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FILED
DEC 5 2001

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26924 LA
)
YOKI TSAI,)
)
Respondent.)
)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 20, 1997, a Decision 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
June 17, 1997, and Respondent has operated as a restricted
licensee without cause for disciplinary action against
Respondent since that time.

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1 On December 19, 2000, Respondent petitioned for
2 reinstatement of said real estate salesperson license and the
3 Attorney General of the State of California has been given
4 notice of the filing of said petition.
5

6 I have considered the petition of Respondent and
7 the evidence and arguments in support thereof including
8 Respondent's record as a restricted licensee. Respondent
9 has demonstrated to my satisfaction that Respondent meets
10 the requirements of law for the issuance to Respondent of an
11 unrestricted real estate salesperson license and that it would
12 not be against the public interest to issue said license to
13 Respondent YOKI TSAI.

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

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

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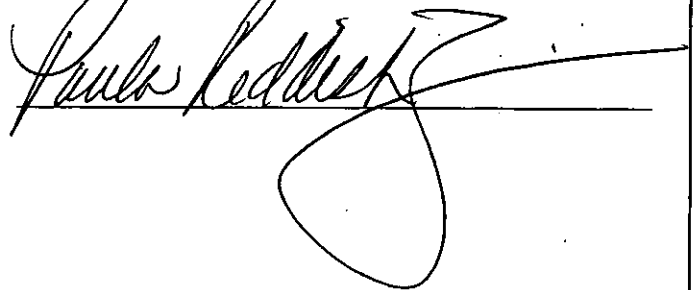
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2 2. Submittal of evidence of having, since the most
3 recent issuance of an original or renewal real estate license,
4 taken and successfully completed the continuing education
5 requirements of Article 2.5 of Chapter 3 of the Real Estate
6 Law for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

7 This Order shall become effective immediately.

8 DATED: November 29, 2001.

9 PAULA REDDISH ZINNEMANN
10 Real Estate Commissioner

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26 cc: Yoki Tsai
27 1117 Encanto Dr.
 Arcadia, CA 91007

By Lane B. Chan

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-26924 LA
YOKI TSAI)
Respondent.)
_____)

ORDER GRANTING REINSTATEMENT OF LICENSE

On May 20, 1997, a Decision was rendered herein revoking the real estate salesperson license of Respondent, YOKI TSAI (hereinafter "Respondent"), effective June 17, 1997, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent on June 17, 1997.

On May 20, 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 Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that grounds do not presently
4 exist to deny the issuance of an unrestricted real estate
5 salesperson license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for reinstatement is granted and that an
8 unrestricted real estate salesperson license be issued to
9 Respondent, YOKI TSAI , after Respondent satisfies the
10 following conditions within six months from the date of this
11 Order:

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

14 2. Submittal of evidence satisfactory to the Real
15 Estate Commissioner that Respondent has, since her license
16 was revoked, taken and successfully completed the 45 hours of
17 education required in Section 10170.5 of the Business and
18 Professions Code for renewal of a real estate license.

19 This Order shall become effective immediately.

20 DATED: October 4, 1999.

21 JOHN R. LIBERATOR
22 Acting Commissioner

23 John R. Liberator
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YOKI TSAI
1117 Encanto Drive
Arcadia, California 91007

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California 90012
4 (213) 897-3937

FILED
MAY 27 1997
DEPARTMENT OF REAL ESTATE

By Jana B. Crow

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of) Case No. H-26924 LA
13)
14 YOKI TSAI)
15)
16 Respondent.)

17 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

18 I

19 STIPULATION

20 It is hereby stipulated by and between Respondent YOKI
21 TSAI (herein "Respondent"), and the Complainant acting by and
22 through V. Ahda Sands, Counsel for the Department of Real
23 Estate, as follows for the purpose of settling and disposing of
24 the Accusation filed on November 14, 1996,

25 A. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and Respondent
27 at a formal hearing on the Accusation, which hearing was to be
held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation.

4 B. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation filed by the Department of Real Estate in this
7 proceeding.

8 C. Heretofore, Respondent filed a Notice of Defense
9 pursuant to Section 11505 of the Government Code for the purpose
10 of requesting a hearing on the allegations in the Accusation as
11 Amended. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that she
13 understands that by withdrawing said Notice of Defense,
14 Respondent will thereby waive Respondent's right to require the
15 Commissioner to prove the allegations in the Accusation at a
16 contested hearing held in accordance with the provisions of the
17 APA and that Respondent will waive other rights afforded to
18 Respondent in connection with the hearing such as the right to
19 present evidence in her defense and the right to cross
20 examination.

21 D. Respondent admits the factual allegations in the
22 Accusation and Stipulates, subject to the limitations set forth
23 below, that the Real Estate Commissioner shall not be required
24 to provide further evidence of such allegations.

25 E. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement in
27 Settlement and Order as his decision in this matter hereby



1 imposing the penalty and sanctions on Respondent's real estate
2 license and license rights as set forth in the "Order" below.
3 In the event that the Commissioner in his discretion does not
4 adopt the Stipulation and Agreement in Settlement and Order, the
5 Stipulation and Agreement in Settlement and Order shall be void
6 and of no effect, and Respondent shall retain the right to a
7 hearing and proceeding on the Accusation under all the
8 provisions of the APA and shall not be bound by an admission or
9 waiver made herein.

