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Bureau of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982

FILED
JAN 20 2016
BUREAU OF REAL ESTATE
By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-39789 LA
)	
GIANT INVESTMENT REALTY, INC.;)	STIPULATION AND AGREEMENT
and <u>WON WOOG KIM</u> , individually and)	
as designated officer of Giant Investment)	
Realty, Inc.,)	
)	
Respondents.)	

It is hereby stipulated by and between Respondent WON WOOG KIM ("Respondent") and the Complainant, acting by and through Diane Lee, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on March 24, 2015, in this matter:

1. All issues which were to be contested and all evidence 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 ("Stipulation").

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

1 to any further administrative or civil proceedings by the Bureau of Real Estate with respect to any
2 matters which were not specifically alleged to be causes for Accusation in this proceeding, but do
3 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
4 the Accusation against Respondent herein.

5 8. Respondent understands that by agreeing to this Stipulation and Agreement,
6 Respondent agrees to pay, pursuant to California Business and Professions Code section 10106,
7 the cost of the investigation and enforcement. The amount of investigation and enforcement
8 costs total \$866.25.

9
10 DETERMINATION OF ISSUES

11 By reason of the foregoing, it is stipulated and agreed that the following
12 determination of issues shall be made:

13 I.

14 The conduct, acts, or omissions of Respondent WON WOOG KIM, as described
15 in the Accusation and Paragraph 4, above, are in violation of California Business and Professions
16 Code section 10177(d), 10177(f), and/or 10177(g) and/or 10177(h).

17
18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 I.

21 All licenses and licensing rights of Respondent WON WOOG KIM under the
22 Real Estate Law are suspended for a period of twenty (20) days from the effective date of this
23 Decision:

24 A. Provided, however, that if Respondent WON WOOG KIM so requests, the
25 initial ten (10) days of said suspension (or a portion thereof) shall be stayed upon condition that:

26 1. Respondent pays a monetary penalty pursuant to California Business and

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Professions Code section 10175.2 at a rate of \$100.00 per day for a total monetary penalty of \$1,000.00.

2. Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

3. No further cause for disciplinary action against the real estate licenses of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

4. If Respondent does not pay the monetary penalty in accordance with the terms of this Decision, the suspension shall go into effect automatically and remain in effect until the 10-day stay suspension has passed or Respondent pays the monetary penalty at the rate described above.

B. The remaining ten (10) days of the twenty (20) day suspension shall be stayed for two years upon the following terms and conditions:

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

2. That no final subsequent determination be made after hearing or upon stipulation, which cause for disciplinary action occurred within two (2) years from the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

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1 II.

2 Pursuant to California Business and Professions Code section 10106, all licenses
3 and licensing rights of Respondent WON WOOG KIM are indefinitely suspended unless and
4 until Respondent pays the sum of \$866.25 for the Commissioner's reasonable cost for
5 investigation and enforcement, which led to this disciplinary action. Said payment shall be in the
6 form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
7 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
8 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision.

9 III.

10 All licenses and license rights of Respondent WON WOOG KIM are indefinitely
11 suspended unless and until Respondent WON WOOG KIM provides proof satisfactory to the
12 Commissioner, of having taken and successfully completed the continuing education course on
13 trust fund accounting and handling specified in California Business and Professions Code section
14 10170.5(a)(3). Proof of satisfaction of this requirement includes evidence that Respondent has
15 successfully completed the trust fund account and handling continuing education course no
16 earlier than 120 days prior to the effective date of the Decision in this matter. Proof of
17 completion of the trust fund accounting and handling course must be delivered to the Bureau of
18 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
19 effective date of this Decision.

20 IV.


21 Respondent WON WOOG KIM shall, within nine (9) months from the effective
22 date of the Decision, present evidence satisfactory to the Real Estate Commissioner that
23 Respondent WON WOOG KIM has, since the most recent issuance of an original or renewal real
24 estate license, taken and successfully completed the continuing education requirements of Article
25 2.4 of Chapter 3 of the Real Estate Law for renewal of a real estate license. Such proof shall be
26 delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA

1 95813-7013. If Respondent fails to satisfy this condition, Respondent's license shall be
2 suspended until Respondent presents such evidence of taking and successfully completing the
3 continuing education requirements.

4 V.

5 Respondent WON WOOG KIM shall, within six (6) months from the effective
6 date of the Decision, take and pass the Professional Responsibility Examination administered by
7 the Bureau of Real Estate including the payment of the appropriate examination fee. Proof of
8 completion of taking and passing the Professional Responsibility Examination must be delivered
9 to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. If
10 Respondent fails to satisfy this condition, the suspension shall go into effect automatically and
11 remain in effect until Respondent WON WOOG KIM takes and passes the Professional
12 Responsibility Examination, and delivers such proof to the Bureau of Real Estate.

13 DATED: 10/20/2015

14 
DIANE LEE, Counsel for
15 Bureau of Real Estate

16 * * *

17 EXECUTION OF THE STIPULATION

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

MAILING AND FACSIMILE

Respondent shall mail the original signed signature page of the Stipulation herein to Bureau of Real Estate, Attn: Legal Section – Counsel Diane Lee, 320 West Fourth St., Ste. 350, Los Angeles, California 90013-1105. Respondent may also facsimile a copy of signed signature page, to the Bureau of Real Estate at the following fax number: (213) 576-6917, Attention: Diane Lee. A facsimile constitutes acceptance and approval of the terms and conditions of this stipulation. Respondent agrees, acknowledges, and understands that by electronically sending to the Bureau of Real Estate a facsimile copy of Respondent’s actual signature as it appears on the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be as binding on Respondent as if the Bureau of Real Estate had received the original signed stipulation.

DATED: 10/20/2015

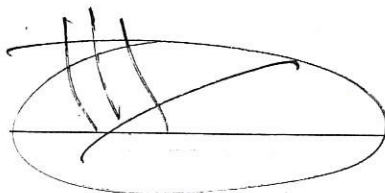

WON WOOG KIM

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent WON WOOG KIM, and shall become effective at 12 o’clock noon on

NOV 09 2015, 2016

IT IS SO ORDERED DECEMBER 31, 2015.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner