

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
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FILED
AUG 30 2006
DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-32693 LA
	)	
AUTOWIN INC.; and	)	<u>STIPULATION</u>
BIRDIE M. HWANG, individually	)	<u>AND</u>
and as designated officer of	)	<u>AGREEMENT</u>
Autowin Inc.	)	
	)	
	)	
	)	
Respondents,	)	
	)	
	)	
	)	

It is hereby stipulated by and between Respondents
AUTOWIN INC. a corporate real estate broker, and BIRDIE M. HWANG,
individually and as designated officer of Autowin Inc. (sometimes
collectively referred to as "Respondents"), and the Complainant,
acting by and through Elliott Mac Lennan, Counsel for the
Department of Real Estate, as follows for the purpose of settling
and disposing of the Accusation ("Accusation") filed on April 17,
2006, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act ("APA"), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. Respondents timely filed a Notice of Defense
13 pursuant to Section 11506 of the Government Code for the purpose
14 of requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notice of
16 Defense. Respondents acknowledge that they understand that by
17 withdrawing said Notice of Defense they thereby waive their right
18 to require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that they will waive other rights
21 afforded to them in connection with the hearing such as the right
22 to present evidence in their defense the right to cross-examine
23 witnesses.
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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation. In the interest of
3 expedience and economy, Respondents choose not to contest these
4 allegations, but to remain silent and understand that, as a
5 result thereof, these factual allegations, without being admitted
6 or denied, will serve as a prima facie basis for the disciplinary
7 action stipulated to herein. The Real Estate Commissioner shall
8 not be required to provide further evidence to prove said factual
9 allegations.

10 5. This Stipulation and Respondents' decision not to
11 contest the Accusation is made for the purpose of reaching an
12 agreed disposition of this proceeding and is expressly limited to
13 this proceeding and any other proceeding or case in which the
14 Department of Real Estate ("Department"), the state or federal
15 government, or any agency of this state, another state or federal
16 government is involved, and otherwise shall not be admissible in
17 any other criminal or civil proceedings.
18

19 6. It is understood by the parties that the Real
20 Estate Commissioner may adopt this Stipulation as his Decision in
21 this matter thereby imposing the penalty and sanctions on
22 Respondents' real estate licenses and license rights as set forth
23 in the "Order" herein below. In the event that the Commissioner
24 in his discretion does not adopt the Stipulation, it shall be
25 void and of no effect and Respondents shall retain the right to a
26 hearing and proceeding on the Accusation under the provisions of
27

1 the APA and shall not be bound by any stipulation or waiver made
2 herein.

3 7. The Order or any subsequent Order of the Real
4 Estate Commissioner made pursuant to this Stipulation shall not
5 constitute an estoppel, merger or bar to any further
6 administrative or civil proceedings by the Department of Real
7 Estate with respect to any matters which were not specifically
8 alleged to be causes for Accusation in this proceeding but do
9 constitute a bar, estoppel and merger as to any allegations
10 actually contained in the Accusations against Respondents herein.
11

12 8. Respondents understand that by agreeing to this
13 Stipulation, Respondents agree to pay, pursuant to Business and
14 Professions Code Section 10148, the cost of audit which led to
15 this disciplinary action. The total amount of said cost for the
16 audit is \$9,874.34 (Autowin Inc. LA030390/LA030391-\$5,965.59)
17 (Birdie Hwang LA030363 - \$3,908.75)

18 9. Respondents have received, read, and understand the
19 "Notice Concerning Costs of Subsequent Audit". Respondents
20 further understand that by agreeing to this Stipulation, the
21 findings set forth below in the Determination of Issues become
22 final, and the Commissioner may charge Respondents for the cost
23 of any subsequent audit conducted pursuant to Business and
24 Professions Code Section 10148 to determine if the violations
25 have been corrected. The maximum cost of the subsequent audit
26 will not exceed \$9,874.34.
27

DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following determination of issues shall be made:

I.

The conduct, acts or omissions of AUTOWIN INC. and BIRDIE M. HWANG, with respect to the Autowin Inc. audit (LA 030390/LA030391), as described in Paragraph 4, above, is in violation of Sections 10145, 10159.2 and 10240 of the Business and Professions Code ("Code") and Sections 2725, 2831, 2831.1, 2831.2, 2832, 2835, 2840 and 2950(d) of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and is a basis for the suspension or revocation of Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code Sections 10177(d), 10177(g) and 10177(h).

II.

