

FILED

JUN 18 2014

BUREAU OF REAL ESTATE

By S. Black

Bureau of Real Estate
320 West Fourth Street, #350
Los Angeles, California 90013

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ANGEL WAYHANG KOU,

Respondent.

) CalBRE Case No. H-39299 LA
) OAH Case No. L-2014020754

) STIPULATION AND
) AGREEMENT

It is hereby stipulated by and between ANGEL WAYHANG KOU (sometimes referred to herein as "Respondent"), representing himself in this matter, and the Complainant, acting by and through Martha J. Rosett, Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on February 6, 2014 in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in this proceeding.

1 3. On February 20, 2014, Respondent filed a Notice of Defense pursuant to
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. In order to effectuate this settlement, Respondent hereby freely
4 and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he
5 understands that by withdrawing said Notice of Defense, he will thereby waive his right to
6 require the Commissioner to prove the allegations in the Accusation at a contested hearing held
7 in accordance with the provisions of the APA and that he will waive other rights afforded to
8 him in connection with the hearing such as the right to present evidence in defense of the
9 allegations in the Accusation and the right to cross-examine witnesses.

10 4. Respondent, pursuant to the limitations set forth below, although not
11 admitting or denying the truth of the allegations, will not contest the factual allegations
12 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall
13 not be required to provide further evidence of such allegations.

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

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

25 7. This Stipulation and Respondent's decision not to contest the Accusation are
26 made for the purpose of reaching an agreed disposition of this proceeding, and are expressly
27 limited to this proceeding and any other proceeding or case in which the Bureau, or another

1 licensing agency of this state, another state, or of the federal government is involved, and
2 otherwise shall not be admissible in any other criminal or civil proceedings.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations and waivers and solely for the purpose
5 of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
6 following Determination of Issues shall be made:

7 The conduct, acts or omissions of Respondent ANGEL WAYHANG KOU, as
8 set forth in the Accusation constitute cause to suspend or revoke the real estate license and
9 licensing rights of Respondent ANGEL WAYHANG KOU pursuant to Business and
10 Professions Code Sections 490 and 10177(b).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 All licenses and licensing rights of Respondent ANGEL WAYHANG KOU
14 under the Real Estate Law are revoked as of the effective date of this Decision; provided,
15 however, a restricted real estate salesperson license shall be issued to Respondent pursuant to
16 Section 10156.5 of the Business and Professions Code if Respondent makes application
17 therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted license
18 within 90 days from the effective date of this Decision. The restricted license issued to
19 Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and
20 Professions Code and to the following limitations, conditions and restrictions imposed under
21 authority of Section 10156.6 of that Code:

22 1. The restricted license issued to Respondent may be suspended prior to
23 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
24 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
25 capacity as a real estate licensee.

26 2. The restricted license issued to Respondent may be suspended prior to
27 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the

1 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
2 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching
3 to the restricted license.

4 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
5 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
6 restricted license until two years have elapsed from the effective date of this Decision.

7 4. Respondent shall submit with any application for license under an employing
8 broker, or any application for transfer to a new employing broker, a statement signed by the
9 prospective employing real estate broker on a form approved by the Bureau of Real Estate
10 which shall certify:

11 (a) That the employing broker has read the Decision of the Commissioner which
12 granted the right to a restricted license; and

13 (b) That the employing broker will exercise close supervision over the
14 performance by the restricted licensee relating to activities for which a real estate license is
15 required.

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

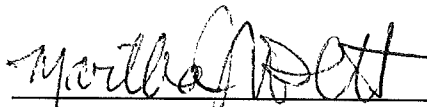
25 6. Respondent shall, within six months from the effective date of this Decision,
26 take and pass the Professional Responsibility Examination administered by the Bureau
27 including the payment of the appropriate examination fee. If Respondent fails to satisfy this

1 condition, the Commissioner may order suspension of Respondent's license until Respondent
2 passes the examination.

3 7. In addition to any other penalty imposed, when a Respondent is found to
4 have violated Sections 475(a)(2), 480(a)(1), 490 or 10177(b) of the Code, the following
5 condition shall be included among the terms and conditions attached to a restricted license:

6 Respondent shall notify the commissioner in writing within 72 hours of any
7 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
8 Office Box 137007, Sacramento, CA 95813-7007. The letter shall constitute an independent
9 violation of the terms of the restricted license and shall be grounds for the suspension or
10 revocation of that license.

11
12 DATED: 6/11/14


13 MARTHA J. ROSETT
14 Counsel for Complainant


15 * * *

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

24 Respondent may signify acceptance and approval of the terms and conditions of
25 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
26 Respondent, to the Bureau at the following fax number (213) 576-6917. Respondent agrees,
27 acknowledges and understands that by electronically sending to the Bureau a fax copy of his

1 actual signature as it appears on the Stipulation that receipt of the faxed copy by the Bureau shall
2 be as binding on Respondent as if the Bureau had received the original signed Stipulation and
3 Agreement.

4
5 DATED: 6/11/14


ANGEL WAYHANG KOU
Respondent

7
8 * * *

9 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
10 this matter and shall become effective at 12 o'clock noon on _____.

11
12 IT IS SO ORDERED _____.

13
14
15
16 _____
Real Estate Commissioner

1 actual signature as it appears on the Stipulation that receipt of the faxed copy by the Bureau shall
2 be as binding on Respondent as if the Bureau had received the original signed Stipulation and
3 Agreement.

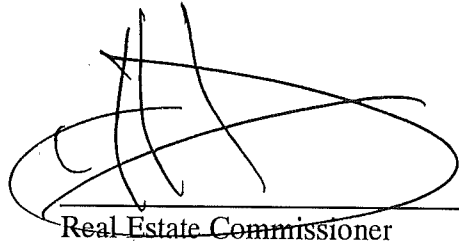
4
5 DATED: _____

6 ANGEL WAYHANG KOU
7 Respondent

8 * * *

9 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
10 this matter and shall become effective at 12 o'clock noon on JUL 09 2014.

11
12 IT IS SO ORDERED JUN 13 2014.

13
14
15
16  _____

Real Estate Commissioner

17 By: JEFFREY MASON
18 Chief Deputy Commissioner