

FILED
FEB 09 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
PUXPIMON TOI CHA-UMPLUKE,) No. H-26146 LA
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 6, 1995, an Order was rendered herein
revoking the real estate salesperson license of Respondent, but
granting Respondent the right to the issuance of a restricted
real estate salesperson license. A restricted real estate
salesperson license was issued to Respondent on November 29,
1995, and Respondent has operated as a restricted licensee
without cause for disciplinary action against Respondent.

On October 26, 1999, Respondent petitioned for
reinstatement of said real estate salesperson license, and the
Attorney General of the State of California has been given notice
of the filing of said petition.

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

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

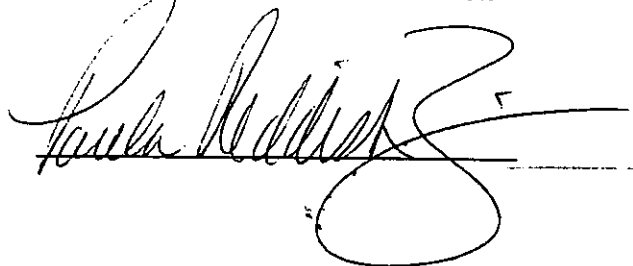
13 1. Submittal of a completed application and payment of
14 the fee for a real estate salesperson license.

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

20 This Order shall be effective immediately.

21 DATED: DECEMBER 13, 2000

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 
26
27

Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
NOV - 9 1995
DEPARTMENT OF REAL ESTATE

By C. May

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26146 LA
)	L-9505117
PUXPIMON TOI CHA-UMPLUKE,)	<u>STIPULATION AND AGREEMENT</u>
)	<u>IN SETTLEMENT AND ORDER</u>
Respondent.)	

It is hereby stipulated by and between PUXPIMON TOI CHA-UMPLUKE (hereinafter "Respondent"), represented by Frank M. Buda, and the Complainant, acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 27, 1995, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedures Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation.

1 2. Respondent has received, reviewed and
2 understands the Accusation, the Statement to Respondent, and the
3 Discovery Provisions of the APA filed by the Department of Real
4 Estate in the above-captioned proceeding.

5 3. Respondent has filed a Notice of Defense
6 pursuant to Section 11505 of the Government Code for the purpose
7 of requesting a hearing on the allegations in the Accusation.
8 Respondent hereby freely and voluntarily withdraws said Notice
9 of Defense. Respondent acknowledges that she understands that
10 by withdrawing said Notice of Defense she will thereby waive her
11 right to require the Commissioner to prove the allegations in
12 the Accusation at a contested hearing held in accordance with
13 the provisions of the APA and that she will waive other rights
14 afforded to her in connection with the hearing such as the right
15 to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. Respondent, pursuant to the limitations set
18 forth below, hereby admits that the factual allegations in
19 Paragraphs I through IV of the Accusation filed in this
20 proceeding are true and correct and the Real Estate Commissioner
21 shall not be required to provide further evidence of such
22 allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation and Agreement in
25 Settlement and Order ("Stipulation") as his decision in this
26 matter thereby imposing the penalty and sanctions on
27 Respondent's real estate license and license rights as set forth

1 in the below "Order". In the event that the Commissioner in his
2 discretion does not adopt the Stipulation, the Stipulation shall
3 be void and of no effect, and Respondent shall retain the right
4 to a hearing and proceeding on the Accusation under all the
5 provisions of the APA, and shall not be bound by any admission
6 or waiver made herein.

7 6. The Order or any subsequent Order of the Real
8 Estate Commissioner made pursuant to this Stipulation shall not
9 constitute an estoppel, merger or bar to any further
10 disciplinary or civil proceedings by the Department of Real
11 Estate with respect to any matters which are not specifically
12 alleged to be causes for accusation in this proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions
15 and waivers and solely for the purpose of settlement of the
16 pending Accusation without a hearing, it is stipulated and
17 agreed that the following determination of issues shall be made:

18 I

19 Respondent's conduct which lead to her criminal
20 conviction, is cause under Sections 490 and 10177(b) of the
21 Business and Professions Code for suspension or revocation of
22 all licenses and license rights of Respondent under the Real
23 Estate Law.

24 ORDER

25 A. Respondent PUXPIMON TOI CHA-UMPLUKE's real
26 estate salesperson license is hereby revoked.

27 B. A restricted real estate salesperson license
shall be issued to Respondent pursuant to Section 10156.5 of the

1 Business and Professions Code if Respondent makes application
2 therefor, and pays to the Department of Real Estate the
3 appropriate fee for said license within 120 days from the
4 effective date of the Order herein.

5 (1) The restricted license may be suspended
6 prior to hearing by Order of the Real Estate Commissioner in the
7 event of Respondent's conviction or plea of nolo contendere to a
8 crime which bears a significant relationship to Respondent's
9 fitness or capacity as a real estate licensee.

