

facto
guy

Department of Real Estate
320 W. 4th St., Room 350
Los Angeles, California 90013

Telephone: (213) 576-6982

FILED

APR 30 2013

DEPARTMENT OF REAL ESTATE

BY: *K. Hersholt*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-38016 LA
)	L-2012 040 773
)	
INTERSTATE LENDING)	
GROUP, INC.;)	
and <u>MARK YOU</u>)	<u>STIPULATION AND AGREEMENT</u>
individually and as)	
designated officer of)	
Interstate Lending)	
Group, Inc.,)	
)	
Respondents.)	

It is hereby stipulated by and between MARK YOU
(sometimes referred to as Respondent), and his attorney, Frank
M. Buda, and the Complainant, acting by and through James R.
Peel, Counsel for the Department of Real Estate, as follows for
the purpose of settling and disposing of the Accusation filed on
April 3, 2012, in this matter.

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

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Department of Real Estate in this proceeding.

12 3. On April 9, 2012, Respondent filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondent hereby freely and voluntarily withdraws
16 said Notice of Defense. Respondent acknowledges that he
17 understands that by withdrawing said Notice of Defense he will
18 thereby waive his rights to require the Commissioner to prove
19 the allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that he will waive
21 other rights afforded to him in connection with the hearing such
22 as the right to present evidence in defense of the allegations
23 in the Accusation and the right to cross-examine witnesses.
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2 4. This Stipulation is based on the factual
3 allegations contained in the Accusation filed in this
4 proceeding. In the interest of expedience and economy,
5 Respondent chooses not to contest these factual allegations, but
6 to remain silent and understands that, as a result thereof,
7 these factual statements, will serve as a prima facie basis for
8 the disciplinary action stipulated to herein. The Real Estate
9 Commissioner shall not be required to provide further evidence
10 to prove such allegations.

11 5. This Stipulation is made for the purpose of
12 reaching an agreed disposition of this proceeding and is
13 expressly limited to this proceeding and any other proceeding or
14 case in which the Department of Real Estate ("Department"), the
15 state or federal government, or an agency of this state, another
16 state or the federal government is involved.

17
18 6. It is understood by the parties that the Real
19 Estate Commissioner may adopt the Stipulation as his decision
20 in this matter thereby imposing the penalty and sanctions on
21 Respondent's real estate licenses and license rights as set
22 forth in the below "Order". In the event that the Commissioner
23 in his discretion does not adopt the Stipulation, the
24 Stipulation shall be void and of no effect, and Respondent shall
25 retain the right to a hearing and proceeding on the Accusation
26 under all the provisions of the APA and shall not be bound by
27 any stipulation or waiver made herein.

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2 7. The Order or any subsequent Order of the Real
3 Estate Commissioner made pursuant to this Stipulation shall not
4 constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department of Real
6 Estate with respect to any conduct which was not specifically
7 alleged to be causes for accusation in this proceeding.

8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations and waivers
10 and solely for the purpose of settlement of the pending
11 Accusation, it is stipulated and agreed that the following
12 determination of issues shall be made:

13 I

14 The conduct, acts and/or omissions of Respondent
15 MARK YOU as set forth in the Accusation, constitute cause for
16 the suspension or revocation of all of the real estate licenses
17 and license rights of Respondent under the provisions of Section
18 10177(g) of the Business and Professions Code ("Code").
19

20 ORDER

21 All licenses and licensing rights of Respondent MARK
22 YOU under the Real Estate Law are suspended for a period of
23 thirty days from the effective date of this Decision.

24 1. Provided, however, that 30 days of said suspension
25 shall be stayed for two (2) years, upon the following terms and
26 conditions:
27

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

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

12 c. Respondent shall, within six months from the
13 effective date of this Decision, take and pass the Professional
14 Responsibility Examination administered by the Department
15 including the payment of the appropriate examination fee. If
16 Respondent fails to satisfy this condition, the Commissioner may
17 order suspension of Respondent's license until Respondent passes
18 the examination.

19 d. All licenses and licensing rights of Respondent
20 MARK YOU are indefinitely suspended unless or until Respondent
21 provides proof satisfactory to the Commissioner, of having taken
22 and successfully completed the continuing education course on
23 trust fund accounting and handling specified in paragraph (3) of
24 subdivision (a) of Section 10170.5 of the Business and
25 Professions Code. Proof of satisfaction of this requirement
26 includes that respondent has successfully completed the trust
27

1 fund account and handling continuing education course within 120
2 days prior to the effective date of the Decision in this matter.

3 e. All licenses and licensing rights of Respondent

4 MARK YOU are indefinitely suspended unless and until he pays
5 \$1,070 and \$8,200 to Keun Kyu Yoo and Mi Sook Yoo, and submits
6 proof to the Department of Real Estate. All such proof shall be
7 submitted to Real Estate Counsel James Peel, Department of Real
8 Estate, 320 W. Fourth St., Room 350, Los Angeles, California
9 90013.

10 f. Respondent understands that by agreeing to this

11 Stipulation and Agreement, Respondent agrees to pay, pursuant to
12 Section 10106 of the California Business and Professions Code
13 (Code), the cost of the investigation and enforcement which
14 resulted in the determination that Respondent committed the
15 violations found in the Determination of Issues. The amount of
16 said costs is \$792.

17 All licenses and licensing rights of Respondent are

18 indefinitely suspended unless or until Respondent pays the sum
19 of \$792 for the Commissioner's reasonable cost of the
20 investigation and enforcement which led to this disciplinary
21 action. Said payment shall be in the form of a cashier's check
22 or certified check made payable to the Department of Real
23 Estate.
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DATED:

April 9, 2013

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

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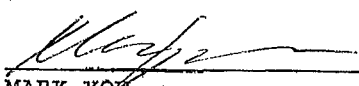
I have read the Stipulation and Agreement, discussed it with counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the

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

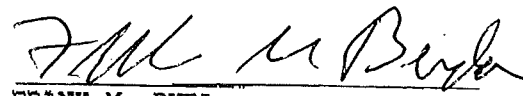
5 Respondent can signify acceptance and approval of the
6 terms and conditions of this Stipulation and Agreement by faxing
7 a copy of the signature page, as actually signed by Respondent,
8 to the Department at the following telephone/fax number:
9 (213) 576-6917. Respondent agrees, acknowledges and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

15 Further, if the Respondent is represented, the
16 Respondent's counsel can signify his or her agreement to the
17 terms and conditions of the Stipulation and Agreement by
18 submitting that signature via fax.
19

20
21 DATED: 4/15/2013


22 MARK YOU
23 Respondent

24 DATED: 1-15-13


25 FRANK M. BUDA
26 Respondent's Counsel
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2 the Accusation at a hearing at which I would have the right to
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18 submitting that signature via fax.

19
20 DATED: _____

21 _____
22 MARK YOU
Respondent

23 DATED: _____

24 _____
25 FRANK M. BUDA
26 Respondent's Counsel
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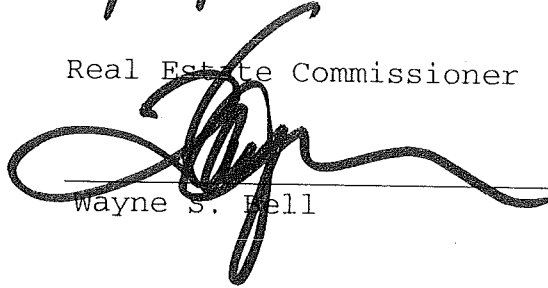
* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on MAY 20 2013

IT IS SO ORDERED

4/10/2013

Real Estate Commissioner



Wayne S. Bell