The conduct, acts or omissions of BIRDIE M. HWANG, with respect to the California Capital Real Estate audit (LA030363), as described in Paragraph 4, above, is in violation of Sections 10145 and 10160 of the Code and Regulations 2753, 2831, 2831.2, 2832, 2834, 2835, 2950(d) and 2950(h) and is a basis for the suspension or revocation of Respondent's license and license rights as a violation of the Real Estate Law pursuant to Code Sections 10177(d) and 10177(g).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent
AUTOWIN INC. are revoked.

II.

All licenses and licensing rights of Respondent BIRDIE
M. HWANG under the Real Estate Law are suspended for a period of
ninety (90) days from the effective date of this Decision;
provided, however, that if Respondent requests, the initial
thirty (30) days of said suspension (or a portion thereof) shall
be stayed upon condition that:

A. 1. Respondent pays a monetary penalty pursuant to
Section 10175.2 of the Business and Professions Code of \$1,500
(at the rate of \$50.00 per day for each day of the suspension)
for a total monetary penalty of \$1,500.

2. Said payment shall be in the form of a cashier's
check or certified check made payable to the Recovery Account of
the Real Estate Fund. Said check must be received by the
Department prior to the effective date of the Decision in this
matter.

3. No further cause for disciplinary action against
the real estate licenses of Respondent occurs within two (2)
years from the effective date of the Decision in this matter.

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1 4. If Respondent fails to pay the monetary penalty in
2 accordance with the terms of the Decision, the Commissioner may,
3 without a hearing, order the immediate execution of all or any
4 part of the stayed suspension, in which event the Respondent
5 shall not be entitled to any repayment nor credit, prorated or
6 otherwise, for money paid to the Department under the terms of
7 this Decision.

8 5. If Respondent pays the monetary penalty and if no
9 further cause for disciplinary action against the real estate
10 license of Respondent occurs within two (2) years from the
11 effective date of the Decision, the stay hereby granted shall
12 become permanent

13 B.1. The remaining sixty (60) days of the ninety (90)
14 day suspension shall be stayed for two (2) years upon the
15 following terms and conditions:

16 2. Respondent shall obey all laws, rules and
17 regulations governing the rights, duties and responsibilities of
18 a real estate licensee in the State of California; and
19

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

2 III.

3 Pursuant to Section 10148 of the Business and
4 Professions Code, Respondent BIRDIE M. HWANG shall pay the
5 Commissioner's reasonable cost for (a) the audits which led to
6 this disciplinary action including the Autowin Inc. audit and the
7 Birdie M. Hwang dba California Capital Real Estate audit (b) a
8 subsequent audit to determine if Respondent is now in compliance
9 with the Real Estate Law. The total cost of the audits which led
10 to this disciplinary action is \$9,874.34. In calculating the
11 amount of the Commissioner's reasonable cost, the Commissioner
12 may use the estimated average hourly salary for all persons
13 performing audits of real estate brokers, and shall include an
14 allocation for travel time to and from the auditor's place of
15 work. Said amount for the subsequent audit of California Capital
16 Real Estate shall not exceed \$3,908.75.

17
18 Respondents shall pay such cost within 60 days of
19 receiving an invoice from the Commissioner detailing the
20 activities performed during the audit and the amount of time
21 spent performing those activities.

22 The Commissioner may suspend the license of Respondents
23 pending a hearing held in accordance with Section 11500, et seq.,
24 of the Government Code, if payment is not timely made as provided
25 for herein, or as provided for in a subsequent agreement between
26 the Respondent and the Commissioner. The suspension shall remain
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1 in effect until payment is made in full or until Respondents
2 enter into an agreement satisfactory to the Commissioner to
3 provide for payment, or until a decision providing otherwise is
4 adopted following a hearing held pursuant to this condition.

5 IV.

6 Respondent BIRDIE M. HWANG shall, within nine (9)
7 months from the effective date of this Decision, present evidence
8 satisfactory to the Real Estate Commissioner that Respondent has,
9 since the most recent issuance of an original or renewal real
10 estate license, taken and successfully completed the continuing
11 education requirements of Article 2.5 of Chapter 3 of the Real
12 Estate Law for renewal of a real estate license. If Respondent
13 fails to satisfy this condition, the Commissioner may order the
14 suspension of Respondent's license until the Respondent presents
15 such evidence. The Commissioner shall afford Respondent the
16 opportunity for a hearing pursuant to the Administrative
17 Procedure Act to present such evidence.

