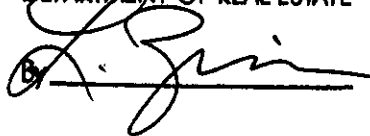


FILED

DEC 17 2009

DEPARTMENT OF REAL ESTATE



Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

BAYCAL FINANCIAL CORPORATION,
ANTHONY C.K. TSIA, and SEN TING,

Respondents.

No. H-10698 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between BAYCAL FINANCIAL CORPORATION, ANTHONY C.K. TSIA, (hereinafter "Respondents") represented by K.P. Dean Harper, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusation filed on June 8, 2009 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (hereinafter "APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

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

1 3. Respondents 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 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
4 acknowledge that they understand that by withdrawing said Notice of Defense they will thereby
5 waive their rights to require the Commissioner to prove the allegations in the Accusation at a
6 contested hearing held in accordance with the provisions of the APA, and that they will waive
7 other rights afforded to them in connection with the hearing such as the right to present evidence
8 in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. This stipulation is based on the factual allegations contained in the
10 Accusation. In the interest of expediency and economy, Respondents choose not to contest these
11 factual allegations, but to remain silent and understand that, as a result thereof, these factual
12 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
13 forth below. The Real Estate Commissioner shall not be required to provide further evidence to
14 prove such allegations.

15 5. This Stipulation and Respondents decision not to contest the Accusation
16 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
17 limited to this proceeding and any other proceeding or case in which the Department of Real
18 Estate (herein "the Department"), the state or federal government, an agency of this state, or an
19 agency of another state is involved.

20 6. Pursuant to the Decision in Case No. H-9907 SF, Respondent has
21 previously agreed to pay and been ordered to pay, pursuant to Section 10148 of the California
22 Business and Professions Code, costs in the sum of \$5096.25 of the audit which resulted in the
23 determination that Respondents committed the trust fund violation(s) found in the
24 Determination of Issues. Respondents agrees to pay said costs or provide proof of such payment
25 prior to the effective date of the Decision herein.

26 7. Respondents further understand that by agreeing to this Stipulation and
27 Agreement in Settlement, the findings set forth below in the Determination of Issues become
28 final, and that the Commissioner may charge said Respondents for the costs of any audit
29 conducted pursuant to Section 10148 of the California Business and Professions Code to
30 determine if the violations have been corrected. The maximum costs of said audit shall not

1 exceed \$5096.25.

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

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

13 * * *

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations and waivers and solely for the purpose of
16 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
17 following determination of issues shall be made:

18 I

19 The acts and omissions of BAYCAL FINANCIAL CORPORATION (hereinafter
20 "BAYCAL") as described in the Second Cause of Action of the Accusation are grounds for the
21 suspension or revocation of BAYCAL's licenses and license rights under the following sections
22 of the Code and Regulations:

- 23 (1) As to Paragraph 15, under Section 10176(e) of the Code; and
24 (2) As to Paragraph 16, under Section 10177(d) of the Code in conjunction
25 with Section 2831 of the Regulations.

26 II

27 The acts and/or omissions of ANTHONY C.K. TSIA (hereinafter "TSIA") as
described in the Third Cause of Action of the Accusation is cause for the suspension or
revocation of TSIA's license and/or license rights under Section 10177(h) of the Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

ORDER

I

All licenses and licensing rights of Respondent BAYCAL under the Real Estate Law are suspended for a period of one hundred (100) days from the effective date of this Order; provided, however, that:

- 1) Fifty (50) days of said suspension shall be stayed, upon the condition that BAYCAL petition pursuant to Section 10175.2 of the Business and Professions Code and pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at a rate of \$100 for each day of the suspension for a total monetary penalty of \$5000.
 - a) Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be delivered to the Department prior to the effective date of the Order in this matter.
 - b) No further cause for disciplinary action against the Real Estate licenses of Respondent occurs within two (2) years from the effective date of the decision in this matter.
 - c) If Respondent fails to pay the monetary penalty as provided above prior to the effective date of this Order, the stay of the suspension shall be vacated as to that Respondent and the order of suspension shall be immediately executed, in which event the said Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.
 - d) If said Respondent pays the monetary penalty and any other moneys due under this Stipulation and Agreement and if no further cause for disciplinary action against the real estate license of said Respondent occurs within two (2) years from the effective date of this Order, the entire stay hereby granted, as to said Respondent only, shall become permanent.
- 2) The remaining fifty (50) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:
 - a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and,
 - b) That no final subsequent determination be made, after hearing or upon stipulation, that

1 cause for disciplinary action occurred within two (2) years from the effective date of this
2 Order. Should such a determination be made, the Commissioner may, in his discretion,
3 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.

