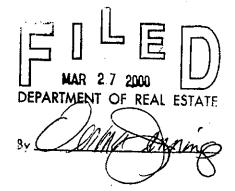
Department of Real Estate 320 West Fourth Street, Suite 350 Los Angeles, California 90013-1105

Telephone: (213) 576-6982



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of)

AMERICAN F. G., INC.; 12

AWJ INVESTMENT GROUP, INC.,

doing business as Re/Max

Orange County-East;

ANTHONY C. LIU, individually 14 and as designated officer of

American F. G., Inc., and

AWJ Investment Group, Inc.,

Respondents. 17

NO. H-28223 LA L-1999090285

STIPULATION AND AGREEMEN

It is hereby stipulated by and between Respondents AMERICAN F. G., INC.; AWJ INVESTMENT GROUP, INC.; and ANTHONY C. LIU, individually, and as designated officer of American F. G., Inc., and AWJ Investment Group, Inc., and their attorney of record, Frank M. Buda, Esq., and the Complainant, acting by and through Tuan Van Lai, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on August 26, 1999, in this matter.

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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.

- 2. Respondents have received, read and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this proceeding.
- 3. On September 9, 1999, Respondents filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of Defense they will thereby waive their right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.
- 4. This Stipulation is based on factual allegations contained in the Accusation. In the interest of expedience and economy, Respondents choose not to contest these allegations, but



to remain silent and understand that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

- 5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as her Decision in this matter, thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.
- 6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.
- 7. This Stipulation and Agreement is entered into by each party with the express understanding and agreement that it is to be used for the purposes of settling this proceeding only and that it shall not be deemed, used, or accepted as an acknowledgment or stipulation in any other civil or



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administrative proceeding to which the Department of Real Estate is not a party. It shall have no collateral estoppel or res judicata effect in any proceeding other than a proceeding brought by the Department of Real Estate.

8. Respondents have received, read, and understand the "Notice Concerning Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation and Agreement, the findings set forth below in the DETERMINATION OF ISSUES becomes final, and that the Commissioner may charge Respondents for the costs of any subsequent audit conducted pursuant to Section 10148 of the Business and Professions Code to determine if the violations have been corrected. The maximum costs of said audit for AWJ INVESTMENT GROUP, INC., will not exceed \$2,300.00.

DETERMINATION OF ISSUES

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

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The conduct, acts and/or omissions of Respondent AMERICAN F. G., INC., as alleged in the Accusation, are cause for the suspension or revocation of all of the real estate licenses and license rights of Respondent AMERICAN F. G., INC., under the provisions of Business and Professions Code ("Code") Sections 10137 and 10177(d), for violation of Code Sections 10130, 10145 and of Title 10, Chapter 6, California Code of Regulations



("Regulations") Sections 2731, 2832.1, and 2834.

II

The conduct, acts and/or omissions of Respondent AWJ INVESTMENT GROUP, INC., as alleged in the Accusation, are cause for the suspension or revocation of all of the real estate licenses and license rights of Respondent AWJ INVESTMENT GROUP, INC., under the provisions of Business and Professions Code ("Code") Section 10177(d) for violation of Code Section 10145 and of Regulations Sections 2832.1 and 2834.

III

The conduct, acts and/or omissions of Respondent ANTHONY C. LIU, as alleged in the Accusation, are cause for the suspension or revocation of all of the real estate licenses and license rights of Respondent ANTHONY C. LIU, under the provisions of Code Sections 10177(h) and 10177(d) for violation of Code Section 10145 and of Regulations Sections 2832.1 and 2834.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

- 1. All licenses and licensing rights of Respondent AMERICAN F. G., INC., under the Real Estate Law are revoked.
- 2. All licenses and licensing rights of Respondents AWJ INVESTMENT GROUP, INC., and ANTHONY C. LIU under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that the suspension shall be stayed upon the following terms and conditions:

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Respondents AWJ INVESTMENT GROUP, INC., and ANTHONY C. LIU shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California.

That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the effective date of this Decision. Should such a determination be made, the Commissioner may, in her discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

Pursuant to Section 10148 of the Business and Professions Code, Respondents AWJ INVESTMENT GROUP, INC. and ANTHONY C. LIU shall, severally or jointly, pay the Commissioner's reasonable cost for an audit to determine if Respondent AWJ INVESTMENT GROUP, INC. is now in compliance with the Real Estate Law. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. amount for the subsequent audit shall not exceed \$2,300.00. Respondents AWJ INVESTMENT GROUP, INC. and/or ANTHONY C. LIU shall pay such cost within 45 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities.

