

**FILED**

**JUL 30 2018**

DEPARTMENT OF REAL ESTATE

By           H dew          

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

Telephone: (916) 263-8670  
Fax: (916) 263-3767

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	BRE No. H-12116 SF
	)	
YUAN CORPORATION,	)	
and ALEXANDER Y. YUAN,	)	<u>STIPULATION AND AGREEMENT</u>
Respondents.	)	<u>IN SETTLEMENT AND ORDER</u>

It is hereby stipulated by and between YUAN CORPORATION (YC), ALEXANDER Y. YUAN (YUAN), (sometimes collectively referred to as Respondents), and their counsel, Erick Lewis, and the Complainant, acting by and through Richard K. Uno, Counsel for the Bureau of Real Estate (Bureau); as follows for the purpose of settling and disposing of the Accusation filed on June 30, 2017, in this matter:

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

2. Respondents have received, read, and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in this

1 proceeding.

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

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

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

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

1                   7. In lieu of proceeding in this matter in accordance with the provisions of the  
2 APA, YC wishes to voluntarily surrender her real estate broker license issued by the Bureau,  
3 pursuant to Section 10100.2 of the Code.

4                   8. YC understands that by so voluntarily surrendering it's license, it may be re-  
5 licensed as a broker only by petitioning for reinstatement pursuant to Section 11522 of the  
6 Government Code. YC also understands that by so voluntarily surrendering it's license, it  
7 agrees to the following:

8                   A. The filing of this Stipulation and Agreement shall be deemed as YC's  
9 declaration and petition for voluntary surrender.

10                   B. It shall also be deemed to be an understanding and agreement by YC that it  
11 waives all rights YC has to require the Commissioner to prove the allegations contained in the  
12 Accusation filed in this matter at a hearing held in accordance with the provisions of the APA,  
13 and that YC also waives other rights afforded to YC in connection with the hearing such as the  
14 right to discovery, the right to present evidence in defense of the allegations in the Accusation  
15 and the right to cross-examine witnesses.

16                   9. YC further agrees that upon acceptance by the Commissioner, as evidenced by  
17 an appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this  
18 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation  
19 filed in the Bureau Case No. H-12116 SF, may be considered by the Bureau to be true and  
20 correct for the purpose of deciding whether to grant re-licensure or reinstatement pursuant to  
21 Government Code Section 11522.

22                   10. YC freely and voluntarily surrenders all its licenses and license rights under  
23 the Real Estate Law.

24                   11. YUAN understands that by agreeing to this Stipulation, YUAN agrees to  
25 pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost of the  
26 investigation and enforcement which resulted in the determination that YC and YUAN  
27

1 committed the violations found in the Determination of Issues. The amount of said costs is  
2 \$2,833.00.

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 a hearing, it is stipulated and agreed  
6 that the acts and/or omissions of Respondents, as described in the Accusation, constitute grounds  
7 for the suspension or revocation of the licenses and license rights of Respondents under the  
8 provisions of Sections 10177(g) of the Code.

9 ORDER

10 A. YUAN CORPORATION

11 YC's petition for voluntary surrender of her real estate broker license is accepted  
12 as of the effective date of this Order as set forth below, based upon  
13 the understanding and agreement expressed in YC's Declaration incorporated herein as part of  
14 this Stipulation and Agreement. YC's license certificates, pocket cards and any branch office  
15 license certificates shall be sent to the below listed address so that they reach the Bureau on or  
16 before the effective date of this Order:

17 BUREAU OF REAL ESTATE  
18 Attn: Licensing Flag Section  
19 P. O. Box 137000  
20 Sacramento, CA 95813-7000

21 B. ALEXANDER Y. YUAN

22 All licenses and licensing rights of YUAN, under the Real Estate Law are  
23 revoked; provided, however, a restricted real estate broker license shall be issued to YUAN,  
24 pursuant to Section 10156.5 of the Code, if YUAN makes application therefore and pays to the  
25 Bureau , the appropriate fee for the restricted license within 90 days from the effective date of  
26 this Decision and Order. The restricted license issued to YUAN shall be subject to all of the  
27 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and  
restrictions imposed under authority of Section 10156.6 of the Code:

1                    1. The restricted license issued to YUAN may be suspended prior to hearing  
2 by Order of the Commissioner in the event of YUAN's conviction or plea of nolo contendere to  
3 a crime which is substantially related to YUAN's fitness or capacity as a real estate licensee.

