time to time made disbursements of said funds.

3 7

4 Said trust funds accepted or received by Respondents LIM and GEBRIAN were  
5 deposited or caused to be deposited by Respondents LIM and GEBRIAN into one or more bank  
6 accounts (herein "trust fund accounts") maintained by Respondents LIM and CHOHEY for the  
7 handling of trust funds at the San Francisco, California, branch of Wells Fargo Bank, including  
8 but not necessarily limited to:

- 9 a. "Climb Real Estate Group LLC," account number 512-7319167  
10 (herein "Bank #1"); and  
11 b. "Climb Real Estate Group, Inc.," account number 216-9177488  
12 (herein "Bank #2").

13 8

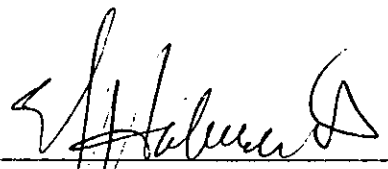
14 Between approximately March 1, 2006 and February 28, 2007, in connection with  
15 the activities described in Paragraphs 3 through 7:

- 16 a. Respondent LIM failed to obtain broker license from the Department prior to  
17 engaging in the activities described in Paragraphs 4 through 7, in violation of  
18 Section 10130 of the Code, which act and/or omission is grounds for  
19 discipline under the Code;  
20 b. Respondents LIM and GEBRIAN failed to immediately deliver, upon receipt,  
21 trust funds, to UBP or CJC or a neutral escrow depository or to deposit the  
22 funds into UBP's or CJC's trust fund accounts, in violation Section 10145(c)  
23 of the Code, which acts and/or omissions are grounds for discipline under  
24 Section 10177(d) of the Code;  
25 c. Respondent's LIM and CHOHEY caused, suffered or permitted money of others  
26 which was received and held by Respondents as trustees in Bank Accounts #1  
27 and #2 to be commingled with Respondents' own money, in violation of

1 Section 10176(e), which acts and/or omissions are grounds for discipline  
2 under the Code;

- 3 d. Respondents LIM and GEBRIAN accepted compensation from persons other  
4 than the brokers under whom they were at the time licensed, in violation of  
5 Sections 10137, 10176(g) and (i), and/or 10177(j) of the Code, which acts  
6 and/or omissions are grounds for discipline under the Code; and  
7 e. Respondents LIM, GEBRIAN, and CHOHEY failed to obtain real estate  
8 licenses bearing the fictitious business names "Climb Real Estate Group,"  
9 "Climb Real Estate Group LLC," "Climb Real Estate Group, Inc.," and/or  
10 "The Choey Group," while conducting activities for which a license was  
11 required in violation of Section 10159.5 of the Code and Section 2731 of the  
12 California Code of Regulations, which acts and/or omissions are grounds for  
13 discipline under Section 10177(d) of the Code.

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

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20   
21 E. J. HABERER II  
22 Deputy Real Estate Commissioner  
23

24 Dated at Oakland, California,  
25 this 26<sup>th</sup> day of November 2008.  
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