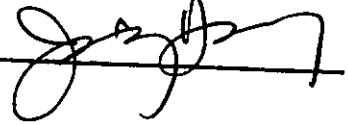


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FILED
JUL 27 2001

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-25463 LA
CHIEN-KUO HSIEH,)	
)	
Respondent.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 29, 1994, a Decision was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent or about March 11, 1994, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On December 15, 2000, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

1
2 I have considered the petition of Respondent and the
3 evidence and arguments in support thereof including Respondent's
4 record as a restricted licensee. Respondent has demonstrated
5 to my satisfaction that Respondent meets the requirements of
6 law for the issuance to Respondent of an unrestricted real
7 estate broker license and that it would not be against the
8 public interest to issue said license to Respondent CHIEN-KUO
9 HSIEH.

10 NOW, THEREFORE, IT IS ORDERED that Respondent's
11 petition for reinstatement is granted and that a real estate
12 broker license be issued to Respondent if Respondent satisfies
13 the following conditions within nine (9) months from the date of
14 this Order:

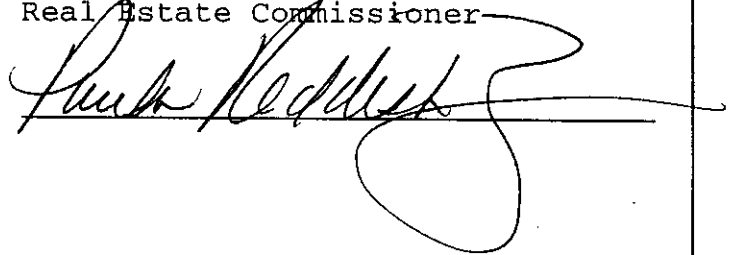
15 1. Submittal of a completed application and payment
16 of the fee for a real estate broker license.

17 2. Submittal of evidence of having, since the most
18 recent issuance of an original or renewal real estate license,
19 taken and successfully completed the continuing education
20 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
21 for renewal of a real estate license.

22 This Order shall become effective immediately.

23 DATED: July 24, 2001.

24 PAULA REDDISH ZINNEBANN
25 Real Estate Commissioner

26 

27 cc: Chien-Kuo Hsieh
69 W. Wistaria Ave.
Arcadia, CA 91007

FILED

APR - 1 1994

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY R. Shambert

* * * * *

In the Matter of the Accusation of)
)
GEORGE REALTY PROPERTY MANAGEMENT,)
INC., and CHIEN-KUO HSIEH,)
)
)
)
)
)
)
)
Respondent (s).)
_____)

No. H-25463 LA
L-61849

DECISION

The Proposed Decision dated March 11, 1994
of the Administrative Law Judge of the Office of
Administrative Hearings, is hereby adopted as the Decision
of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock
noon on April 21, 1994.

IT IS SO ORDERED 3/21/94

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	Case No. H-25463
)	
GEORGE REALTY PROPERTY MANAGEMENT,)	OAH No. L-61849
INC., and CHIEN-KUO HSIEH)	
)	
Respondents.)	

PROPOSED DECISION

This matter was heard by Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, on February 10, 1994, at Los Angeles, California. Complainant was represented by James R. Peel, Counsel. Respondent George Realty Property Management ("George Realty" or "respondent George Realty") was not present or represented at the hearing. Chien-Kuo Hsieh ("respondent" or "respondent Hsieh") represented himself.

Oral and documentary evidence was received at the hearing. The Administrative Law Judge makes the following findings of fact:

FINDINGS OF FACT

1. Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, filed the Accusation in his official capacity.

2. Complainant has served on George Realty all pleadings, notices, and documents required by law.

3. a. George Realty was issued corporate real estate broker license number 01002861 on September 23, 1988. The license was canceled on March 6, 1992, and it expired on September 22, 1992. Respondent was its designated officer.

b. Pursuant to Business and Professions Code section 10103, the Department may discipline the license even after its expiration.

4. Respondent was issued real estate broker license number 00846938 on March 10, 1989, which license expires March 9, 1995. On July 13, 1987, he was issued a real estate broker license as officer of George Realty, which license was canceled as of January 13, 1992.

5. As designated real estate broker for George Realty, respondent was responsible for the supervision and control of the activities conducted on behalf of George Realty to secure full compliance with California Real Estate Law.

6. At all times material herein, George Realty engaged in the business of, and acted in the capacity of, a real estate broker in California within the meaning of Business and Professions Code Section 10131(b). Among the activities in which George Realty engaged were the solicitation of renters and owners and the collection of rents on behalf of others for or in expectation of compensation. George Realty ceased operations in March 1992.

7. During 1991 and 1992, in connection with the real estate brokerage activities set forth in finding of fact number 6, George Realty accepted and received funds in trust ("trust funds") from renters and thereafter made disbursements of said funds.

