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FILED

MAY 31 2017

BUREAU OF REAL ESTATE

By B. Nicholas

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

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11 In the Matter of the Accusation of

12 XIUJU SUN,

13 Respondent.

14 } No. H-12090 SF

15 } ACCUSATION

16 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the
17 State of California, for Accusation against XIUJU SUN aka GRACE SUN (Respondent), is
18 informed and alleges as follows:

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

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23 At all times herein mentioned, Respondent was and is presently licensed and/or
24 has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
25 Professions Code (the Code) by the Bureau of Real Estate (the Bureau) as a real estate
26 salesperson.

27 3

At all times mentioned, Respondent engaged in the business of, acted in the
capacity of, advertised or assumed to act as a real estate broker in the State of California, within

1 the meaning of Section 10131(a) of the Code, including the operation and conduct of a
2 residential resale brokerage wherein Respondent bought, sold, or offered to buy or sell, solicited
3 or obtained listings of, and negotiated the purchase, sale or exchange of real property or business
4 opportunities, all for or in expectation of compensation.

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6 On or around November, 2015, Zhengyang Sun, Buyer, contacted Respondent to
7 represent her in her efforts to purchase a property in California. Buyer understood that
8 Respondent had agreed to pay a rebate of a portion of her commission to her clients and asked for
9 and the same. Respondent agreed to a .5% rebate.

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11 Escrow closed on or about December 4, 2015, on that certain real property
12 commonly known as 15 La Prenda, Millbrae, California. (Property). After the close of escrow,
13 Respondent failed to pay Buyer the rebate, which amounted to \$4,789.00, based on the purchase
14 price of \$957,800.00.

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16 After Respondent denied that she owed buyer a rebate, buyer sued Respondent in
17 Small Claims Court for the rebate. Buyer obtained a judgment against Respondent for
18 \$4,789.00.

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20 The acts of Respondent, described above, constitute violation Sections 10176(c),
21 (violation of false promise to influence, persuade or induce), 10177(d) (intentionally violate real
22 estate law) and 10177(g) of the Code (negligence/incompetence by real estate licensee) and are
23 grounds for discipline under Sections 10176(c), 10177(d) and 10177(g) of the Code.

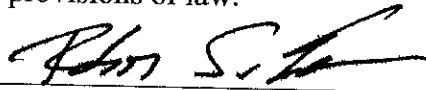
24 COST RECOVERY

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26 Section 10106 of the Code provides, in pertinent part, that in any order issued in
27 resolution of a disciplinary proceeding before the department, the commissioner may request the

1 administrative law judge to direct a licensee found to have committed a violation of this part to
2 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
4 of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary
5 action against all licenses and license rights of Respondent under the Code, for the reasonable
6 costs of investigation and prosecution of this case, including agency attorney's fees, and for such
7 other and further relief as may be proper under other provisions of law.

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9 ROBIN S. TANNER
10 Supervising Special Investigator

11 Dated at Oakland, California,
12 this 26th day of May, 2017.
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