The Commissioner may suspend the licenses issued to Respondents AWJ INVESTMENT GROUP, INC. and ANTHONY C. LIU pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondents AWJ INVESTMENT GROUP, INC., ANTHONY C. LIU and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondents AWJ INVESTMENT GROUP, INC. and ANTHONY C. LIU enter into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant this condition.

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February 1, 2000

Counsel for Complainant

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We have read the Stipulation and Agreement, have discussed it with our counsel, and its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we 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 we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

	DATED: 1/28/2000	
1	DATED: 720720	AMERICAN F. G., INC.,
2		Respondent,
3		BY: ANTHONY C. LIU, D.O.
4	DATED: 1/28/2500	
5	7	AWJ. INVESTMENT GROUP, INC.,
6	; ;	Respondent, BY: ANTHONY C. LIU, D.O.
7		
8	DATED: 1/28/2000	(Sufficient)
9		ANTHONY C. LIU,
	•	Individually and as designated officer of American F. G., Inc.,
10		and AWJ Investment Group, Inc.,
11		Real Estate Services, Inc., Respondent
12		
13	DATED: 1-24-2000	Frank Buda
14		FRANK M. BUDA, ESQ.
_		Counsel for Respondents
15		* * * *
16	The foregoing Stir	oulation and Agreement is hereby
17	adopted as my Decision in th	nis matter and shall become effective
18	at 12 o'clock noon on Ap	ril 18 , <u>2000</u> .
19	IT IS SO ORDERED	Eleany 15, 2000.
20		
21		PAULA REDDISH ZINNEMANN
22	•	Real Estate Commissioner
23		$\mathcal{O}(\mathcal{O})$
24		Faula Hodding
25		- And Wallet
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BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

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In the Matter of the Accusation of

AMERICAN F. G., INC., et al.,

Respondents.

Case No. H-28223 LA OAH No. L-1999090285

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on January 12 and 13, 2000, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 subpense 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: October 6, 1999.

American F. G. Inc.
AWJ Investment Group Inc.
Anthony C. Liu
L.A. Audit Section
Celine Sarapuddin
Sacto.

OAH

By:

THANK WANK AX G

TUAN VAN LAI, Counsel

DEPARTMENT OF REAL ESTATE

RE 501 (Rev. 8/97vj)

TUAN VAN LAI, Counsel (182967) Department of Real Estate 320 West Fourth Street, Suite 350 Los Angeles, California, 90013-1105

Telephone: (213) 576-6982

(213) 576-6916 (Direct) -or-



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

No. H-28223 LA

ACCUSATION

AMERICAN F. G., INC.; AWJ INVESTMENT GROUP, INC., doing business as Re/Max Orange County-East; ANTHONY C. LIU, individually and as designated officer of American F. G., Inc., and AWJ Investment Group, Inc.,

Respondents.

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The Complainant, Thomas McCrady, a Deputy Real Estate 19 | Commissioner of the State of California, for cause of accusation against AMERICAN F. G., INC.; AWJ INVESTMENT GROUP, INC., doing business as Re/Max Orange County-East; ANTHONY C. LIU, individually and as designated officer of American F. G., Inc., and AWJ Investment Group, Inc., is informed and alleges in his official capacity as follows:

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STD. 113 (REV. 3-95)

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3 (REV. 3-95)

AMERICAN F. G., INC. (hereinafter "AFG"); AWJ INVESTMENT GROUP, INC., doing business as Re/Max Orange County-East (hereinafter "AWJ"); ANTHONY C. LIU, individually and as designated officer of American F. G., Inc., and AWJ Investment Group, Inc. (hereinafter "LIU"), are presently licensed and have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

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At all times material herein, AFG was and now is licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker, by and through LIU, as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2 for the 15 supervision and control of the activities conducted on behalf of AFG by AFG's officers, agents and employees.

At all times material herein, AWJ was and now is licensed by the Department as a corporate real estate broker, by and through LIU, as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2 for the supervision and control of the activities conducted on behalf of AWJ by AWJ's officers, agents and employees.

4.

