

FILED

OCT 31 2014

BUREAU OF REAL ESTATE

By S. Blech

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

CHRISTOPHER C. HUANG
and JOSIE UGALDE MONGI,
Respondents.

No. H-11700 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between JOSIE UGALDE MONGI (Respondent), and her attorney, David Hamerslough, and the Complainant, acting by and through Richard K. Uno, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on May 19, 2014 in this matter:

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

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

1 3. On June 3, 2014, Respondent filed a Notice of Defense pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that she will thereby waive her right to require the Commissioner to
5 prove the allegations in the Accusation at a contested hearing held in accordance with the
6 provisions of the APA and that she will waive other rights afforded to her in connection with the
7 hearing such as the right to present evidence in defense of the allegations in the Accusation and
8 the right to cross-examine witnesses.

9 4. Respondent, pursuant to the limitations set forth below, hereby admits
10 that the factual allegations of the Accusation filed in this proceeding are true and correct and the
11 Real Estate Commissioner shall not be required to provide further evidence to prove such
12 allegations.

13 5. Respondent agrees to testify at the hearing on the Accusation on file herein
14 and to otherwise cooperate with BRE Counsel to affect such testimony. The Parties agree that
15 Respondent's testimony is in consideration of the Bureau's offer to settle this matter with
16 Respondent and that this Stipulation and Agreement shall be submitted to the Commissioner for
17 approval and adoption after Respondent has testified.

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

25 7. The Order or any subsequent Order of the Real Estate Commissioner
26 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
27 to any further administrative or civil proceedings by the Bureau of Real Estate with respect to any

1 matters which were not specifically alleged to be causes for accusation in this proceeding as
2 admitted or withdrawn.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions, and waivers and solely for
5 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
6 that the following Determination of Issues shall be made:

7 1

8 The acts and/or omissions of Respondent as described in the Accusation, violate
9 Section 10130 of the Business and Professions Code (Code).

10 ORDER

11 All licenses and licensing rights of Respondent under the Real Estate Law are
12 suspended for a period of 60 days from the effective date of this Order; provided, however, that:

13 1. 30 days of said suspension shall be stayed, upon the condition that Respondent
14 Petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to
15 Section 10175.2 of the Code at a rate of \$100.00 for each day of the suspension for a total
16 monetary penalty of \$3,000.00.

17 a. Said payment shall be in the form of a cashier's check made payable to the
18 Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Legal Section
19 at P.O. Box 137007, Sacramento, CA 95813-7007, prior to the effective date of this Order.

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

22 c. If Respondent fails to pay the monetary penalty in accordance with the
23 terms and conditions of this Order, the suspension shall go into effect automatically and remain
24 in effect until Respondent pays the monetary penalty in full.

25 d. If Respondent pays the monetary penalty and any other moneys due under
26 this Stipulation and Agreement and if no further cause for disciplinary action against the real
27 estate license of Respondent occurs within two (2) years from the effective date of this Order, the

1 entire stay shall become permanent.

2
3 8/28/14
4 DATED

Richard K Uno
RICHARD K. UNO, Counsel III
BUREAU OF REAL ESTATE

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6 * * *

7
8 I have read the Stipulation and Agreement, have discussed it with my counsel,
9 and its terms are understood by me and are agreeable and acceptable to me. I understand that I
10 am waiving rights given to me by the California Administrative Procedure Act (including but
11 not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I
12 willingly, intelligently, and voluntarily waive those rights, including the right of requiring the
13 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
14 right to cross-examine witnesses against me and to present evidence in defense and mitigation
15 of the charges.

16 08/08/2014
17 DATED

José Ugalde Mongi
JOSE UGALDE MONGI
Respondent

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19 * * *

20
21 *I have reviewed this Stipulation and Agreement as to form and content and have
22 advised my client accordingly.*

23 8/26/14

24 DATED

D. Hamerslough
DAVID HAMERSLOUGH
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
Commissioner as his Decision and Order and shall become effective at 12 o'clock

NOV 21 2014

IT IS SO ORDERED OCT 30 2014

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner