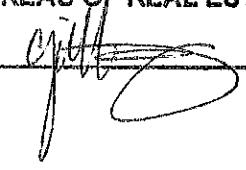


NOV - 3 2016

BUREAU OF REAL ESTATE

By 

1 BUREAU OF REAL ESTATE
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

5
6
7
8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

| | | |
|---|---|----------------------------------|
| 11 In the Matter of the Accusation of |) | CalBRE No. H-40051 LA |
| |) | OAH No. 2016020731 |
| 12 PALM PACIFIC REALTY, INC., |) | |
| 13 SHING HSUN WU, individually and as |) | <u>STIPULATION AND AGREEMENT</u> |
| designated officer for Palm Pacific Realty, Inc., |) | <u>IN SETTLEMENT AND ORDER</u> |
| 14 KING FUN HUI, and BENJAMIN L. UENG, |) | |
| |) | |
| 15 Respondents. |) | |
| |) | |

16
17 It is hereby stipulated by and between Respondents PALM PACIFIC REALTY, INC.
18 (“PPRI”), SHING HSUN WU (“WU”), KING FUN HUI (“HUI”), and BENJAMIN L. UENG
19 (“UENG”), (collectively “Respondents”), and PPRI’s, WU’s, and UENG’s attorney, Frank M.
20 Buda, and HUI’s attorney, David A. Sawchak, and Complainant, acting by and through Lissette
21 Garcia, Counsel for the Bureau of Real Estate (“Bureau”), as follows for the purpose of settling
22 and disposing the First Amended Accusation filed on January 26, 2016, with Bureau Case No.
23 H-40051 LA (“Accusation”):

24 1. All issues which were to be contested and all evidence which was to be presented by

1 Complainant and Respondents at a formal hearing on the First Amended Accusation, which
2 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
3 (“APA”), shall instead and in place thereof be submitted on the basis of the provisions of this
4 Stipulation and Agreement in Settlement and Order (“Stipulation”).

5 2. Respondents have received, read, and understand the Statement to Respondent, the
6 Discovery Provisions of the APA, and First Amended Accusation filed by the Bureau in this
7 proceeding.

8 3. Notices of Defense were filed by Respondents pursuant to Section 11505 of the
9 Government Code for the purpose of requesting a hearing on the allegations in the First
10 Amended Accusation. Respondents hereby freely and voluntarily withdraw said Notices of
11 Defense. Respondents acknowledge they understand that by withdrawing said Notices of
12 Defense they will thereby waive their rights to require the Real Estate Commissioner
13 (“Commissioner”) to prove the allegations in the First Amended Accusation at a contested
14 hearing held in accordance with the provisions of the APA and that they will waive other rights
15 afforded to them in connection with the hearing such as the right to present evidence in defense
16 of the allegations in the First Amended Accusation and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations contained in the First Amended
18 Accusation filed in this proceeding. In the interest of expedience and economy, Respondents
19 choose not to contest these factual allegations, but to remain silent and understand that, as a
20 result thereof, these factual statements, will serve as a prima facie basis for the disciplinary
21 action stipulated to herein. The Real Estate Commissioner shall not be required to provide
22 further evidence to prove such allegations.

23 ///

24

1 5. This Stipulation and Respondents' decision not to contest the First Amended
2 Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are
3 expressly limited to this proceeding and any other proceeding or case in which the Bureau of
4 Real Estate, or another licensing agency of this state, another state or if the federal government is
5 involved and otherwise shall not be admissible in any other criminal or civil proceedings.

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

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

17 DETERMINATION OF ISSUES

18 I.

19 The conduct, acts and/or omissions of Respondents WU and UENG, as set forth in
20 Paragraphs 11(a) and 11(b) of the First Amended Accusation, constitute cause for the suspension
21 or revocation of all real estate licenses and license rights of Respondents WU and UENG under
22 the provisions of Business and Professions Code ("Code") Section 10165 for violation of Code
23 Section 10164(b).