4 Should no such determination be made, the stay imposed herein shall become permanent.

5 3) Pursuant to Section 10148 of the Business and Professions Code, BAYCAL shall jointly and
6 severally with TSIA pay the Commissioner's reasonable cost, not to exceed \$5096.25, for an
7 audit to determine if Respondents have corrected the trust fund violation(s) found the
8 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost,
9 the Commissioner may use the estimated average hourly salary for all persons performing
10 audits of real estate brokers, and shall include an allocation for travel time to and from the
11 auditor's place of work. Respondent shall pay such cost within sixty (60) days of receiving an
12 invoice therefore from the Commissioner detailing the activities performed during the audit
13 and the amount of time spent performing those activities. The Commissioner may suspend
14 Respondent's license pending a hearing held in accordance with Section 11500, et seq., of the
15 Government Code, if payment is not timely made as provided for herein, or as provided for in
16 a subsequent agreement between Respondent and the Commissioner. The suspension shall
17 remain in effect until payment is made in full or until Respondent enters into an agreement
18 satisfactory to the Commissioner to provide for payment, or until a decision providing
19 otherwise is adopted following a hearing held pursuant to this condition.

20 II

21 All licenses and licensing rights of Respondent TSIA under the Real Estate Law are
22 suspended for a period of one hundred (100) days from the effective date of this Order; provided,
23 however, that:

- 24 1) Fifty (50) days of said suspension shall be stayed, upon the condition that TSIA petition
25 pursuant to Section 10175.2 of the Business and Professions Code and pays a monetary
26 penalty pursuant to Section 10175.2 of the Business and Professions Code at a rate of \$100
27 for each day of the suspension for a total monetary penalty of \$5000.
a) Said payment shall be in the form of a cashier's check or certified check made payable to
the Recovery Account of the Real Estate Fund. Said check must be delivered to the
Department prior to the effective date of the Order in this matter.

1 b) No further cause for disciplinary action against the Real Estate licenses of said
2 Respondent occurs within two (2) years from the effective date of the decision in this
3 matter.

4 c) If Respondent fails to pay the monetary penalty as provided above prior to the effective
5 date of this Order, the stay of the suspension shall be vacated as to that Respondent and
6 the order of suspension shall be immediately executed, in which event the said
7 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for
8 the money paid to the Department under the terms of this Order.

9 d) If Respondent pays the monetary penalty and any other moneys due under this Stipulation
10 and Agreement and if no further cause for disciplinary action against the real estate
11 license of said Respondent occurs within two (2) years from the effective date of this
12 Order, the entire stay hereby granted, as to said Respondent only, shall become
13 permanent.

14 2) The remaining fifty (50) days of said suspension shall be stayed for two (2) years upon the
15 following terms and conditions:

16 a) Respondent shall obey all laws, rules and regulations governing the rights, duties and
17 responsibilities of a real estate licensee in the State of California; and,

18 b) That no final subsequent determination be made, after hearing or upon stipulation, that
19 cause for disciplinary action occurred within two (2) years from the effective date of this
20 Order. Should such a determination be made, the Commissioner may, in his discretion,
21 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.
22 Should no such determination be made, the stay imposed herein shall become permanent.

