


FILED

December 20, 2011

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	NO. H-11178 SF
12)	
13	HARRIET PLATT UKAI,)	<u>STIPULATION AND AGREEMENT</u>
14)	<u>IN SETTLEMENT</u>
15	Respondent.)	<u>AND ORDER</u>

16 It is hereby stipulated by and between HARRIET PLATT UKAI (hereinafter
17 "Respondent"), and her attorney of record, Gordon Yamamoto, and the Complainant, acting by
18 and through Richard K. Uno, Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation filed on August 1, 2011, 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 at a formal hearing on the Accusation, which hearing
22 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
23 shall instead and in place thereof be submitted solely on the basis of the provisions of this
24 Stipulation and Agreement in Settlement and Order.

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

1 3. A Notice of Defense was filed on August 15, 2011, by Respondent,
2 pursuant to Section 11505 of the California Government Code for the purpose of requesting a
3 hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily
4 withdraws said Notice of Defense. Respondent acknowledges that he understands that by
5 withdrawing said Notice of Defense she will thereby waive her 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 she will waive other rights afforded to her in
8 connection with the hearing such as the right to present evidence in defense of the allegations in
9 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 interests of expedience and economy, Respondent chooses not to contest
12 these allegations, but to remain silent and understand that, as a result thereof, these factual
13 allegations, without being admitted or denied, will serve as a prima facie basis for the
14 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
15 provide further evidence to prove said factual allegations.

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

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

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulation, admission and waiver and solely for the
3 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
4 that the facts alleged above are grounds for the suspension or revocation of the license and
5 license rights of Respondent under Sections 10130, 10131(b), 10137, 10177(d) and 10177(g) of
6 the Business and Professions Code.

7 ORDER

8 All licenses and licensing rights of Respondent HARRIET PLATT UKAI under
9 the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this
10 Order; provided, however, that:

11 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon
12 the following terms and conditions:

13 A. Respondent shall obey all laws, rules and regulations governing
14 the rights, duties and responsibilities of a real estate licensee in the State of California; and

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

21 2. Thirty (30) days of said suspension shall be stayed upon the condition that
22 Respondent petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty
23 pursuant to Section 10175.2 of the Code at an equal rate of \$50.00 for each day of the thirty (30)
24 day suspension for a total monetary penalty of \$1,500.00:

25 A. Said payment shall be in the form of a cashier's check or certified
26 check made payable to the Recovery Account of the Real Estate Fund. Said check must be
27 delivered to the Department prior to the effective date of the Order in this matter.

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B. No further cause for disciplinary action against the real estate

license of said 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 and the order of suspension shall be immediately executed, under this Paragraph I of this Order, in which event 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 Respondent pays the monetary penalty and any other moneys

due under this Stipulation and Agreement in Settlement and Order and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of this Order, the entire stay hereby granted under Paragraph I of this Order, shall become permanent.

3. Respondent shall, within six (6) months from the effective date of this

Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

DATED: 12/5/11

Richard K. Uno
RICHARD K. UNO, Counsel
DEPARTMENT OF REAL ESTATE

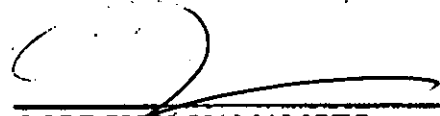
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I have read the Stipulation and Agreement in Settlement and Order, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, 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 right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 11/30/11 
HARRIET PLATT UKAI
Respondent

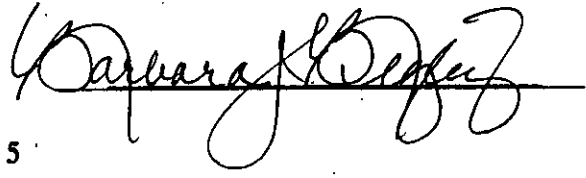
I have reviewed the Stipulation and Agreement in Settlement and Order as to form and content and have advised my client accordingly.

DATED: 11/30/11 
GORDON Y. YAMAMOTO
Attorney for Respondent

The foregoing Stipulation and Agreement in Settlement and Order is hereby
adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
at 12 o'clock noon on 11/10/12

IT IS SO ORDERED 12/14/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



1 RICHARD K. UNO, Counsel (SBN 98275)
2 Department of Real Estate
3 P. O. Box 187007
Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789
5 (916) 227-2380 (Direct)

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AUG - 1 2011

DEPARTMENT OF REAL ESTATE
By *[Signature]*

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

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11
12 In the Matter of the Accusation of)
13 HARRIET PLATT UKAI,) NO. H-11178 SF
14 Respondent.) ACCUSATION
15)

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

19 1

20 The Complainant makes this Accusation against Respondent in his official
21 capacity.

22 2

23 While UKAI has been licensed by the Department of Real Estate (the
24 Department) as a real estate salesperson, at no time mentioned herein was she licensed by the
25 Department as a real estate broker.

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At all times herein mentioned, UKAI engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Business and Professions Code (Code), including the operation and conduct of a property management business with the public wherein, on behalf of others, UKAI managed property for various property owners, including but not limited to that certain real property known as 245 Tamalpais Road, Fairfax, California (Tamalpais Property), all for or in expectation of compensation.

4

On or about February 8, 2002, UKAI solicited a rental property owner, Mary Susan Lyon (Lyon), to manage the Tamalpais Property. On February 8, 2002, UKAI and Lyon executed a property management agreement.

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Within the last three years, Lyon directly paid UKAI a management fee of \$125.00 per month.

6

On or about September 1, 2010, Lyon terminated the property management agreement with UKAI.

7

The facts alleged above constitute cause for the suspension or revocation of the licenses and license rights of Respondent UKAI under Sections 10130 (Acts Requiring Real Estate License), 10131(b) (Broker Activity-Property Management) and 10137 (Accepting Compensation from Person Other Than Broker) of the Code and are grounds for disciplinary action under Sections 10177(d) (Willful Disregard/Violation Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee).

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

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9 E. J. HABERER, II
Deputy Real Estate Commissioner

10 Dated at Oakland, California,
11 this 11th day of July, 2011.
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