1 II.

2 The conduct, acts and/or omissions of Respondent HUI, as set forth in Paragraphs 11(c),
3 11(d), 11(e), and 11(f) of the First Amended Accusation, constitute cause for the suspension or
4 revocation of all real estate licenses and license rights of Respondent HUI under the provisions
5 of Code Sections 10176(e), 10177(j), and 10177(d), for violation of Code Section 10145(c) and
6 Regulations 2831 and 2832.

7 ORDER

8 I.

9 Respondent PALM PACIFIC REALTY, INC. shall submit a separate declaration in
10 which it will petition the Commissioner to voluntarily surrender its real estate corporation license
11 pursuant to Section 10100.2 of the Business and Professions Code.

12 II.

13 All licenses and license rights of Respondent WU under the Real Estate Law are
14 suspended for a period of thirty (30) days from the effective date of this Decision and Order;
15 provided, however, that:

16 1) Thirty (30) days of said suspension shall be stayed, upon the condition that
17 Respondent WU petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty
18 pursuant to Section 10175.2 of the Code at a rate of \$66.67 for each day of the suspension for a
19 total monetary penalty of \$2,000.

20 a) Said payment shall be in the form of a cashier's check made payable
21 to the Bureau of Real Estate. Said check must be delivered to the Bureau
22 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-
23 7013, prior to the effective date of this Decision and Order.

1 b) No further cause for disciplinary action against the Real Estate licenses of
2 Respondent WU occurs within two (2) years from the effective date of the
3 Decision and Order in this matter.

4 c) If Respondent WU fails to pay the monetary penalty in accordance with
5 the terms and conditions of this Decision and Order, the suspension shall go
6 into effect automatically. Respondent WU shall not be entitled to any
7 repayment nor credit, prorated or otherwise, for money paid to the Bureau
8 under the terms of this Decision and Order

9 d) If Respondent WU pays the monetary penalty and any other moneys due
10 under this Stipulation and Agreement and if no further cause for disciplinary
11 action against the real estate license of said Respondent WU occurs within two
12 (2) years from the effective date of this Decision and Order, the entire stay
13 hereby granted pursuant to this Decision and Order, as to Respondent WU only,
14 shall become permanent.

15 2) Respondent WU shall, within six (6) months from the effective date of this
16 **Decision**, take and pass the Professional Responsibility Examination administered by the Bureau
17 including the payment of the appropriate examination fee. If Respondent WU fails to satisfy this
18 condition, Respondent WU's real estate license shall automatically be suspended until
19 Respondent passes the examination.

20 3) Respondent WU shall, within nine (9) months of the effective date of this Order,
21 present evidence satisfactory to the Commissioner that Respondent WU has, since the most
22 recent issuance of an original or renewal real estate license, taken and successfully completed the
23 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
24

1 of a real estate license. If Respondent WU fails to satisfy this condition, Respondent WU's real
2 estate license shall automatically be suspended until Respondent WU presents evidence
3 satisfactory to the Commissioner of having taken and successfully completed the continuing
4 education requirements. **Proof of completion of the continuing education courses must be**
5 **delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA**
6 **95813-7013.**

7 III.

8 All licenses and license rights of Respondent UENG under the Real Estate Law are
9 suspended for a period of thirty (30) days from the effective date of this Decision and Order;
10 provided, however, that:

11 1) Thirty (30) days of said suspension shall be stayed, upon the condition that

12 Respondent UENG petitions pursuant to Section 10175.2 of the Code and pays a
13 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$66.67 for each
14 day of the suspension for a total monetary penalty of \$2,000.

15 a) Said payment shall be in the form of a cashier's check made payable
16 to the Bureau of Real Estate. Said check must be delivered to the Bureau
17 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-
18 7013, prior to the effective date of this Decision and Order.

19 b) No further cause for disciplinary action against the Real Estate licenses of
20 Respondent UENG occurs within two (2) years from the effective date of the
21 Decision and Order in this matter.