8. Trust funds were deposited in the following trust accounts, all with United National Bank, San Gabriel Office, 301 West Valley Boulevard, San Gabriel, California: 003-015807 (number 1); 003-013510 (number 2); 003-014215 (number 3). Respondent was not authorized to disburse funds from any of these accounts.

9. During the period of March 30 to June 24, 1992, the Department conducted an audit of the operations of George Realty operations. The audit covered the period from June 1, 1991, to March 11, 1992.

10. a. As of February 29, 1992, the balance in account number 2 was \$4,332.09 less than the existing aggregate trust account liability to the owners of said funds.

b. As of February 29, 1992, the balance in account number 3 was \$3,896.44 less than the existing aggregate trust account liability to the owners of said funds.

11. The trust accounts set forth in finding of fact number 8, numbers 1, 2 and 3, were not held in the name of the broker as trustee.

12. No reconciliation statements were prepared for account number 3 for the months of January or February 1992.

13. It was not established that respondent personally accepted any trust funds. Moreover, he had no actual knowledge of the shortages set forth in finding of fact number 10. George Realty's operations were run by George Chen and his wife and respondent was treated as an employee and not a principal of the company. Respondent concentrated his efforts on conducting the actual real estate transactions of the business.

14. Respondent failed to exercise reasonable supervision over the activities of George Realty to ensure compliance with California Real Estate Law.

15. Respondent is presently operating his own real estate brokerage business and does not engage in property management. He does not employ any salespersons.

16. Except for those addressed in this Decision, all other allegations in the accusation are found to be unproved or surplusage.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

DETERMINATION OF ISSUES

1. a. Grounds exist for the suspension or revocation of respondent George Realty's license pursuant to Business and Professions Code sections 10177(d) and 10145(a) in that it maintained shortages in trust accounts, by reason of finding of fact numbers 6, 7, 8, and 10.

b. Grounds exist for the suspension or revocation of respondent George Realty's license pursuant to Business and Professions Code section 10177(d) and Title 10, California Code of Regulations ("CCR"), section 2830, in that it did not maintain trust account numbers 1, 2, and 3 in the broker's name as trustee, by reason of finding of fact numbers 6, 7, 8, and 11.

c. Grounds exist for the suspension or revocation of respondent George Realty's license pursuant to Business and Professions Code section 10177(d) and Title 10, CCR, section 2831.2, in that it failed to maintain reconciliation statements for the months of January or February 1992, by reason of finding of fact numbers 6, 7, 8, and 12.

2. Grounds exist for the suspension or revocation of respondent Hsieh's license pursuant to Business and Professions Code section 10177(h) in that he failed to exercise reasonable supervision over the activities of George Realty, by reason of finding of fact numbers 5, 6, 7, 8, 10, 11, 12, 13, and 14.

3. Except as set forth in determination of issues number 2, further grounds for the discipline of respondent Hsieh have not been established.

4. All relevant evidence of mitigation and aggravation has been considered. In mitigation, respondent Hsieh did not have knowledge of or involvement in the shortage of funds which occurred at George Realty. However, his failure to properly supervise the affairs of the corporation of which he was the designated broker warrants remedial action for the protection of the public.

5. Inasmuch as respondent did not violate Business and Professions Code section 10145 or any regulation interpreting said section, payment of the costs of a follow-up audit is not warranted as a condition of restricted licensure.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Real Estate broker license number 01002861 issued to respondent George Realty and all other real estate licensing rights enjoyed by said entity are hereby revoked.

2. All licenses and licensing rights of respondent Chien-Kuo Hsieh under the Real Estate Law are revoked; provided, however, that a restricted real estate broker license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that Code:

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

- b. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
- c. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until three years have elapsed from the effective date of this Decision.
- d. Respondent shall, within twelve months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.
- e. Respondent shall, within six months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including payment of the appropriate examination fee. If respondent fails to satisfy this condition, the commissioner may order suspension of the restricted license until respondent passes the examination.
- f. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and period summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

DATED: 3/11/94



SAMUEL D. REYES
Administrative Law Judge
Office of Administrative Hearings

Sacto gmg

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FD

NOV 17 1993

DEPARTMENT OF REAL ESTATE
BY *R. H. ...*

In the Matter of the Accusation of

GEORGE REALTY PROPERTY MANAGEMENT
INC., et al.,

}
}

Case No. H-25463 LA

OAH No. L-61849

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 314 West First Street, Los Angeles

on February 10, 1994, at the hour of 9:00 a.m.
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: November 18, 1993

By *James R. Peel*
Counsel

cc: Chien-Kuo Hsieh
George Realty Property Mgmt Inc.
Sacto OAH

Sacto

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

JUL 29 1993

DEPARTMENT OF REAL ESTATE
BY *K. Haderholt*

In the Matter of the Accusation of
GEORGE REALTY PROPERTY MANAGEMENT,
INC., and CHIEN-KUO HSIEH,

