

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

DEC 19 2011

DEPARTMENT OF REAL ESTATE

By R. Mat

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 O U L I,)

13 Respondent.)

) NO. H-11154 SF

) STIPULATION AND AGREEMENT

14 _____)
15 It is hereby stipulated by and between Respondent O U L I, ("Respondent"),
16 acting by and through J. Anne Rawlins, Counsel for Respondent, and the Complainant, acting
17 by and through John W. Barron, Counsel for the Department of Real Estate, as follows for the
18 purpose of settling and disposing of the Accusation filed on June 9, 2011, in this matter:

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

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

27 ///

H-11154 SF

O U L I

1 3. On July 19, 2011, Respondent filed a Notice of Defense pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
4 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
5 Notice of Defense, Respondent will thereby waive Respondent's right to require the
6 Commissioner to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA and that Respondent will waive other rights
8 afforded to Respondent in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

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

1 7. This Stipulation and Agreement shall not constitute an estoppel, merger or
2 bar to any further administrative or civil proceedings by the Department of Real Estate with
3 respect to any matters which were not specifically alleged to be causes for accusation in this
4 proceeding.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, admissions and waivers and solely for
7 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
8 that the acts and omissions of Respondent described in the Accusation are grounds for the
9 suspension or revocation of the licenses and license rights of Respondent for violation of
10 Sections 10162 (maintenance of definite place of business within state) and 10177(g)
11 (negligence/incompetence in performing acts for which license is required) of the Business and
12 Professions Code ("the Code"), and Section 2715 (notification to the Department of principal
13 place of business) of Title 10 of the California Code of Regulations.

14 ORDER

15 All licenses and licensing rights of Respondent under the Real Estate Law are
16 suspended for a period of sixty (60) days from the effective date of the Decision herein, with 30
17 days stayed; provided, however, the remaining thirty (30) days of said suspension shall also be
18 stayed upon the condition that:

19 1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the
20 Business and Professions Code at a rate of \$100.00 for each day of the remaining thirty (30)
21 days of said suspension for a total monetary penalty of \$3,000.00.

22 a. Said payment shall be in the form of a cashier's check or certified check
23 made payable to the Recovery Account of the Real Estate Fund. Said check must be delivered
24 to the Department prior to the effective date of the Decision in this matter.

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


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1 c. If Respondent fails to pay the monetary penalty in accordance with the
2 terms and conditions of the Decision, the Commissioner may, without a hearing, order the
3 immediate execution of all or any part of the stayed suspension, in which event, Respondent
4 shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
5 Department under the terms of this decision.

6 d. If Respondent pays the monetary penalty and if no further cause for
7 disciplinary action against the real estate license of Respondent occurs within two (2) years
8 from the effective date of the Decision herein, then the stay hereby granted shall become
9 permanent.

10 2. Respondent shall, within six (6) months from the effective date of this
11 Order, take and pass the Professional Responsibility Examination administered by the
12 Department, including the payment of the appropriate examination fee. If Respondent fails to
13 satisfy this condition, the Commissioner may order the suspension of all licenses and licensing
14 rights until Respondent passes the examination.

15
16 12/6/11
17 _____
18 DATED

15
16 
17 _____
18 JOHN W. BARRON, Counsel
19 Department of Real Estate

20 * * *

21
22 I have read the Stipulation and Agreement and its terms are understood by me
23 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
24 the California Administrative Procedure Act (including but not limited to Sections 11506,
25 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
26 voluntarily waive those rights, including the right of requiring the Commissioner to prove the
27 ///

1 allegations in the Accusation at a hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and mitigation of the charges.

3
4 12/5/2011

5 DATED

OU LI

6
7 OU LI
8 Respondent

9 ***

10 *I have reviewed this Stipulation and Agreement and Order as to form and
11 content and have advised my client accordingly.*

12 12/5/2011
13 DATED

J. Anne Rawlins
14 J. ANNE RAWLINS
15 Attorney for Respondent

16 ***

17 The foregoing Stipulation and Agreement is hereby adopted by me as my
18 Decision in this matter as to Respondent OU LI and shall become effective at 12 o'clock noon
19 on _____

20 IT IS SO ORDERED _____

21 BARBARA J. BIGBY
22 Acting Real Estate Commissioner

1 allegations in the Accusation at a hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and mitigation of the charges.

3
4
5 _____
6 DATED

OU LI
Respondent

7 * * *

8
9 *I have reviewed this Stipulation and Agreement and Order as to form and*
10 *content and have advised my client accordingly.*

11
12 _____
13 DATED

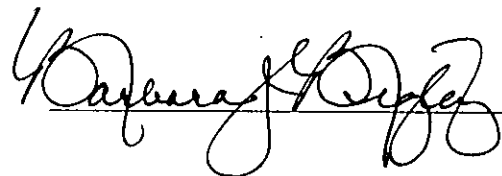
J. ANNE RAWLINS
Attorney for Respondent

14 * * *

15
16 The foregoing Stipulation and Agreement is hereby adopted by me as my
17 Decision in this matter as to Respondent OU LI and shall become effective at 12 o'clock noon
18 on JAN 9 2012.

