

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982
5 (213) 576-6910
6
7

FILED

MAY 08 2007

DEPARTMENT OF REAL ESTATE
BY: James B. Allen

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

NO. H-33496 LA

L -2006120826

12 ANDY CHANG,)

13 Respondent.)

14) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between ANDY CHANG
16 (hereinafter "Respondent") and Respondent's attorney, Frank M.
17 Buda and the Complainant, acting by and through James Demus,
18 Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation filed on
20 December 5, 2006 in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27

1 Stipulation and Agreement.

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

6 3. Respondent, pursuant to the limitations set forth
7 below, hereby admits that the factual allegations of the
8 Accusation filed in this proceeding are true and correct and the
9 Real Estate Commissioner shall not be required to provide
10 further evidence of such allegations.

11 4. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation and Agreement as
13 his Decision in this matter, thereby imposing the penalty and
14 sanctions on Respondent's real estate license and license rights
15 as set forth in the below "Order". In the event that the
16 Commissioner in his discretion does not adopt the Stipulation
17 and Agreement, it shall be void and of no effect, and Respondent
18 shall retain the right to a hearing and proceeding on the
19 Accusation under all the provisions of the APA and shall not be
20 bound by any admission or waiver made herein.

21 5. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation and
23 Agreement shall not constitute an estoppel, merger or bar to any
24 further administrative or civil proceedings by the Department of
25 Real Estate with respect to any matters which were not
26 specifically alleged to be causes for accusation in this
27 proceeding.

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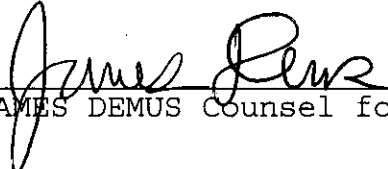
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1 2. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner on evidence satisfactory to the Commissioner that
4 Respondent has violated provisions of the California Real Estate
5 Law, the Subdivided Lands Law, Regulations of the Real Estate
6 Commissioner, or conditions attaching to this restricted
7 license.

8 3. Respondent shall not be eligible to apply for the
9 issuance of an unrestricted real estate license nor for the
10 removal of any of the conditions, limitations or restrictions
11 of a restricted license until two (2) years have elapsed from
12 the date of issuance of the restricted license to Respondent.

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

25
26 DATED: 4/2/07


JAMES DEMUS Counsel for Complainant

* * *

I have read the Stipulation and Agreement 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 allegations 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 the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 3/16/07



ANDY CHANG, Respondent

1 I have read the Stipulation and Agreement as to form and
2 content and have advised my client accordingly.

3 DATED: 3.14.07

Frank M. Buda
FRANK M. BUDA, Attorney for Respondent

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5 ***

6 I have read the Accusation filed herein and the foregoing
7 Stipulation and Waiver signed by Respondent. I am satisfied
8 that the hearing for the purpose of requiring further proof as
9 to the honesty and truthfulness of Respondent need not be called
10 and that it will not be inimical to the public interest to issue
11 a restricted real estate broker license to Respondent.

12 Therefore, IT IS HEREBY ORDERED that a restricted real
13 estate broker license be issued to Respondent, if Respondent has
14 otherwise fulfilled all of the statutory requirements for
15 licensure. The restricted license shall be limited,
16 conditioned, and restricted as specified in the foregoing
17 Stipulation and Waiver.

18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision in this matter and shall become effective
20 at 12 o'clock noon on MAY 29 2007

21 IT IS SO ORDERED

22 4-24-07
23 JEFF DAVI
24 REAL ESTATE COMMISSIONER
25 [Signature]
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FILED

DEC - 5 2006

JAMES DEMUS, Counsel (SBN 225005)
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Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6910

DEPARTMENT OF REAL ESTATE
BY: *Gaura B. Gura*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-33496 LA
ANDY CHANG,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ANDY CHANG, a.k.a. Andy Hack Hyon Chang, ("Respondent") alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the

1 California Business and Professions Code ("Code"), as a real
2 estate broker.

3 3.

4 On or about January 18, 2006 in the Superior Court of
5 California, County of Orange, West Justice Center, in case no.
6 05WM09392, Respondent was convicted of violating California
7 Vehicle Code 20002(a) (Hit and Run with Property Damage), a
8 misdemeanor. The underlying facts of this crime involve moral
9 turpitude, which bears a substantial relationship under Section
10 2910, Title 10, Chapter 6, California Code of Regulations to the
11 qualifications, functions or duties of a real estate licensee.

12 4.

13 The crime of which Respondent was convicted, as
14 described in Paragraph 3 above, constitutes cause under Sections
15 490 and/ or 10177(b) of the Code for the suspension or
16 revocation of the license and license rights of Respondent under
17 the Real Estate Law.

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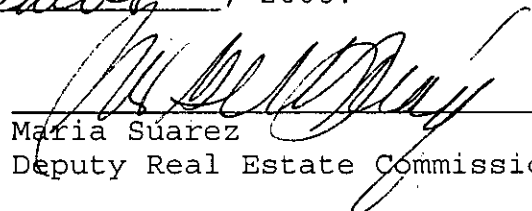
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, ANDY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

9 Dated at Los Angeles, California

10 this 29th day of November, 2006.

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12 
13 Maria Suarez
14 Deputy Real Estate Commissioner
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26 cc: ANDY CHANG
27 Maria Suarez
Sacto.