At all times material herein, LIU was and now is licensed by the Department, individually as a real estate broker and as the designated officer of AFG and AWJ. As the designated

broker-officer, LIU was and is responsible for the supervision and control of the activities conducted on behalf of AFG and AWJ by AFG's and AWJ's officers, agents and employees, respectively, as necessary to secure full compliance with the Real Estate Law pursuant to Code Section 10159.2.

5.

All further reference to "Respondents", unless otherwise specified, include the parties identified in Paragraph 1 through 4 above and also include the officers, directors, employees and real estate licensees employed by or associated with said parties, who at all times herein mentioned were engaged in the furtherance of the business or operations of said parties and who were acting within the course and scope of their authority and employment.

6.

At all times material herein, AWJ engaged in the business of, acted in the capacity of, advertised or assumed to act as real -17 estate broker for others in the State of California, within the meaning of Code Section 10131(a), for or in expectation of compensation. Said activity included the operation and conduct of a real estate sales business with the public wherein AWJ sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property or a business opportunity.

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In connection with the above-described real estate sales business, AWJ engaged in the business of, acted in the capacity of, advertised, or assumed to act as escrow holder, servicer and/or agent, and thereby acted or assumed to act under the exemption from the provisions of the Escrow Law as provided by Section 17006(a)(4) of the California Financial Code.

At all times material herein, AFG engaged in the business 10 of, acted in the capacity of, advertised or assumed to act as real estate broker for others in the State of California, within the meaning of Code Section 10131(d), for or in expectation of compensation. Said activity included the operation and conduct of a mortgage loan brokerage with the public wherein AFG solicited borrowers or lenders for, or negotiated loans, or collected 16 payments or performed services for borrowers or lenders or note 17 holders, in connection with loans secured directly or collaterally by a lien on real property or a business opportunity.

9.

In connection with the above-described loan brokerage business, AFG engaged in the business of, acted in the capacity of, advertised, or assumed to act as escrow holder, servicer and/or agent, and thereby acted or assumed to act under the exemption from the provisions of the Escrow Law as provided by Section 17006(a)(4) of the California Financial Code.

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FIRST CAUSE OF ACCUSATION

10.

On February 17, 1999, the Department concluded its examination of Respondents AWJ and LIU's books and records pertaining to their activities as real estate brokers covering a period from approximately January 1, 1998, to December 31, 1998. The examination revealed violations of the Code and of Title 10, Chapter 6, California Code of Regulations (hereinafter "Regulations"), as set forth below.

11.

At all times material herein, in connection with the 12 activities described in Paragraphs 6 and 7, above, Respondents AWJ and LIU accepted or received funds including funds in trust 14 ! (hereinafter "trust funds") from or on behalf of actual and 15 prospective parties to transactions handled by Respondents AWJ and 16 LIU and thereafter made deposits and/or disbursements of such 17 funds. From time to time herein mentioned, said trust funds were 18 deposited and/or maintained by Respondents AWJ and LIU in bank 19 accounts, including but not necessarily limited to Account No. 0031007410, known as the "AWJ Investment Group Inc. dba Re/Max Orange County East Escrow Division Trust Account" (hereinafter "AWJ T/A #1") at Imperial Bank located at 9777 Wilshire Boulevard, Beverly Hills, California; and Account No. 341092094, known as "AWJ Investment Group Inc. dba Re/Max Orange County East" (hereinafter "AWJ T/A #2") at El Dorado Bank located at 17752 East 17th Street, Tustin, California.

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OF CALIFORNIA 113 (REV 3.05)

Respondents AWJ and LIU acted in violation of the Code and the Regulations in that:

- As of December 31, 1998, AWJ T/A #1 had a shortage in the amount of approximately \$7,045.60. Respondents AWJ and LIU caused, permitted and/or allowed the withdrawal or disbursement of trust funds from this account without the prior written consent of every principal who then was an owner of funds in the account thereby reducing the balance of funds in the said account to an amount less than the existing aggregate trust fund liability of the broker to all owners of said trust funds, in violation of Code Section 10145 and Regulation 2832.1.
- Respondents AWJ and LIU commingled broker funds of (b) \$2,475.75 with trust funds in AWJ T/A #2 for more than 25 days in violation of Regulation 2835.
- Respondents AWJ and LIU allowed an employee who was (c) neither licensed by the Department nor covered by a fidelity bond to be a signatory on AWJ T/A #1, in violation of Regulation 2834.

13.

