

FILED

DEC 13 2010

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105
3 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

10 *In the Matter of the Application of*

11 JIE XUAN LUO,

13 Respondent

)
) No. H-36818 LA
)
)

) **STIPULATION AND**
) **WAIVER**
)
)

14
15 : It is hereby stipulated by and between JIE XUAN LUO (hereinafter "Respondent") and Respondent's
16 attorney, Jonathan K. Golden, and the Complainant, acting by and through James A. Demus, Counsel for the
17 Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues
18 filed on September 23, 2010 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance to
3 Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real estate
6 salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver
11 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver
13 is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach to
15 a restricted license issued by the Department of Real Estate pursuant hereto:

16 1. The license shall not confer any property right in the privileges to be exercised including the right
17 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
18 exercise any privileges granted under this restricted license in the event of:

19 a. Respondent's conviction (including a plea of nolo contendere) of a crime which bears a
20 substantial relationship to Respondent's fitness or capacity as a real estate licensee; or

21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.

24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
25 the removal of any of the conditions, limitations, or restrictions attaching to the restricted license
26 until two years have elapsed from the date of issuance of the restricted license to Respondent.

1 3. With the application for license, or with the application for transfer to a new employing broker,

2 Respondent shall submit a statement signed by the prospective employing broker on a form
3 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and

6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts for
8 which a license is required.

9 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a

10 certified letter to the Commissioner at the Department of Real Estate, Post Office Box 187000,
11 Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's arrest, the crime
12 for which Respondent was arrested and the name and address of the arresting law enforcement
13 agency. Respondent's failure to timely file written notice shall constitute an independent
14 violation of the terms of the restricted license and shall be grounds for the suspension or
15 revocation of that license.

16 11/16/10
Dated

James A. Demus
James A. Demus, Counsel, Department of Real Estate

17 * * *

18
19 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood
20 by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
21 California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and
22 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including
23 the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses
24 against me and to present evidence in defense and mitigation of the charges.

25 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
26 Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax
27

1 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to
2 the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of
3 the faxed copy by the Department shall be as binding on Respondent as if the Department had received the
4 original signed Stipulation and Waiver.

5 10-10-2010

6 Dated

7 Jie Xuan Luo
8 JIE XUAN LUO, Respondent

9 *I have reviewed the Stipulation and Waiver as to form and content and have advised my client*
10 *accordingly.*

11 Nov. 10, 2010

12 Dated

13 Jonathan K. Golden
14 Jonathan K. Golden, Attorney for Respondent

15 * * *

16 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
17 Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
18 truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a
19 restricted real estate salesperson license to Respondent.

20 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
21 Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The
22 restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and
23 Waiver.

24 This Order is effective immediately.

25 IT IS SO ORDERED

26 12/1/2010
27
28 Jeff Daxi
29 Real Estate Commissioner

SACTO Flag

1 JAMES DEMUS, Counsel (SBN 225005)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5
6 Telephone: (213) 576-6982
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FILED

SEP 23 2010

DEPARTMENT OF REAL ESTATE
BY: Jane B. [Signature]

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Application of) NO. H-36818 LA
13 JIE XUAN LUO,) STATEMENT OF ISSUES
14 Respondent.)
15

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against JIE XUAN LUO, ("Respondent"), is informed and alleges in
19 her official capacity as follows:

20 1.

21 On or about April 14, 2009, Respondent made
22 application to the Department of Real Estate of the State of
23 California for a real estate salesperson license.

24 2.

25 On or about September 22, 2005, Respondent was
26 convicted in the Superior Court of California, County of Los
27 Angeles, Case No. 5GL03305, for violating California Penal Code

1 Section 487(a) (grand theft of personal property), a
2 misdemeanor. Said crime bears a substantial relationship under
3 Section 2910, Title 10, Chapter 6, California Code of
4 Regulations, to the qualifications, functions or duties of a
5 real estate licensee.

6 3.

7 The crime of which Respondent was convicted, as
8 alleged in Paragraph 2 above, constitutes cause for denial of
9 Respondent's application for a real estate license under
10 Business and Professions Code Sections 475(a)(2), 480(a) and
11 10177(b).

12 These proceedings are brought under the provisions of
13 Section 10100, Division 4 of the Business and Professions Code
14 of the State of California and Sections 11500 through 11528 of
15 the California Government Code.

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WHEREFORE, the Complainant prays that the above-entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, JIE XUAN LUO, and for such other and further relief as may be proper in the premises.

Dated at Los Angeles, California
this 3 day of June, 2010.



Robin Trujillo
Deputy Real Estate Commissioner

cc: Jie Xuan Luo
Robin Trujillo
Sacto.