

FILED

DEC 23 2015

BUREAU OF REAL ESTATE

By 

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

(213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

No. H-39947 LA

RYNEX INVESTMENT CORPORATION,  
a corporate real estate broker, and  
MARK YOU, individually and  
as designated officer of Rynex Investment  
Corporation,

STIPULATION AND AGREEMENT

Respondents.

It is hereby stipulated by and between MARK YOU (hereinafter "Respondent")  
and his attorney, Calvin J. Park, and the Complainant, acting by and through Julie L. To,  
Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the  
Accusation filed on August 25, 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"),

CalBRE Stipulation and Agreement – Mark You – H-39947 LA

1 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement.

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

6 3. On September 15, 2015, Respondent filed a Notice of Defense pursuant to  
7 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
8 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice  
9 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of  
10 Defense he will thereby waive his right to require the Commissioner to prove the allegations in  
11 the Accusation at a contested hearing held in accordance with the provisions of the APA and  
12 that he will waive other rights afforded to him in connection with the hearing such as the right to  
13 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
14 witnesses.

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

18 5. Respondent understands that by agreeing to this Stipulation and Agreement,  
19 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions  
20 Code ("Code"), the cost of the investigation and enforcement which resulted in the  
21 determination that Respondent committed the violations found in the Determination of Issues.  
22 The amount of said costs is \$694.30.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt  
24 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and  
25 sanctions on Respondent's real estate license and license rights as set forth in the below  
26

1 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation  
2 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a  
3 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be  
4 bound by any admission or waiver made herein.

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

9 DETERMINATION OF ISSUES

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

13 The conduct of Respondent, as set forth in the Accusation constitutes grounds for  
14 suspension or revocation of Respondent's real estate salesperson license under the provisions of  
15 Sections 10159.2, 10177(d), 10177(g), and 10177(h) of the Business and Professions Code.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Respondent MARK YOU is publicly reprovod.

2. Respondent shall, within nine (9) months from the effective date of this  
Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner shall order the suspension of the license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.


3. Respondent shall, within six (6) months from the effective date of this  
Decision, take and pass the Professional Responsibility Examination administered by the Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

4. Respondent shall, within ninety (90) days of the effective date of this Decision,  
pay the sum of \$694.30 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, within ninety (90) days of the effective date of this Order.

(a) If Respondent fails to satisfy this condition, the Commissioner shall  
order the suspension of the license until the Respondent presents evidence of payment. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the

Administrative Procedure Act to present such evidence that payment was timely made. The suspension shall remain in effect until payment is made in full or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 11-19-15

  
Julie L. To, Counsel for Complainant

EXECUTION OF THE STIPULATION

I have read the Stipulation and Agreement, have discussed it with my 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 right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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

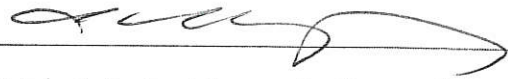
DATED: 11/16/2015

  
MARK YOU, Respondent

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

DATED: 11/17/2015


  
Calvin J. Park., Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on JAN 12 2016.

IT IS SO ORDERED DECEMBER 19 2015

WAYNE S. BELL  
REAL ESTATE COMMISSIONER

  
By: JEFFREY MASON  
Chief Deputy Commissioner