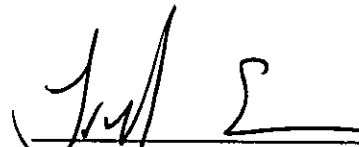
23 3) TSIA shall, prior to the effective date of this Decision, submit proof satisfactory to the
24 Commissioner of having taken and successfully completed the continuing education course
25 on trust fund accounting and handling specified in subdivision (a) of Section 10170.5 of the
26 Business and Professions Code. Proof of satisfaction of this requirement includes evidence
27 that Respondent has successfully completed the trust fund account and handling continuing
education course within 120 days prior to the effective date of the Decision in this matter. If
Respondent fails to satisfy this condition, the Commissioner may order the suspension of
Respondent's license until Respondent presents proof that he has successfully completed the

trust fund course.

1
2 4) Pursuant to Section 10148 of the Business and Professions Code, TSIA shall jointly and
3 severally with BAYCAL pay the Commissioner's reasonable cost, not to exceed \$5096.25,
4 for an audit to determine if Respondents have corrected the trust fund violation(s) found in
5 the Determination of Issues. In calculating the amount of the Commissioner's reasonable
6 cost, the Commissioner may use the estimated average hourly salary for all persons
7 performing audits of real estate brokers, and shall include an allocation for travel time to and
8 from the auditor's place of work. Respondent shall pay such cost within sixty (60) days of
9 receiving an invoice therefore from the Commissioner detailing the activities performed
10 during the audit and the amount of time spent performing those activities. The
11 Commissioner may suspend Respondent's license pending a hearing held in accordance with
12 Section 11500, et seq., of the Government Code, if payment is not timely made as provided for
13 herein, or as provided for in a subsequent agreement between Respondent and the
14 Commissioner. The suspension shall remain in effect until payment is made in full or until
15 Respondent enters into an agreement satisfactory to the Commissioner to provide for
16 payment, or until a decision providing otherwise is adopted following a hearing held pursuant
17 to this condition.

18 26-Oct-09

19 DATED

20 
21 TRULLY SUGHRUE
22 Counsel for Complainant

23 * * *

24 I have read the Stipulation and Agreement, discussed it with my counsel, and its
25 terms are understood by me and are agreeable and acceptable to me. I understand that I am
26 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
27 intelligently and voluntarily waive those rights, including the right of requiring the
Commissioner to prove the allegations in the Accusation at a hearing at which I would have the

1 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
2 the charges.

3 10/19/09
4 DATED


5 BAYCAL FINANCIAL CORPORATION
6 Respondent


7 10/19/09
8 DATED.


9 ANTHONY C. KOSTSIA
10 Respondent

11 ***

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

14 10-22-09
15 DATED


16 K.P. DEAN HARPER
17 Attorney for Respondents

18 ***

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
20 shall become effective at 12 o'clock noon on **JAN - 7 2010**

21 IT IS SO ORDERED 11-25, 2009.

22 JEFF DAVIS
23 Real estate Commissioner

24
25
26
27

FILED

DEC 17 2009

DEPARTMENT OF REAL ESTATE

[Signature]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

BAYCAL FINANCIAL CORPORATION
ANTHONY C.K. TSIA, and
SEN TING,

Respondent.

No. H-10698 SF

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 8, 2009, an Accusation was filed in this matter against Respondents BAYCAL FINANCIAL CORPORATION, ANTHONY C.K. TSIA, and SEN TING.

On October 28, 2009, Respondent SEN TING petitioned the Commissioner to voluntarily surrender his real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent SEN TING's petition for voluntary surrender of his real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration executed by Respondent SEN TING on October 28, 2009 (attached as Exhibit "A" hereto).

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

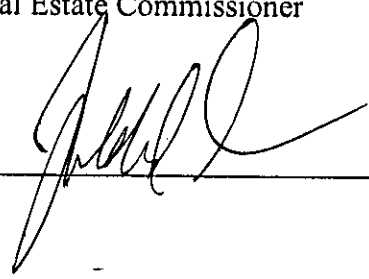
Respondent SEN TING's license certificate and pocket card shall be sent to the below-listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attention: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on **JAN - 7 2010**

DATED: 11-30-09

JEFF DAVI
Real Estate Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

No. H- 10698 SF

BAYCAL FINANCIAL CORPORATION,
ANTHONY C.K. TSIA, and SEN TING,

Respondents.