19 V.

20 Respondent BIRDIE M. HWANG shall within six (6) months
21 from the effective date of the Decision herein, take and pass the
22 Professional Responsibility Examination administered by the
23 Department including the payment of the appropriate examination
24 fee. If Respondent fails to satisfy this condition, the
25 Commissioner may order suspension of Respondent's license until
26 Respondent passes the examination.

VI.

All licenses and licensing rights of Respondent BIRDIE M. HWANG are indefinitely suspended unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

DATED: 4-26-06

ELL
ELLIOTT MAC LENNAN, Counsel for
the Department of Real Estate

* * *

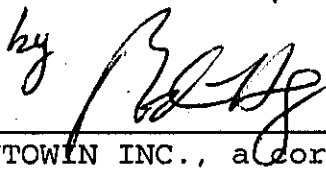
EXECUTION OF THE STIPULATION

We have read the Stipulation. 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

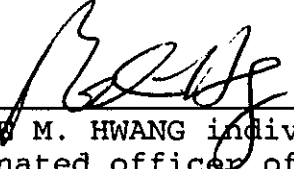
1 would have the right to cross-examine witnesses against us and to
2 present evidence in defense and mitigation of the charges.

3 Respondents can signify acceptance and approval of the
4 terms and conditions of this Stipulation by faxing a copy of its
5 signature page, as actually signed by Respondents, to the
6 Department at the following telephone/fax number: Elliott Mac
7 Lennan at (213) 576-6917. Respondents agree, acknowledge and
8 understand that by electronically sending to the Department a fax
9 copy of Respondents' actual signature as they appear on the
10 Stipulation, that receipt of the faxed copy by the Department
11 shall be as binding on Respondents as if the Department had
12 received the original signed Stipulation.

13
14
15 DATED: 6/15/06

by 
AUTOWIN INC., a corporate real
estate broker,
BY: BIRDIE M. HWANG, D.O.,
Respondent

16
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18
19 DATED: 6/15/06


BIRDIE M. HWANG individually and as
designated officer of Autowin Inc.,
Respondent

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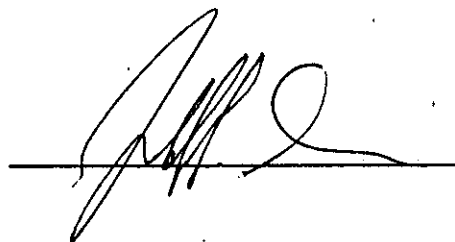
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1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision as to Respondents AUTOWIN INC. and BIRDIE
3 M. HWANG, individually and as designated officer of Autowin Inc.
4 and shall become effective at 12 o'clock noon on
5 SEP 29, 2006.
6

7 IT IS SO ORDERED 8-15, 2006.

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9 JEFF DAVI
10 Real Estate Commissioner

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1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

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6 -or- (213) 576-6982 (office)

FILED
APR 17 2006
DEPARTMENT OF REAL ESTATE

By H. M. de la Haza

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-32693 LA

12 AUTOWIN INC. doing business)
13 as Living Water Funding,)
14 and BIRDIE M. HWANG,)
15 individually and as)
16 designated officer of)
17 Autowin Inc.,)

A C C U S A T I O N

18 Respondents.)

19 The Complainant, Maria Suarez, Deputy Real Estate
20 Commissioner of the State of California, for cause of Accusation
21 against AUTOWIN INC. doing business as Living Water Funding and
22 BIRDIE M. HWANG, individually and as designated officer of
23 Autowin Inc., alleges as follows:

24 1.

25 The Complainant, Maria Suarez, acting in her official
26 capacity as a Deputy Real Estate Commissioner of the State of
27 California, makes this Accusation against AUTOWIN INC.

1 ("AUTOWIN") and BIRDIE M. HWANG ("HWANG") individually and as
2 designated officer of AUTOWIN INC.

3 2.

4 All references to the "Code" are to the California
5 Business and Professions Code and all references to "Regulations"
6 are to Title 10, Chapter 6, California Code of Regulations.

7 LICENSE HISTORY

8 3.

9 A. At all times mentioned, AUTOWIN was licensed or had
10 license rights issued by the Department of Real Estate
11 ("Department") as a real estate broker. On November 23, 1996,
12 AUTOWIN was originally licensed as a corporate real estate
13 broker.

14
15 B. At all times mentioned, HWANG was licensed or had
16 license rights issued by the Department of Real Estate
17 (Department) as a real estate broker. On April 12, 1985, HWANG
18 was licensed as a real estate broker. At all times mentioned
19 below in Paragraph 5, HWANG was the designated officer of
20 AUTOWIN.