22 c) If Respondent UENG fails to pay the monetary penalty in accordance
23 with the terms and conditions of this Decision and Order, the suspension shall
24

1 go into effect automatically. Respondent UENG shall not be entitled to any
2 repayment nor credit, prorated or otherwise, for money paid to the Bureau
3 under the terms of this Decision and Order

4 d) If Respondent UENG pays the monetary penalty and any other moneys
5 due under this Stipulation and Agreement and if no further cause for
6 disciplinary action against the real estate license of said Respondent UENG
7 occurs within two (2) years from the effective date of this Decision and Order,
8 the entire stay hereby granted pursuant to this Decision and Order, as to
9 Respondent UENG only, shall become permanent.

10 2) Respondent UENG shall, within six (6) months from the effective date of this
11 **Decision**, take and pass the Professional Responsibility Examination administered by the Bureau
12 including the payment of the appropriate examination fee. If Respondent UENG fails to satisfy
13 this condition, Respondent UENG's real estate license shall automatically be suspended until
14 Respondent passes the examination.

15 3) Respondent UENG shall, within nine (9) months of the effective date of this
16 **Order**, present evidence satisfactory to the Commissioner that Respondent UENG has, since the
17 most recent issuance of an original or renewal real estate license, taken and successfully
18 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
19 Law for renewal of a real estate license. If Respondent UENG fails to satisfy this condition,
20 Respondent UENG's real estate license shall automatically be suspended until Respondent
21 UENG presents evidence satisfactory to the Commissioner of having taken and successfully
22 completed the continuing education requirements. **Proof of completion of the continuing**

1 **education courses must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**
2 **137013, Sacramento, CA 95813-7013.**

3 IV.

4 All licenses and license rights of Respondent HUI under the Real Estate Law are
5 revoked; provided, however, a restricted real estate salesperson license shall be issued to
6 Respondent HUI pursuant to Section 10156.5 of the Code if Respondent HUI makes application
7 therefor and pays to the Bureau the appropriate fee for the restricted license within 90 days from
8 the effective date of this Decision and Order. The restricted license issued to Respondent HUI
9 shall be subject to all of the provisions of Section 10156.7 of the Code and to the following
10 limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

11 1. The restricted license issued to Respondent HUI shall be suspended prior to hearing
12 by Order of the Commissioner in the event of Respondent HUI's conviction or plea of nolo
13 contendere to a crime which is substantially related to Respondent HUI's fitness or capacity as a
14 real estate licensee.

15 2. The restricted license issued to Respondent HUI shall be suspended prior to hearing
16 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
17 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
18 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
19 license.

20 3. Respondent HUI shall not be eligible to petition for the issuance of any unrestricted
21 real estate license nor for removal of any of the conditions, limitations or restrictions of a
22 restricted license until four (4) years have elapsed from the effective date of this Decision and
23
24

1 Order. Respondent HUI shall not be eligible to apply for any unrestricted licenses until all
2 restrictions attaching to the license have been removed.

3 4. Respondent HUI shall submit with any application for license under an employing
4 broker, or any application for transfer to a new employing broker, a statement signed by the
5 prospective employing real estate broker on a form approved by the Bureau which shall certify:

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

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

11 5. All licenses and licensing rights of Respondent HUI are indefinitely suspended unless
12 or until Respondent HUI pays the sum of \$5,608.90 for the Commissioner's reasonable cost of
13 the investigation and enforcement which led to this disciplinary action. Said payment shall be
14 in the form of a cashier's check made payable to the Bureau of Real Estate. **The investigative**
15 **and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O.**
16 **Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and**
17 **Order.**

18 6. All licenses and licensing rights of Respondent HUI are indefinitely suspended unless
19 or until Respondent HUI provides proof satisfactory to the Commissioner, of having taken and
20 successfully completed the continuing education course on trust fund accounting and handling
21 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
22 Code. Proof of satisfaction of these requirements includes evidence that Respondent has
23 successfully completed the trust fund account and handling continuing education courses, no
24

1 earlier than 120 days prior to the effective date of the Decision and Order in this matter. **Proof**
2 **of completion of the trust fund accounting and handling course must be delivered to the**
3 **Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by**
4 **fax at 916-263-8758, prior to the effective date of this Decision and Order.**

5 7. Respondent HUI shall, **within six (6) months from the effective date of this**
6 **Decision**, take and pass the Professional Responsibility Examination administered by the Bureau
7 including the payment of the appropriate examination fee. If Respondent HUI fails to satisfy this
8 condition, Respondent HUI's real estate license shall automatically be suspended until
9 Respondent passes the examination.

