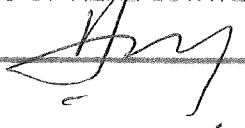


FILED

AUG - 4 2015

BUREAU OF REAL ESTATE

By 

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

(213) 576-6982
(213) 576-6910

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	Case No: H-39730 LA
	)	OAH No: 2015041205
	)	
DAVID YU-KAI TANG,	)	
	)	<u>STIPULATION AND AGREEMENT</u>
Respondent.	)	
	)	
	)	

It is hereby stipulated by and between DAVID YU-KAI TANG (hereinafter "Respondent") and the Complainant, acting by and through James A. Demus, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on February 3, 2015, 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 of Real Estate in

1 this proceeding.

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

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

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

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations, admissions and waivers and solely for
18 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
19 agreed that the following determination of issues shall be made:

20 The conduct of Respondent, as set forth in the Accusation constitutes grounds for
21 suspension or revocation of Respondent's real estate broker license under the provisions of
22 Sections 490 and 10177(b) of the Business and Professions Code.

23 ORDER

24 WHEREFORE, THE FOLLOWING ORDER is hereby made:

25 All licenses and licensing rights of Respondent DAVID YU-KAI TANG, under
26 the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall
27 be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code, if

1 Respondent makes application therefor and pays to the Bureau the appropriate fee within 90
2 days from the effective date of this Decision. The restricted license issued to Respondent shall
3 be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and
4 to the following limitations, conditions and restrictions imposed under authority of Section
5 10156.6 of that code:

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

10 2. The restricted license issued to Respondent may be suspended prior to hearing
11 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
12 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
13 Law, Regulations of the Real Estate Commissioner, or conditions attaching to this restricted
14 license.

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

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

1 6. Respondent shall notify the Commissioner in writing within 72 hours of any
2 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
3 Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's
4 arrest, the crime for which Respondent was arrested and the name and address of the arresting
5 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
6 independent violation of the terms of the restricted license and shall be grounds for the
7 suspension or revocation of that license.

8
9 DATED: 7/13/15


JAMES A. DEMUS
Counsel for Complainant

11 * * *

12 I have read the Stipulation and Agreement. Its terms are understood by me and
13 are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
14 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
15 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive
16 those rights, including the right of requiring the Commissioner to prove the allegations in the
17 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
18 and to present evidence in defense and mitigation of the charges.

19 Respondent can signify acceptance and approval of the terms and conditions of
20 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
21 Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges
22 and understands that by electronically sending to the Bureau a fax copy of his actual signature as
23 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall
24 be as binding on Respondent as if the Bureau had received the original signed Stipulation and
25 Agreement.
26
27

1 DATED: 7/9/15

2 DAVID YU-KAI TANG, Respondent

3 ***

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

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

13 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
14 this matter and shall become effective at 12 o'clock noon on August 24, 2015

15 IT IS SO ORDERED

16 July 28, 2015

17 REAL ESTATE COMMISSIONER

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20 By: JEFFREY MASON
21 Chief Deputy Commissioner
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