21 4.

22 At all times mentioned, in the City of Tustin, County
23 of Orange, AUTOWIN acted as a real estate broker and conducted
24 licensed activities within the meaning of:

25 A. Code Section 10131(d). AUTOWIN operated a mortgage
26 and loan brokerage; and
27

1 B. In addition, AUTOWIN conducted broker-controlled
2 escrows through its escrow division under the exemption set forth
3 in Section 17006(a)(4) of the California Financial Code for real
4 estate brokers performing escrows incidental to a real estate
5 transaction where the broker is a party and where the broker is
6 performing acts for which a real estate license is required.

7 FIRST CAUSE OF ACCUSATION

8 AUTOWIN INC.

9 (Audit Report LA 030390 & LA 030391)

10 5.

11 On July 6, 2004, the Department completed an audit
12 examination of the books and records of AUTOWIN pertaining to the
13 mortgage loan and broker-escrow activities described in Paragraph
14 4, that require a real estate license. The audit examination
15 covered a period of time beginning on March 1, 2003 to March 17,
16 2004. The audit examination revealed violations of the Code and
17 the Regulations as set forth in the following paragraphs, and
18 more fully discussed in Audit Reports LA030390 & LA 030391 and
19 the exhibits and workpapers attached to said audit reports.
20

21 6.

22 At all times mentioned, in connection with the
23 activities described in Paragraphs 4 and 5, above, AUTOWIN
24 accepted or received funds in trust (trust funds) from or on
25 behalf borrowers and lenders and escrow holders, and thereafter
26 made disposition of such funds. Respondent AUTOWIN maintained
27

1 the following bank accounts during the audit period into which
2 were deposited certain of these funds at:

3 "Autowin Inc. dba Living Water Funding ("escrow bank account")
4 Account No. 0425-660354"
5 Wells Fargo Bank
6 Tustin, California

7 7.

8 With respect to the activities referred to in
9 Paragraphs 4, 5 and 6, and during the examination period
10 described in Paragraph 6, it is alleged that AUTOWIN and HWANG:

11 (a) Failed to maintain a control record in the form of
12 a columnar record in chronological order of all trust funds
13 received, deposited and/or disbursed for the escrow bank account,
14 as required by Code Section 10145 and Regulations 2831, 2950(d)
15 and 2951.

16 (b) Failed to maintain a separate record for each
17 beneficiary or transaction thereby failing to account for all
18 trust funds received, deposited and/or disbursed in the escrow
19 bank account, as required by Code Section 10145 and Regulations
20 2831.1, 2950(d) and 2951.

21 (c) Failed to perform a monthly reconciliation of the
22 balance of all separate beneficiary or transaction records
23 maintained pursuant to Regulation 2831.1 with the control record
24 of all trust funds received and disbursed by the escrow bank
25 account, as required by Regulation 2831, in violation of Code
26 Section 10145 and Regulations 2831.2, 2950(d) and 2951.
27

1 (d) Failed to place trust funds, accepted on behalf of
2 another into the hands of the owner of the funds, a neutral
3 escrow depository or into a trust fund account in the name of the
4 trustee at a bank or other financial institution not later than
5 three business days following receipt of the funds by the broker
6 or by the broker's salesperson, as required by Code Section 10145
7 and Regulations 2832, 2950(d), 2950(f) and 2951.

8 (e) Accumulated broker commissions remained in the
9 escrow bank account where said commissions had been deposited
10 between December 2003 and March 17, 2004. These commissions were
11 therefore not disbursed from the escrow bank account within
12 twenty-five (25) days of deposit, as required by Code Section
13 10145 and Regulations 2835, 2950(d) and 2951.

14 (f) Mixed and commingled trust funds and personal funds
15 by depositing trust funds into the escrow bank account, which is
16 AUTOWIN's general account, from AUTOWIN's in-house escrow
17 company. Additionally, AUTOWIN paid personal expenses and
18 miscellaneous office expenses from it escrow bank account which
19 contained trust funds on deposit, in violation of Code Sections
20 10145, 10176(e) and 10176(i) and Regulations 2950(d), 2950(g) and
21 2951.
22

23 (g) Failed to disclose in writing to all parties of its
24 financial interest and ownership of AUTOWIN's in-house escrow
25 company for borrowers Dorantes, Chang, Mei Chang, Oklander,
26
27

1 Trejo, Chen, Dao and Chen, as required by Code Section 10145 and
2 Regulation 2950(h).

3 (h) Failed to provide/maintain a true and correct copy
4 of a Department of Real Estate approved Mortgage Loan Disclosure
5 Statement signed by the broker for borrowers Dorantes, Oklander,
6 Trejo, Chen, Dao and Chen, as required by Code Section 10240 and
7 Regulation 2840; and

8 8.

