

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8672
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FILED

NOV 01 2017

BUREAU OF REAL ESTATE
By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) BRE No. H-12091 SF
12)
13 MONTICELLO PROPERTY MANAGEMENT,)
14 INC. and ERIC WENCHUN CHUANG,) STIPULATION AND AGREEMENT
Respondents.) IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between MONTICELLO PROPERTY
16 MANAGEMENT, INC. (MPMI), ERIC WENCHUN CHUANG (CHUANG), collectively
17 Respondents, and the Complainant, acting by and through Megan Lee Olsen, Counsel for the
18 Bureau of Real Estate (Bureau); as follows for the purpose of settling and disposing of the
19 Accusation filed on May 17, 2017, in this matter:

20 1. All issues which were to be contested and all evidence which was to be
21 presented by Complainant and Respondents 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 (Stipulation).

25 2. Respondents have received, read, and understand the Statement to
26 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real
27 Estate in this proceeding.

1 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
4 acknowledge and understand that by withdrawing said Notice of Defense they will thereby waive
5 their right to require the Real Estate Commissioner (Commissioner) to prove the allegations in
6 the Accusation at a contested hearing held in accordance with the provisions of the APA and that
7 they will waive other rights afforded to them in connection with the hearing such as the right to
8 present evidence in defense of the allegations in the Accusation and the right to cross-examine
9 witnesses.

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

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

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

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1 CHUANG has violated provisions of the California Real Estate Law, the Subdivided Lands Law,
2 Regulations of the Commissioner or conditions attaching to the restricted license.

3 5. CHUANG shall not be eligible to apply for the issuance of any
4 unrestricted real estate license nor the removal of any of the conditions, limitations, or
5 restrictions of a restricted license until three (3) years have elapsed from the effective date of this
6 Stipulation. CHUANG shall not be eligible to apply for any unrestricted licenses until all
7 restrictions attaching to the license have been removed.

8 6. CHUANG shall, within nine (9) months from the effective date of this
9 Stipulation, present evidence satisfactory to the Commissioner that CHUANG has, since the
10 most recent issuance of an original or renewal real estate license, taken and successfully
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
12 Law for renewal of a real estate license. If CHUANG fails to satisfy this condition, CHUANG's
13 real estate license shall automatically be suspended until CHUANG presents evidence
14 satisfactory to the Commissioner of having taken and successfully completed the continuing
15 education requirements. Proof of completion of the continuing education courses must be
16 delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA
17 95813-7013.

18 7. All licenses and licensing rights of CHUANG are indefinitely suspended
19 unless or until CHUANG provides proof satisfactory to the Commissioner, of having taken and
20 successfully completed the continuing education course on trust fund accounting and handling
21 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
22 satisfaction of these requirements includes evidence that CHUANG has successfully completed
23 the trust fund account and handling continuing education courses, no earlier than 120 days prior
24 to the effective date of the Decision and Order in this matter. Proof of completion of the trust
25 fund accounting and handling course must be delivered to the Bureau of Real Estate, Flag
26 Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the
27 effective date of this Decision and Order.

1 8. CHUANG shall, within six (6) months from the effective date of this
2 Decision, take and pass the Professional Responsibility Examination administered by the Bureau
3 including the payment of the appropriate examination fee. If CHUANG fails to satisfy this
4 condition, CHUANG's real estate license shall automatically be suspended until CHUANG
5 passes the examination.

6 MONTICELLO PROPERTY MANAGEMENT, INC. and ERIC WENCHUN CHUANG

7 9. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
8 severally, pay the sum of \$9,447.45 for the Commissioner's cost of the audit which led to this
9 disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an
10 invoice therefore from the Commissioner. Payment of audit costs should not be made until
11 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
12 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
13 payment is made in full, or until a decision providing otherwise is adopted following a hearing
14 held pursuant to this condition.

15 10. Pursuant to Section 10148 of the Code, Respondents, shall, jointly and
16 severally, pay the Commissioner's reasonable cost, not to exceed \$11,809.31 for an audit to
17 determine if Respondents have corrected the violation(s) found in the "Determination of Issues".
18 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
19 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
20 include an allocation for travel time to and from the auditor's place of work. Respondents shall
21 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
22 Payment of the audit costs should not be made until Respondent receives the invoice. If
23 Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents'
24 real estate licenses shall automatically be suspended until payment is made in full, or until a
25 decision providing otherwise is adopted following a hearing held pursuant to this condition.

26 11. All licenses and licensing rights of Respondents are indefinitely suspended
27 unless or until Respondents, jointly and severally, pay the sum of \$1,561.50 for the

1 Commissioner's reasonable cost of the investigation which led to this disciplinary action. Said
2 payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate,
3 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
4 Stipulation.

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10/6/2017

DATED



MEGAN LEE OLSEN, Counsel II
BUREAU OF REAL ESTATE

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I have read the Stipulation and Agreement in Settlement and Order 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. I understand that I must sign and return this Stipulation by fax to (916) 263-3767 or by email to Megan.Olsen@dre.ca.gov. I further agree to mail the original Stipulation

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1 no later than five days after signing it to: Bureau of Real Estate, Legal Section, P.O. Box
2 137007, Sacramento, California 95813-7007. I understand that failure to mail the original back
3 may result in this matter going to hearing.
4

5 10/6/17

6 DATED

ERIC WENCHUN CHUANG
Respondent

8 10/6/17

9 DATED


MONTICELLO PROPERTY
MANAGEMENT, INC.
Respondent
By: ERIC WENCHUN CHUANG
Designated Officer

14 The foregoing Stipulation and Agreement In Settlement and Order is hereby
15 adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
16 at 12 o'clock noon on NOV 22 2017

17 IT IS SO ORDERED

10/25/17

19 WAYNE S. BELL
20 REAL ESTATE COMMISSIONER

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23 By: DANIEL J. SANDRI
24 Chief Deputy Commissioner