DECLARATION

My name is SEN TING and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am represented by Frank Buda in this matter.

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

I understand that by so voluntarily surrendering my license(s), that I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to



2 Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my
3 license(s), I agree to the following:

4 The filing of this Declaration shall be deemed as my petition for voluntary
5 surrender. It shall also be deemed to be an understanding and agreement by me that I waive all
6 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
8 the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also
9 waive other rights afforded to me in connection with the hearing such as the right to discovery,
10 the right to present evidence in defense of the allegations in the Accusation and
11 the right to cross-examine witnesses. I further agree that upon acceptance by the Commissioner,
12 as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the
13 Department in this matter prior to the Commissioner's acceptance, and all allegations contained
14 in the Accusation filed in the Department Case No. H-10698 SF, may be
15 considered by the Department to be true and correct for the purpose of deciding whether to grant
16 relicensure or reinstatement pursuant to Government Code Section 11522.

17 I declare under penalty of perjury under the laws of the State of California that the
18 above is true and correct and that I freely and voluntarily surrender all my license(s) and license
19 rights under the Real Estate Law.

20 10/28/09 Millbrae, CA
Date and Place

SEN TING
SEN TING

FILED

JUN - 8 2009

DEPARTMENT OF REAL ESTATE

[Signature]

1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6 Telephone: (916) 227-0781

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

No. H-10698 SF

12 BAYCAL FINANCIAL CORPORATION,
13 ANTHONY C.K. TSIA, and
14 SEN TING,

ACCUSATION

15 Respondents.

16
17 The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the
18 State of California, for cause of Accusation against BAYCAL FINANCIAL CORPORATION,
19 ANTHONY C.K. TSIA, and SEN TING, (hereinafter "Respondents"), is informed and alleges as
20 follows:

21 PRELIMINARY ALLEGATIONS

22 1

23 The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the
24 State of California, makes this Accusation in his official capacity.

25 2

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

1 3

2 At all times mentioned, BAYCAL FINANCIAL CORPORATION (hereinafter
3 "BAYCAL") was and is licensed by the State of California Department of Real Estate
4 (hereinafter "the Department") as a real estate broker corporation.

5 4

6 At all times mentioned, ANTHONY C.K. TSIA (hereinafter "TSIA"), was and is
7 licensed by the Department individually as a broker, and as the designated officer-broker of
8 BAYCAL. As said designated officer-broker, TSIA was and/or now is responsible pursuant to
9 Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate
10 licensees and employees of BAYCAL for which a real estate license was and/or is required.

11 5

12 Whenever reference is made in an allegation in this Accusation to an act or
13 omission of BAYCAL, such allegation shall be deemed to mean that the officers, directors,
14 employees, agents and/or real estate licensees employed by or associated with BAYCAL
15 committed such act or omission while engaged in the furtherance of the business or operations of
16 such corporate Respondent and while acting within the course and scope of their authority and
17 employment.

18 6

19 At all times mentioned, Respondent SEN TING (hereinafter "TING") was and is
20 licensed by the Department as a real estate salesperson.

21 7

22 At all times mentioned herein Respondents engaged in the business of, acted in
23 the capacity of, advertised or assumed to act as a real estate broker in the State of California
24 within the meaning of:

25 (a) Section 10131(a) of the Code, including the operation and conduct of a
26 real estate resale brokerage with the public wherein, on behalf of others, for compensation or in
27 expectation of compensation, Respondents sold and offered to sell, bought and offered to buy,

1 solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated
2 the purchase and resale of real property; and

3 (b) Section 10131(d) of the Code, including the operation and conduct of a
4 mortgage loan brokerage business with the public wherein Respondents solicited lenders and
5 borrowers for loans secured directly or collaterally by liens on real property or a business
6 opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by
7 Respondent on behalf of others for compensation or in expectation of a compensation.

8 FIRST CAUSE OF ACTION

9 8

10 Each and every allegation in Paragraphs 1 through 7, inclusive, above, are
11 incorporated by this reference as if fully set forth herein.