9 The conduct of Respondent AUTOWIN and HWANG, described
10 in Paragraph 7, above, violated the Code and the Regulations as
11 set forth below:

12 PARAGRAPH

13 PROVISIONS VIOLATED

14 7(a)

15 Code Section 10145 and Regulations
16 2831, 2950(d) and 2951

17 7(b)

18 Code Section 10145 and Regulations
19 2831.1, 2950(d) and 2951

20 7(c)

21 Code Section 10145 and Regulations
22 2831.2, 2950(d) and 2951

23 7(d)

24 Code Section 10145 and Regulations
25 2832, 2950(d), 2950(f) and 2951
26
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1	7(e)	Code Section 10145 and Regulations
2		2835, 2950(d) and 2951
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4	7(f)	Code Sections 10145, 10176(e) and
5		10176(i) and Regulations 2950(d),
6		2950(g) and 2951
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8	7(g)	Code Section 10145 and Regulation
9		2950(h)
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11	7(h)	Code Section 10240 and Regulation
12		2840
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15	The foregoing violations constitutes cause for the suspension or	
16	revocation of the real estate license and license rights of	
17	AUTOWIN and HWANG under the provisions of Code Sections 10176(e),	
18	10176(i), 10177(d) and/or 10177(g).	
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1
2 SECOND CAUSE OF ACCUSATION

3 BIRDIE HWANG

4 (Audit Report LA 030363)

5 9.

6 At all times mentioned, in the City of Tustin, County
7 of Orange, HWANG acted as a real estate broker and conducted
8 licensed activities within the meaning of:

9 A. Code Section 10131(a). HWANG dba California
10 Capital Real Estate operated a residential resale broker; and

11 B. In addition, HWANG conducted broker-controlled
12 escrows through her escrow division under the exemption set forth
13 in Section 17006(a)(4) of the California Financial Code for real
14 estate brokers performing escrows incidental to a real estate
15 transaction where the broker is a party and where the broker is
16 performing acts for which a real estate license is required.
17

18 10.

19 On July 16, 2004, the Department completed an audit
20 examination of the books and records of BIRDIE HWANG dba
21 California Capital Real Estate pertaining to the residential
22 resale and broker-escrow activities described in Paragraph 4,
23 that require a real estate license. The audit examination
24 covered a period of time beginning on April 1, 2003 to March 31,
25 2004. The audit examination revealed violations of the Code and
26 the Regulations as set forth in the following paragraphs, and
27

1 more fully discussed in Audit Report LA 030363 and the exhibits
2 and workpapers attached to said audit reports.

3 11.

4 At all times mentioned, in connection with the
5 activities described in Paragraphs 9 and 10, above, HWANG
6 accepted or received funds in trust (trust funds) from or on
7 behalf purchasers and sellers and escrow holders, and thereafter
8 made disposition of such funds. Respondent HWANG maintained the
9 following bank accounts during the audit period into which were
10 deposited certain of these funds at:

11
12 "California Capital Real Estate Trust Account")
13 ("escrow bank account")
14 Account No. 080-1459694"
Wells Fargo Bank
Tustin, California

15
16 12.

17 With respect to the activities referred to in
18 Paragraphs 9 and 11, and during the examination period described
19 in Paragraph 10, it is alleged that HWANG:

20 (a) Failed to maintain a control record in the form of
21 a columnar record in chronological order of all trust funds
22 received, deposited and/or disbursed for the escrow bank account,
23 as required by Code Section 10145 and Regulations 2831, 2950(d)
24 and 2951.

25 (b) Failed to maintain a separate record for each
26 beneficiary or transaction thereby failing to account for all
27

1 trust funds received, deposited and/or disbursed in the escrow
2 bank account, as required by Code Section 10145 and Regulations
3 2831.1, 2950(d) and 2951.

4 (c) Failed to perform a monthly reconciliation of the
5 balance of all separate beneficiary or transaction records
6 maintained pursuant to Regulation 2831.1 with the control record
7 of all trust funds received and disbursed by the escrow bank
8 account, as required by Regulation 2831, in violation of Code
9 Section 10145 and Regulations 2831.2, 2950(d) and 2951.

