

SACTO Flag

FILED

1 Department of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013-1105

SEP 23 2010

DEPARTMENT OF REAL ESTATE
BY: Paul B. Olson

3
4 (213) 576-6910

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation)	NO. H-36553 LA
)	
12 YVETTE F HWANG,)	<u>STIPULATION AND AGREEMENT</u>
)	
13 Respondent.)	
)	
)	

15
16 It is hereby stipulated by and between YVETTE F HWANG,
17 and the Complainant, acting by and through James A. Demus,
18 Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation in this
20 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 Stipulation and Agreement (Stipulation).

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

5 3. Respondent filed a Notice of Defense pursuant to
6 Section 11506 of the Government Code for the purpose of
7 requesting a hearing on the allegations in the Accusation.
8 Respondent hereby freely and voluntarily withdraws said Notice of
9 Defense. Respondent acknowledges that she understands that by
10 withdrawing said Notice of Defense she thereby waives her right
11 to require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 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 her defense and the right to cross-examine
16 witnesses.

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation. In the interest of
19 expedience and economy, Respondent chooses not to contest these
20 allegations, but to remain silent and understand that, as a
21 result thereof, these factual allegations, without being admitted
22 or denied, will serve as a prima facie basis for the disciplinary
23 action stipulated to herein. The Real Estate Commissioner shall
24 not be required to provide further evidence to prove said factual
25 allegations.

26 5. This Stipulation is based on Respondent's decision
27 not to contest the allegations set forth in the Accusation as a

1 result of the agreement negotiated between the parties. This
2 Stipulation is expressly limited to this proceeding and any
3 further proceeding initiated by or brought before the Department
4 of Real Estate based upon the factual allegations in the
5 Accusation and is made for the sole purpose of reaching an agreed
6 disposition of this proceeding. The decision of Respondent not
7 to contest the allegations contained in the "Order" herein below,
8 is made solely for the purpose of effectuating this Stipulation.
9 It is the intent and understanding of the parties that this
10 Stipulation shall not be binding or admissible against Respondent
11 in any actions against Respondent by third parties.

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

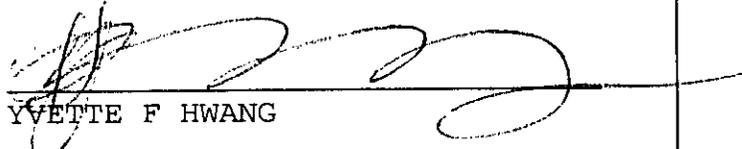
22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any matters which were not specifically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

1 prove the allegations in the Accusation at a hearing at which I
2 would have the right to cross-examine witnesses against me and to
3 present evidence in defense and mitigation of the charges.

4
5 FACSIMILE TRANSMISSION

6 Respondent can signify acceptance and approval of the
7 terms and conditions of this Stipulation and Agreement by faxing
8 a copy of its signature page, as actually signed by Respondent,
9 to the Department at the following telephone/fax number:
10 Attention: James A. Demus at (213) 576-6917. Respondent agrees,
11 acknowledges and understands that by electronically sending to
12 the Department a fax copy of Respondent's actual signature as it
13 appears on the Stipulation and Agreement, that receipt of the
14 faxed copy by the Department shall be as binding on Respondent as
15 if the Department had received the original signed Stipulation
16 and Agreement.

17
18 DATED: 5/5/10


YVETTE F HWANG

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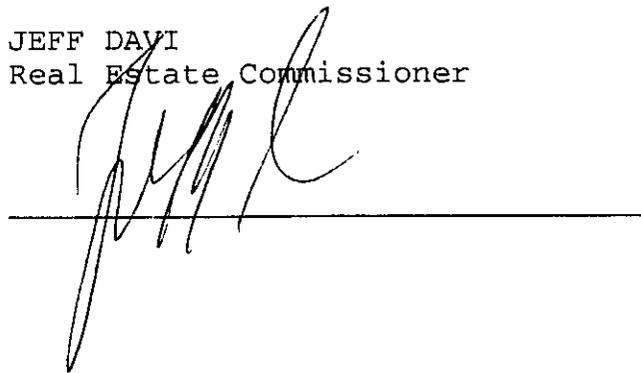
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o' clock
noon on OCT 13 2010, 2010.

IT IS SO ORDERED S/10, 2010.

JEFF DAVI
Real Estate Commissioner



1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013

5 (213) 576-6982
6 (213) 576-6910 (direct)

FILED

MAR 27 2010

DEPARTMENT OF REAL ESTATE

By H. Contreras

7
8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-36553 LA
13 YVETTE F HWANG,)
14 Respondent.)
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27)

15 The Complainant, Robin Trujillo, a Deputy Real Estate
16 Commissioner of the State of California, for cause of
17 Accusation against YVETTE F HWANG, is informed and alleges as
18 follows:
19

20 1.

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in her official capacity.
24

25 2.

26 Respondent YVETTE F HWANG (hereinafter "Respondent")
27 is presently licensed and/or has license rights under the Real

1 Estate Law (Part 1 of Division 4 of the Business and
2 Professions Code, hereinafter "Code") as a real estate broker.
3 Respondent was originally licensed as a real estate broker by
4 the Department of Real Estate (hereinafter "Department") on or
5 about November 21, 2007.

6
7 3.

8 The current business address maintained by Respondent
9 with the Department is 1005 E. Las Tunas Drive, Suite 234, San
10 Gabriel, CA, 91776. Respondent does not maintain an office at
11 this address nor has Respondent informed the Real Estate
12 Commissioner of any new address.

13
14 4.

15 The business address set forth in Paragraph 3 above
16 is for a mailbox at a postal store. Respondent's business
17 address is not a place where her license is displayed or where
18 personal consultations can be held with clients. Respondent's
19 failure to maintain a place of business is in violation Code
20 Section 10162 and Section 2715 of Title 10, Chapter 6,
21 California Code of Regulations.

22
23 5.

24 The conduct, acts and/or omissions of Respondent, as
25 set forth above, is cause for the suspension or revocation of
26 the licenses and license rights of Respondent pursuant to Code
27 Sections 10165, 10177(d), and/or 10177(g).

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 YVETTE F HWANG under the Real Estate Law, and for
6 such other and further relief as may be proper under other
7 applicable provisions of law.

8 Dated at Los Angeles, California

9 this 2 day of March, 2010
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14 Robin Trujillo
15 Deputy Real Estate Commissioner
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25 cc: YVETTE F HWANG
26 Robin Trujillo
27 Sacto.