10 F. The Order or any subsequent Order of the Real
11 Estate Commissioner made pursuant to this Stipulation shall not
12 constitute an estoppel, merger or bar to any further
13 administrative or civil proceedings by the Department of Real
14 Estate with respect to any matters which were not specifically
15 alleged to be causes for accusation in this proceeding.

16 II

17 DETERMINATION OF ISSUES

18 By reason of the foregoing stipulations, admissions
19 and waivers and solely for the purpose of settlement of the
20 pending Accusation without a hearing, it is stipulated and
21 agreed that the following Determination of Issues be made:

22 Respondent's criminal conviction is cause under
23 Sections 490 and 10177(b) of the Code for suspension or
24 revocation of all licenses and license rights of Respondent
25 under the Real Estate Law.
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III

ORDER

All licenses and licensing rights of Respondent YOKI
TSAI under the Real Estate are revoked; provided, however, a
restricted real estate salesperson 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:

1. 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.

2. 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.

3. Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license nor for the

1 removal of any of the conditions, limitations or restrictions of
2 a restricted license until one year has elapsed from the
3 effective date of this Decision.

4 4. Respondent shall submit with any application for
5 license under an employing broker, or any application for
6 transfer to a new employing broker, a statement signed by the
7 prospective employing real estate broker on a form approved by
8 the Department of Real Estate which shall certify:

9 (a) That the employing broker has read the
10 Decision and Accusation of the Commissioner which granted the
11 right to a restricted license; and

12 (b) That the employing broker will exercise
13 close supervision over the performance by the restricted
14 licensee relating to activities for which a real estate license
15 is required.

16 5. Respondent shall, within nine months form the
17 effective date of this Decision, present evidence satisfactory
18 to the Real Estate Commissioner that Respondent has, since the
19 most recent issuance of an original or renewal real estate
20 license, taken and successfully completed the continuing
21 education requirement of Article 2.5 of Chapter 3 of the Real
22 Estate Law for renewal of a real estate license. If Respondent
23 fails to satisfy this condition, the Commissioner may order the
24 suspension of the restricted license until the Respondent
25 presents such evidence. The Commissioner shall afford
26 Respondent the opportunity for a hearing pursuant to the
27 Administrative Procedure Act to present such evidence.



IV

EXECUTION OF STIPULATION

I have read the Stipulation and Agreement in Settlement 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 allegation 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 charges.


DATED:

3/27 97


YORI TSAN
Respondent

DATED:

3-27-97


Edwin P. Chau, Esquire
Counsel for Respondent

DATED:

4/2/97


V. Ahda Sands, Counsel

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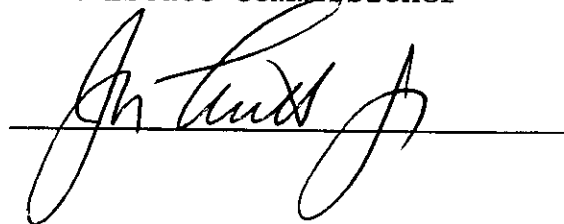
DECISION

The foregoing Stipulation and Agreement in Settlement
and Order is hereby adopted as the Decision and Order of the
Real Estate Commissioner in the above-entitled matter as to
Respondent YOKI TSAI.

This Decision shall become effective at 12 o'clock
noon on June 17, 1997.

IT IS SO ORDERED

5/20/97
JIM ANTT, Jr.
Real Estate Commissioner



Yoki Tsai

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
MAR - 5 1997
DEPARTMENT OF REAL ESTATE

* * * *

In the Matter of the Accusation of

YOKI TSAI,

Respondent.

) Case No. H-26924 LA

) OAH No. L-9702114

By Laura B. Sands

NOTICE OF 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 Office of Administrative Hearings, 314 West First Street, Los Angeles, California, APRIL 16, 1997, 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.

Dated: MAR - 5 1997

DEPARTMENT OF REAL ESTATE

By: V. Ahda Sands
V. AHDA SANDS, Counsel

cc: Yoki Tsai
Wai Leung Wong
Sacto.
OAH

1 V. Ahda Sands, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

5 (213) 897-3937

FILED
NOV 14 1996
DEPARTMENT OF REAL ESTATE

By Laura B. Orme

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-26924 LA
12 YOKI TSAI,) A C C U S A T I O N
13)
14 Respondent.)

15 The Complainant, Thomas Mc Crady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against YOKI TSAI , alleges as follows:

18 1

19 Respondent is presently licensed and/or has license
20 rights under the Real Estate Law (Part 1 of Division 4 of the
21 California Business and Professions Code) (Code) as a real estate
22 salesperson.

23 2

24 The Complainant, Thomas Mc Crady, acting in his official
25 capacity as a Deputy Real Estate Commissioner of the State of
26 California, makes this Accusation against Respondent.

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3

Respondent was originally licensed by the Department of Real Estate of the State of California (Department) as a real estate salesperson on January 19, 1990.

4

On or about December 20, 1994, in the Municipal Court, Alhambra Judicial District, Los Angeles County, Respondent was convicted upon a nolo contendere plea to violation of one count of Section 484(a) of the California Penal Code, (petty theft) a crime that involves moral turpitude, and is substantially related under Section 2910, Title 10, Chapter 6, of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

5

In mitigation, on April 5, 1996, Respondent's criminal record was expunged under Penal Code 1203.4.

6

The facts as alleged above constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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Dated at Los Angeles, California
this 14th day of November, 1996.

Deputy Real Estate Commissioner

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