10 (d) While acting in the capacity of an escrow holder,
11 HWANG failed to place trust funds, accepted on behalf of another
12 into the hands of the owner of the funds, a neutral escrow
13 depository or into a trust fund account in the name of the broker
14 at a bank or other financial institution not later than the next
15 business day following receipt of the funds by the broker or by
16 the broker's salesperson, as required by Code Section 10145, and
17 Regulations 2832(e) and 2950(e).
18

19 (e) Permitted the withdrawal of trust funds from the
20 bank account by person, Ivan Hwang, husband of HWANG, who was
21 neither licensed by the Department nor bonded in an amount equal
22 to or greater than the amount of bank funds subject to withdrawal
23 by said person(s), in violation of Code Section 10145 and
24 Regulations 2834, 2950(d) and 2951.

25 (f) Accumulated broker commissions remained in the
26 escrow bank account where said commissions had been deposited
27

1 between June 2003 and March 31, 2004. These commissions were
2 therefore not disbursed from the escrow bank account within
3 twenty-five (25) days of deposit, as required by Code Section
4 10145 and Regulations 2835, 2950(d) and 2951.

5 (g) Failed to disclose in writing to all parties of its
6 financial interest and ownership of HWANG's in-house escrow
7 company for borrowers Sadaghiani/Izadpanah, Numata, Hsieh and
8 Chang, as required by Code Section 10145 and Regulation 2950(h);
9 and

10 (h) Failed to retain the salesperson license
11 certificate for Peggy Chen, Hsiao-Shayang Chow, Ron Saho-Rong
12 Hsieh, Cingy WHL Lee, Chun-Chih L "Lois" Lo and Christiana Ing-
13 Lien Shih, in violation of Code Section 10160 and Regulation
14 2753.

15 13.

16
17 The conduct of Respondent HWANG, described in Paragraph
18 12, above, violated the Code and the Regulations as set forth
19 below:

20 PARAGRAPH

PROVISIONS VIOLATED

21
22 12(a)

Code Section 10145 and Regulations
23 2831, 2950(d) and 2951

24
25 12(b)

Code Section 10145 and Regulations
26 2831.1, 2950(d) and 2951
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12 (c) Code Section 10145 and Regulations
2831.2, 2950(d) and 2951

12 (d) Code Section 10145 and Regulations
2832(e) and 2950(e)

12 (e) Code Section 10145 and Regulations
2834, 2950(d) and 2951

12 (f) Code Section 10145 and Regulations
2835, 2950(d) and 2951

12 (g) Code Section 10145 and Regulation
2950(h)

12 (h) Code Section 10160 and Regulation
2753

The foregoing violations constitutes cause for the suspension or
revocation of the real estate license and license rights of
AUTOWIN under the provisions of Code Sections 10177(d) and/or
10177(g).

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1
2 THIRD CAUSE OF ACTION

3 (Negligence)

4 14.

5 The overall conduct of Respondents AUTOWIN and HWANG
6 constitutes negligence or incompetence. This conduct and
7 violation are cause for the suspension or revocation of the real
8 estate license and license rights of said Respondents pursuant to
9 Code Section 10177(g).

10 FOURTH CAUSE OF ACTION

11 (Failure to supervise)

12 15.

13 The overall conduct of HWANG constitutes a failure on
14 her part, as officer designated by a corporate broker licensee,
15 responsible for the supervision and control over the activities
16 conducted on behalf of AUTOWIN by its officers, managers and
17 employees as necessary to secure full compliance with the
18 provisions of the Real Estate Law including the supervision of
19 the salespersons licensed to the corporation in the performance
20 of acts for which a real estate license is required, in violation
21 of Code Section 10159.2 and Regulation 2725. This conduct is
22 cause for the suspension or revocation of the real estate license
23 and license rights of HWANG pursuant to the provisions of Code
24 Sections 10177(d), 10177(h) and/or 10177(g).
25

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents
5 AUTOWIN INC., and BIRDIE M. HWANG, individually and as designated
6 officer of Autowin Inc., under the Real Estate Law (Part 1 of
7 Division 4 of the Business and Professions Code) and for such
8 other and further relief as may be proper under other applicable
9 provisions of law.

10
11 Dated at Los Angeles, California

12 this 14th day of February 2006.

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15 
16 Deputy Real Estate Commissioner
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23

24 cc: Autowin Inc.
25 c/o Birdie M. Hwang D.O.
26 Maria Suarez
27 Sacto
Audits - Rolly Acuna