}

Case No. H-25463 LA

OAH No. _____

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 314 West First Street, Los Angeles

on September 22, 1993, at the hour of 9:00 a.m.
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: July 29, 1993

By *James R. Peel*
Counsel

cc: George Realty Property Mgmt.
Chien-Kuo Hsieh
Sacto OAH

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JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED

JUL -8 1993

DEPARTMENT OF REAL ESTATE
BY *R. Wiedersholt*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25463 LA
GEORGE REALTY PROPERTY MANAGEMENT,)	
INC., and CHIEN-KUO HSIEH,)	A C C U S A T I O N
Respondents.)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against GEORGE REALTY PROPERTY MANAGEMENT, INC., and CHIEN-KUO HSIEH, alleges as follows:

I

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

GEORGE REALTY PROPERTY MANAGEMENT, INC., and CHIEN-KUO HSIEH as designated officer of said corporation (hereinafter referred to as respondents) are presently licensed and/or have

1 license rights under the Real Estate Law (Part 1 of Division 4 of
2 the California Business and Professions Code (hereinafter referred
3 to as the "Code").

4
5 III

6 At all times herein mentioned, respondent GEORGE REALTY
7 PROPERTY MANAGEMENT, INC. was licensed by the Department of Real
8 Estate of the State of California (hereinafter Department) as a
9 corporate real estate broker, respondent CHIEN-KUO HSIEH was
10 licensed as the designated broker officer of said corporation, and
11 ordered, authorized or participated in the illegal conduct of
12 respondent GEORGE REALTY PROPERTY MANAGEMENT, as alleged in this
13 Accusation.

14 IV

15 At all times herein mentioned, GEORGE REALTY PROPERTY
16 MANAGEMENT, INC. engaged in the business of, acted in the capacity
17 of, advertised or assumed to act as a real estate broker in the
18 State of California within the meaning of Section 10131(b) of the
19 Code, including soliciting renters and owners and collecting rents
20 from real properties on behalf of others for or in expectation of
21 compensation.

22 V

23 During 1991 and 1992, in connection with the aforesaid
24 real estate brokerage activities, respondent GEORGE REALTY
25 PROPERTY MANAGEMENT, INC. accepted or received funds from renters
26 and owners and thereafter made disbursements of such funds. These
27 funds were deposited by respondent in Trust Account No. 003-015807

1 (T/A 1), No. 003-013510 (T/A 2), and No. 003-014215 (T/A 3),
2 United National Bank, San Gabriel.

3 VI

4 In connection with respondent GEORGE REALTY PROPERTY
5 MANAGEMENT, INC.'S, activities as a real estate broker as
6 described above respondent acted in violation of the Real Estate
7 Law, Business and Professions Code (hereinafter Code), and
8 California Code of Regulations (hereinafter Regulations), Title
9 10, Chapter 6, as follows:

10 1. Respondent violated Section 10145(a) of the Code by
11 having a shortage in T/A 2 of \$4,332.09 and T/A 3 of \$3,896.44 as
12 of February 29, 1992.

13 2. Respondent violated Regulation 2830 in that T/A 1,
14 T/A 2, and T/A 3, were not in the broker's name as trustee.

15 3. Respondent violated Regulation 2831.2 in that there
16 were no monthly reconciliations of transaction ledgers to separate
17 records for January and February, 1992 for T/A 3.

18 VII

19 The conduct of respondent GEORGE REALTY PROPERTY
20 MANAGEMENT, INC. as alleged above, subjects its real estate
21 license and license rights to suspension or revocation pursuant to
22 Section 10177(d) and 10177(g) of the Code.

23 VIII

24 The conduct of respondent HSIEH, as alleged above, as
25 the responsible individual, by allowing and permitting GEORGE
26 REALTY PROPERTY MANAGEMENT, INC., to engage in the conduct
27 specified in Paragraph VI above, subjects her real estate licenses

1 and license rights to suspension or revocation pursuant to
2 Sections 10177(d) and 10177(h) of the Code.

3 WHEREFORE, Complainant prays that a hearing be
4 conducted on the allegations of this Accusation and, that upon
5 proof thereof, a decision be rendered imposing disciplinary action
6 against all licenses and license rights of Respondents GEORGE
7 REALTY PROPERTY MANAGEMENT INC. and CHIEN-KUO HSIEH under the Real
8 Estate Law and for such other and further relief as may be proper
9 under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 8th day of July, 1993.

12
13 STEVEN J. ELLIS
14 Deputy Real Estate Commissioner
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19
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25 cc: George Realty Property Management Inc.
26 Chien-Kuo Hsieh
27 Sacto
PI