10 (2) The restricted license may be suspended,
11 prior to and pending final determination after formal hearing by
12 Order of the Real Estate Commissioner based upon evidence
13 satisfactory to the Commissioner that Respondent has violated
14 provisions of the California Real Estate Law, the Subdivided
15 Lands Law, Regulations of the Real Estate Commissioner or
16 conditions attaching to this restricted license.

17 (3) With the application for license, or with
18 the application for transfer to a new employing broker,
19 Respondent shall submit a statement signed by the prospective
20 employing broker on a form approved by the Department of Real
21 Estate wherein the employing broker shall certify as follows:

22 (a) That broker has read the Order herein
23 and the Decision which is the basis for the issuance of the
24 restricted license; and

25 (b) That broker will carefully review all
26 transaction documents prepared by the restricted licensee and
27

1 otherwise exercise close supervision over the licensee's
2 performance of acts for which a license is required.

3 (4) Respondent shall not be eligible to apply
4 for the issuance of an unrestricted real estate license nor the
5 removal of any of the conditions, limitations or restrictions of
6 the restricted license until at least one year has elapsed from
7 the date of this Order.

8 (5) Respondent shall obey all laws of the United
9 States, the State of California and its political subdivisions,
10 and shall further obey and comply with all rules and regulations
11 of the Real Estate Commissioner.

12
13 DATED: 10/20/95

Chris Leong
CHRIS LEONG, ESQ.
Counsel for Complainant

14
15 * * *

16 I have read the Stipulation, and its terms are
17 understood by me and are agreeable and acceptable to me. I
18 understand that I am waiving rights given to me by the
19 California Administrative Procedure Act (including but not
20 limited to Sections 11506, 11508, 11509 and 11513 of the
21 Government Code), and I willingly, intelligently and voluntarily
22 waive those rights, including the right of requiring the
23 Commissioner to prove the allegations in the Accusation at a
24 hearing at which I would have the right to cross-examine
25 witnesses against me and to present evidence in defense and
26 mitigation of the charges.
27

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3 DATED: OCTOBER 19, 1995

Puxpimon Toi Chaupluke
PUXPIMON TOI CHA-UMPLUKE
Respondent

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5
6 DATED: 10-12-95

Frank M. Buda
FRANK M. BUDA, ESQ.
Counsel for Respondent

7
8 * * *

9 The foregoing Stipulation and Agreement in Settlement
10 is hereby adopted as my Decision and Order as to Respondent
11 PUXPIMON TOI CHA-UMPLUKE, and shall become effective at
12 12 o'clock noon on November 29, 1995.

13 IT IS SO ORDERED 11-6-95

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15 JIM ANTT, JR.
Real Estate Commissioner

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17 Jr Antt Jr
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5A-C

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-26146 LA
PUXPIMON TOI CHA-UMPLUKE,) OAH No. L-9505117
_____)
Respondent (s)

FILE
JUN 15 1995
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent (s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on TUESDAY, OCTOBER 31, 1995, 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: June 15, 1995

By

Chris Leong
CHRISTOPHER K.D. LEONG, Counsel

cc: Puxpimon Toi Cha-Umpluke
Cen-Max Properties Inc.
Frank M. Buda, Esq.
Sacto.
OAH

CEB

RE 501 (La Mac 11/92)

SACTO
FLAG

194-0818-025
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAY 26 1995
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)
)
PUXPIMON TOI CHA-UMPLUKE,)
)
Respondent.)

Case No. H-26146 LA
OAH No. L-9505117

By 

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, California, on June 9, 1995, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

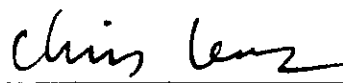
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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.

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Dated: May 26, 1995.

DEPARTMENT OF REAL ESTATE


CHRISTOPHER K. D. LEONG
Counsel, Department of Real Estate

cc: Puxpimon toi cha-Umpluke
Larry Fabrizi, Esq.
CGT
Sacto
OAH
RE 501 (Mac 8/92rd)

CHRISTOPHER K.D. LEONG, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937



By C. Leong

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26146 LA
PUXPIMON TOI CHA-UMPLUKE,)	<u>ACCUSATION</u>
Respondent.)	

The Complainant, Peter F. Hurst, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against PUXPIMON TOI CHA-UMPLUKE (hereinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, Peter F. Hurst, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code") as a real estate salesperson.

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III

On or about June 29, 1993, in the Los Angeles Municipal Court, Downey Judicial District, Respondent was convicted of violation of Section 484 PC (Petty theft), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, Chapter 6, California Code of Regulations, to the qualifications, functions or duties of a licensee.

IV

Respondent's criminal conviction as alleged above, in Paragraph III, is cause under Sections 10177(b) and 490 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent PUXPIMON TOI CHA-UMPLUKE, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 27th day of April, 1995.

PETER F. HURST

Deputy Real Estate Commissioner

cc: Puxpimon Toi Cha-Umpluke
Cen-Max Properties Inc.
Sacto.
CGT