12 9

13 Between April 30, 2007 and June 1, 2007, TING solicited and obtained loans in
14 the amount of \$503,900 and \$125,950 from Wells Fargo Bank to be secured by an encumbrance
15 on the property located 300 Murchison Drive, Unit 102, Burlingame, California by representing,
16 contrary to fact, that the subject property would be TING's primary residence. TING knew this
17 statement was false at the time made, as TING never intended to occupy the property.

18 10

19 Between April 30, 2007 and June 8, 2007, TING solicited and obtained loans in
20 the amount of \$499,900 and \$125,000 from Countrywide Bank to be secured by an encumbrance
21 on the property located 300 Murchison Drive, Unit 107, Burlingame, California by representing,
22 contrary to fact, that the subject property would be TING's primary residence. TING knew this
23 statement was false at the time made, as TING never intended to occupy the property.

24 11

25 Between April 30, 2007 and June 29, 2007, TING solicited and obtained loans in
26 the amount of \$503,900 and \$126,000 from JP Morgan Chase Bank to be secured by an
27 encumbrance on the property located 300 Murchison Drive, Unit 106, Burlingame, California by

1 representing, contrary to fact, that the subject property would be TING's primary residence.
2 TING knew this statement was false at the time made, as TING never intended to occupy the
3 property.

4 12

5 Between April 30, 2007 and July 11, 2007, TING solicited and obtained a loan in
6 the amount of \$639,900 from American Mortgage Network to be secured by an encumbrance on
7 the property located 300 Murchison Drive, Unit 315, Burlingame, California by representing,
8 contrary to fact, that the subject property would be TING's primary residence. TING knew this
9 statement was false at the time made, as TING never intended to occupy the property.

10 13

11 The acts and omissions of TING described above constitute fraud and/or
12 dishonest dealing, and constitute cause to suspend or revoke all licenses and license rights of
13 TING pursuant to the provisions of Sections 10176(a), 10176(i), and/or 10177(j) of the Code.

14 SECOND CAUSE OF ACTION

15 14

16 Each and every allegation in Paragraphs 1 through 13, inclusive, above, are
17 incorporated by this reference as if fully set forth herein.

18 15

19 In connection with the real estate activities described in Paragraph 7, BAYCAL
20 commingled its own money or property with the money or property of others which was
21 received or held by BAYCAL in trust in violation of Section 10176(e) of the Code.

22 16

23 In connection with the real estate activities described in Paragraph 7, BAYCAL
24 Failed to maintain a written control record of all trust funds received and disbursed, containing
25 all information required by Section 2831 of Title 10 of the California Code of Regulations
26 (hereinafter "Regulations").

27 ///

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of BAYCAL under the following sections of the Code and the Regulations:

- (a) As to Paragraphs 15 under Section 10176(e) of the Code; and
- (b) As to Paragraph 16 under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code.

THIRD CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 17, inclusive, above, are incorporated by this reference as if fully set forth herein.

TSIA failed to exercise reasonable supervision over the acts of BAYCAL in such a manner as to allow the acts and events described above to occur.

The acts and/or omissions of TSIA described in Paragraph 19 constitute failure on the part of TSIA, as designated broker-officer for BAYCAL, to exercise reasonable supervision and control over the licensed activities of BAYCAL required by Section 10159.2 of the Code.

The facts alleged in Paragraphs 19 and 20, are grounds from the suspension or revocation of the licenses and license rights of Respondent TSIA under Sections 10177(g) and/or 10177(h) of the Code, and Section 10177(d) of the Code in conjunction with Section 10159.2 of the Code.

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PRIOR PROCEEDING

22

Effective October 12, 2007, in Case No. H-9907 SF, the real estate broker licenses of BAYCAL and TSIA was suspended for one hundred (100) days, subject to stay upon terms and conditions. TSIA's broker license was suspended for violating Section 10177(h) of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d) of the Code for failure, as designated broker officer of corporate real estate licensee BAYCAL to properly supervise the licensed activities of said corporation and thereby permitting or causing BAYCAL to violate Section 10145 of the Code and Section 2831.1 of the Regulations in conjunction with Section 10177(d) 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.



E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 2nd day of June, 2009