19 IT IS SO ORDERED 12/14/11

20 BARBARA J. BIGBY
21 Acting Real Estate Commissioner

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1 JOHN W. BARRON, Counsel (SBN 171246)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 (916) 227-0792 (Direct)
7

FILED

JUN - 9 2011

DEPARTMENT OF REAL ESTATE

By *R. Mar*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)
12) No. H-11154 SF
13 OU LI,)
14) ACCUSATION
15 Respondent.)

16 The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of
17 the State of California, for cause of Accusation against OU LI, (hereafter "Respondent"), is
18 informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in his official capacity.

21 2

22 Respondent is presently licensed and/or has license rights under the Real Estate
23 Law, Part 1 of Division 4 of the Business and Professions Code (hereafter "the Code") as a real
24 estate broker.

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1 3

2 Respondent was the designated officer/broker for "The New Century Real Estate
3 Services Corp" (hereafter "New Century") until New Century's corporate real estate broker
4 license expired on August 20, 2008.

5 4

6 Up to May 13, 2011, Respondent's official main office address and mailing
7 address on file with the Department was 3194 De La Cruz Boulevard, Santa Clara, California
8 95054.

9 5

10 On May 13, 2011, Respondent filed an application with the Department to renew
11 his real estate broker license. As part of his renewal application, Respondent finally informed
12 the Department that his official main office and mailing address is now 5662 Portrush Court,
13 San Jose, California 95138.

14 6

15 On or about January 29, 2007, an audit was scheduled by the Department to
16 review New Century's mortgage loan and residential resale activities. Respondent cancelled
17 that audit due to a "medical emergency". Thereafter, the Department's auditor made numerous
18 attempts to contact Respondent to reschedule the audit, including:

19 -On or about February 21, 2007, the auditor called Respondent's business
20 telephone number and was unable to leave a message because the voice-mail was
21 full.

22 -On or about February 21, 2007, the auditor sent a letter to Respondent asking
23 Respondent to contact the Department to reschedule the audit. No response was
24 received from Respondent.

25 -On or about March 19, 2007, the auditor went to the business address listed by
26 the Respondent with the Department and found it was closed. However, the
27 office appeared to be fully furnished. The auditor also called Respondent's
business telephone, but was unable to leave a message because Respondent's
voice-mail was full.

1 -On or about April 26, 2007, the auditor went to the business address listed by the
2 Respondent with the Department and found it was closed. The office still
3 appeared to be fully furnished. The auditor also called Respondent's business
4 telephone, but was unable to leave a message because Respondent's voice-mail
5 was full.

6 -On May 24, 2007, the auditor sent letters to Respondent's business and
7 residential addresses listed with the Department requesting Respondent contact
8 the Department. The letter to Respondent's residential address was returned by
9 the Post Office with no forwarding address.

10 7

11 On or about August 14, 2007, a Deputy Commissioner from the Department went
12 to Respondent's business address on De La Cruz Boulevard and found it closed. There was a
13 sign on the office indicating it belonged to New Century and there was some office furniture
14 inside.

15 8

16 On or about June 4, 2008, the Deputy Commissioner sent a letter to Respondent
17 by first class mail requesting Respondent contact the Department regarding his real estate
18 activities. That letter was not returned and no response was received from Respondent.

19 9

20 On or about December 12, 2008, a Deputy Real Estate Commissioner called
21 Respondent's home telephone number and left a message with the woman who answered asking
22 Respondent to contact the Department.

23 10

24 On or about December 18, 2008, another letter was sent to Respondent by
25 certified mail requesting Respondent contact the Department. That letter was returned
26 unclaimed on January 8, 2009.

27 11

On or about December 24, 2008, the Deputy Commissioner left another message
for Respondent at Respondent's home telephone number.

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On or about December 30, 2008, the Deputy Commissioner made a third call to Respondent's home telephone number and was told by the woman that answered that Respondent was out of town.

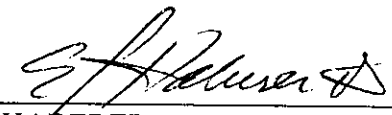
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On or about March 15, 2011, the Deputy Commissioner returned to the address listed by Respondent with the Department as Respondent's business address. The office was vacant and there was no sign indicating Respondent or New Century occupied the property.

14

The acts and/or omissions of Respondent described in Paragraphs 4 through 13, above, violate Section 10162 of the Code (maintenance of definite place of business within state) and Section 2715 (notification to department of principal place of business), Title 10, California Code of Regulations, and are grounds for the revocation or suspension of all Respondent's licenses and/or license rights under Section 10177(d) (willful violation of real estate law) 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 Respondent under the Code, and for such other and further relief as may be proper under the provisions of law.


E. J. HABERER, II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 8th day of June, 2011.