

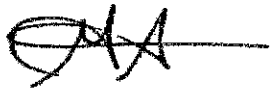
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1 STEPHANIE K. SESE, Counsel (SBN 225003)
2 Bureau of Real Estate
3 P. O. Box 137007
4 Sacramento, CA 95813-7007
5 Telephone: (916) 263-8672
6 Fax: (916) 263-3767

January 27, 2016

BUREAU OF REAL ESTATE

By 

8 **BEFORE THE BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of) H-11937 SF
12)
13 YING HE,)
14 Respondent.) ACCUSATION

15 The Complainant, TRICIA PARKHURST, in her official capacity as a
16 Supervising Special Investigator of the State of California, for Accusation against YING HE
17 (herein "Respondent"), is informed and alleges as follows:

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19 At all times herein mentioned, Respondent was and now is licensed and/or has
20 license rights under the Real Estate Law (Part I of Division 4 of the Business and Professions
21 Code) ("Code") by the State of California Bureau of Real Estate ("Bureau") as a real estate
22 broker.

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24 At all times herein mentioned, Respondent engaged in the business of, acted in
25 the capacity of, advertised, or assumed to act as a real estate broker for others for compensation
26 or in the expectation of compensation within the State of California, within the meaning of
27 Section 10131(a) of the Code, including the operation and conduct of a real estate brokerage,

1 which included the sale or offer of sale, purchase or offer of purchase, solicitation of
2 prospective sellers and purchasers of, solicitation or obtaining listings of, or negotiation of the
3 purchase, sale or exchange of real property or a business opportunity.

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5 Beginning in or about December 2012, Respondent, in the course of the real
6 estate brokerage activities described in Paragraph 2, above, and as a dual agent for both buyer
7 and seller, negotiated and arranged the purchase and sale of real property, including but not
8 necessarily limited to:

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<u>SELLERS</u>	<u>PROPERTY ADDRESS</u>
Catalina B. and Arturo Q.	51 McCarthy Avenue, San Francisco

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On or about December 17, 2012, Respondent, in the course of the real estate
activities described in Paragraph 2, above, entered into a Residential Listing Agreement (“RLA”)
with Catalina B. and Arturo Q. (“sellers”) to sell the real property described in Paragraph 3,
above.

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On or about December 27, 2012, Respondent, in the course of the real estate
activities described in Paragraph 2, above, entered into an RLA with Diana S. (“buyer”) to
purchase the real property described in Paragraph 3, above.

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On or about January 28, 2012, Respondent, in the course of the real estate
activities described in Paragraph 2, above, was notified by the sellers that the offer to sell the real
property described in Paragraph 3, above, was rescinded.

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On or about January 31, 2012, Respondent, in the course of the real estate activities described in Paragraph 2, above, requested buyer's loan officer to secure the loan for the purchase of the real property described in Paragraph 3, above, on an expedited basis.

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On or about February 6, 2013, buyer secured the loan for the purchase of the real property described in Paragraph 3, above. As a result, Respondent, in the course of the real estate activities described in Paragraph 2, above, was paid a commission from the proceeds of the sale of the real property described in Paragraph 3, above.

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In or about February 2013, buyer instituted civil legal proceedings against the sellers in an effort to enforce the purchase of the real property described in Paragraph 3, above.

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Respondent, in the course of the real estate activities described at Paragraphs 2, 7, and 8, above, knowingly and/or negligently failed to disclose to the buyer of the rescission of the contract described in Paragraph 6, above.

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Respondent, in the course of the real estate activities described in Paragraphs 2, 7, and 8, above, knowingly and/or negligently failed to disclose to the sellers that the sale of the real property as described in Paragraph 3, above, was proceeding despite the seller's rescission.

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The facts alleged in Paragraphs 7, 8, 10, and 11, above, are grounds for the suspension or revocation of the license of Respondent under Sections 10176(a) (the making of any substantial misrepresentation), 10176(i) (conduct which constitutes fraud or dishonest dealing), 10177(d) (willful disregard or violation of the Real Estate Law), 10177(g) (the demonstration of negligence or incompetence), and 10177(j) (engaging in conduct which

1 constitutes fraud or dishonest dealing) of the Code; and Section 2923.1(a) (breach of a mortgage
2 broker's fiduciary duty) of the California Civil Code.

3 COST RECOVERY

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5 Section 10106 of the Code provides, in pertinent part, that in any order issued in
6 resolution of a disciplinary proceeding before the Bureau, the Real Estate Commissioner may
7 request the Administrative Law Judge to direct a licensee found to have committed a violation of
8 this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
9 the case.

10 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
11 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
12 action against all licenses and license rights of Respondent under the Code, for the
13 cost of investigation and enforcement as permitted by law, and for such other and further relief
14 as may be proper under the provisions of law.

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16 By: Tricia Parkhurst
17 TRICIA PARKHURST
18 Supervising Special Investigator

19 Dated at Sacramento, California,
20 this 21 day of January, 2016.

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22 DISCOVERY DEMAND

23 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
24 Bureau of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in
25 the *Administrative Procedure Act*. Failure to provide Discovery to the Bureau of Real Estate
26 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
27 Office of Administrative Hearings deems appropriate.