4                    2. The restricted license issued to YUAN may be suspended prior to hearing  
5 by Order of the Commissioner on evidence satisfactory to the Commissioner that YUAN has  
6 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of  
7 the Commissioner or conditions attaching to the restricted license.

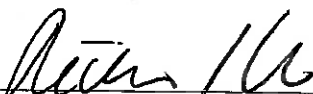
8                    3. YUAN shall not be eligible to apply for the issuance of any unrestricted  
9 real estate license nor the removal of any of the conditions, limitations, or restrictions of a  
10 restricted until two (2) years have elapsed from the effective date of this Decision and Order.  
11 YUAN shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to  
12 the license have been removed.

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

22                    5. YUAN shall, within six (6) months from the effective date of this  
23 Stipulation, take and pass the Professional Responsibility Examination administered by the  
24 Bureau including the payment of the appropriate examination fee. If YUAN fails to satisfy this  
25 condition, YUAN's real estate license shall automatically be suspended until YUAN passes the  
26 examination.

1                   6. All licenses and licensing rights of YUAN are indefinitely suspended  
2 unless or until YUAN pays the sum of \$2,833.00 for the Commissioner's reasonable cost of the  
3 investigation which led to this disciplinary action. Said payment shall be in the form of a  
4 cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement  
5 costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,  
6 Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

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10 6/17/18  
11 DATED

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11 RICHARD K. UNO, Counsel III  
12 BUREAU OF REAL ESTATE

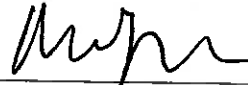
13 \* \* \*

14 I have read the Stipulation and Agreement in Settlement and Order and its terms  
15 are understood by me and are agreeable and acceptable to me. I understand that I am waiving  
16 rights given to me by the California Administrative Procedure Act (including but not limited  
17 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,  
18 intelligently, and voluntarily waive those rights, including the right of requiring the  
19 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the  
20 right to cross-examine witnesses against me and to present evidence in defense and mitigation  
21 of the charges. I understand that I must sign and return this Stipulation by fax to (916) 263-  
22 3767 or by email to [Richard.Uno@dre.ca.gov](mailto:Richard.Uno@dre.ca.gov). I further agree to mail the original Stipulation  
23 no later than five days after signing it to: Bureau of Real Estate, Legal Section, P.O. Box  
24 137007, Sacramento, California 95813-7007. I understand that failure to mail the original back  
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1 may result in this matter going to hearing.

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3 5/10/18

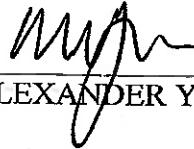
4 DATED

5 

6 YUAN CORPORATION  
7 BY ALEXANDER Y. YUAN, D.O.

8 5/10/18

9 DATED

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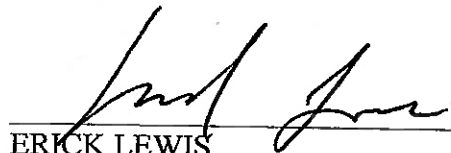
11 ALEXANDER Y. YUAN

12 \* \* \*

13 *I have reviewed this Stipulation and Agreement as to form and content and have  
14 advised my clients accordingly.*

15 6/6/18

16 DATED

17 


18 ERICK LEWIS  
19 Attorney for Respondent

20 \* \* \*

21 The foregoing Stipulation and Agreement In Settlement and Order is hereby  
22 adopted by the Real Estate Commissioner as his Decision and Order and shall become effective  
23 at 12 o'clock noon on **AUG 20 2018**

24 IT IS SO ORDERED July 25, 2018

25 DANIEL J. SANDRI  
26 ACTING REAL ESTATE COMMISSIONER

27 

1/13 2018

RECEIVED  
JUN 4 2018