The conduct, acts and omissions of Respondents AWJ and LIU, as described in Paragraph 12, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	PROVISIONS VIOLATED
12 (a)	Code Section 10145 and Regulation 2832.1
12 (b)	Regulation 2835
12(c)	Regulation 2834

Each of the foregoing violations constitutes cause for the suspension or revocation of all real estate licenses and license rights of Respondents AWJ and LIU under the provisions of Code Sections 10176(e) and 10177(d).

SECOND CAUSE OF ACCUSATION

14.

On February 17, 1999, the Department concluded its examination of Respondents AFG and LIU's books and records pertaining to their activities as real estate brokers covering a period from approximately January 1, 1998, to December 31, 1998. The examination revealed violations of the Code and the Regulations as set forth below.

15.

At all times material herein, in connection with the 15 activities described in Paragraphs 8 and 9, above, Respondents AFG and LIU accepted or received trust funds from or on behalf of actual and prospective parties to transactions handled by Respondents AFG and LIU and thereafter made deposits and/or disbursements of such funds. From time to time herein mentioned, said trust funds were deposited and/or maintained by Respondents AFG and LIU in bank accounts, including but not necessarily limited to Account No. 0031007429, known as the "American F G Inc. dba American Financial Group Escrow Division Trust Account" (hereinafter "AFG T/A") at Imperial Bank located at 9777 Wilshire Boulevard, Beverly Hills, California.

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Respondents AFG and LIU acted in violation of the Code

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and the Regulations in that:

Section 10145 and Regulation 2832.1.

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 3-95) (a) As of December 31, 1998, AFG T/A had a shortage in the amount of approximately \$390.00. Respondents AFG and LIU caused, permitted and/or allowed the withdrawal or disbursement of trust funds from this account without the prior written consent of every principal who then was an owner of funds in the account thereby reducing the balance of funds in the said account to an amount less than the existing aggregate trust fund liability of the broker to all owners of said trust funds, in violation of Code

- (b) Respondent AFG conducted licensed real estate activities prior to obtaining a corporate real estate license from the Department, in violation of Code Section 10130.
- (c) Respondents AFG and LIU employed and compensated real estate salespersons not licensed to AFG, in violation of Code Section 10137.
- (d) Respondents AFG and LIU allowed an employee, who was neither licensed by the Department nor covered by a fidelity bond, to be a signatory on the AFG T/A. In addition, two real estate salespersons not licensed to AFG were also allowed to be signatories on the AFG T/A, in violation of Regulation 2834.
- (e) Respondents AFG and LIU used the unlicensed fictitious business names "American Financial" and "American Financial Group", in violation of Regulation 2731.

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The conduct, acts and omissions of Respondents AF	FG and
LIU, as described in Paragraph 16, violated the Code and th	ıe
Regulations as set forth below:	

PARAGRAPH	PROVISIONS VIOLATED
16(a)	Code Section 10145 and Regulation 2832.1
16(b)	Code Section 10130
16(c)	Code Section 10137
16(d)	Regulation 2834
16(e)	Regulation 2731

Each of the foregoing violations constitutes cause for the suspension or revocation of all real estate licenses and license rights of Respondents AFG and LIU under the provisions of Code Sections 10137 and 10177(d).

THIRD CAUSE OF ACCUSATION

18.

The conduct, acts and/or omissions of Respondents AWJ, AFG and LIU, as described in Paragraphs 12 and 16, above, independently and collectively constitute failure on the part of Respondent LIU, as the officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of Respondents AWJ and AFG as required by Code Section 10159.2 and is cause for the suspension or revocation of all real estate licenses and license rights of Respondent LIU pursuant to the provisions of Code Sections 10177(g) and 10177(h).

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COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 3-95)

WHEREFORE, Complainant prays that a hearing be conducted 1 on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all 3 licenses and/or license rights of Respondents AMERICAN F. G., INC.; 4 AWJ INVESTMENT GROUP, INC., doing business as Re/Max Orange County-East; ANTHONY C. LIU, individually and as designated officer of American F. G., Inc., and AWJ Investment Group, Inc., 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. 10 Dated at Los Angeles, California 11 this 26th day of August, 1999. 12 13 14

Deputy Real Estate Commissioner

cc: American F.G., Inc.
AWJ Investment Group, Inc.
Anthony C. Liu
Sacto.
CGT

Thomas McCrady L.A. Audits

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