10 8. Respondent HUI shall, **within nine (9) months from the effective date of this**
11 **Order**, present evidence satisfactory to the Commissioner that Respondent HUI has, since the
12 most recent issuance of an original or renewal real estate license, taken and successfully
13 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
14 Law for renewal of a real estate license. A course on Property Management must be included as
15 part of the continuing education requirements. If Respondent HUI fails to satisfy this condition,
16 Respondent HUI's real estate license shall automatically be suspended until Respondent HUI
17 presents evidence satisfactory to the Commissioner of having taken and successfully completed
18 the continuing education requirements. **Proof of completion of the continuing education**
19 **courses must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
20 **Sacramento, CA 95813-7013.**

21
22 Sept. 1, 2014

23 DATED

22 

23 Lissete Garcia, Counsel
24 Bureau of Real Estate

1 * * *

2
3 Respondents shall send a hard copy of the original signed Stipulation and Agreement no
4 later than three business days from the date of Respondents' and their attorneys' signatures to:
5 Lissete Garcia, Bureau of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California
6 90013-1105.

7 In the event of time constraints before an administrative hearing, Respondents can signify
8 acceptance and approval of the terms and conditions of this Stipulation and Agreement by having
9 their attorneys email a scanned copy of the signature pages, as actually signed by Respondents
10 and their attorneys, to the Bureau counsel assigned to this case. Respondents agree,
11 acknowledge, and understand that by electronically sending the Bureau a scan of Respondents'
12 actual signatures as they appear on the Stipulation and Agreement, that receipt of the scan by the
13 Bureau shall be binding on Respondents as if the Bureau had received the original signed
14 Stipulation and Agreement. By signing this Stipulation, Respondents understand and agree that
15 Respondents may not withdraw their agreement or seek to rescind the Stipulation prior to the
16 time the Commissioner considers and acts upon it or prior to the effective date of the Stipulation
17 and Order.

18 We have read this Stipulation and its terms are understood by us and are agreeable and
19 acceptable to us. We understand that we are waiving rights given to us by the California APA
20 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government
21 Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of
22 requiring the Commissioner to prove the allegations in the First Amended Accusation at a
23 hearing at which we would have the right to cross-examine witnesses against us and to present
24

Stipulation and Agreement
H-40051 LA

1 evidence in defense and mitigation of the charges.

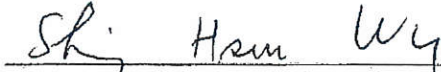
2 DATED: 9-1-16




On behalf of Respondent PALM PACIFIC REALTY, INC.

Printed Name Anthony Pei

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4
5 DATED: Sep 1 2016


Respondent SHING HSUN WU

6
7 DATED: 9-1-16


Respondent BENJAMIN L. UENG

8
9
10 *I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.*

11 DATED: 9-1-16



Frank M. Buda, Attorney for Respondents PALM PACIFIC REALTY, INC., SHING HSUN WU, and BENJAMIN L. UENG


12
13
14 *****

15 DATED: 9-1-16


Respondent KING FUN HUI

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17
18 *I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.*

19 DATED: 9/1/2016


David A. Sawchak, Attorney for Respondent KING FUN HUI

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22 * * *

23 The foregoing Stipulation and Agreement in Settlement and Order is hereby

1 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

2 NOV 23 2016, 2016.

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4 IT IS SO ORDERED 10/21/2016, 2016.

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WAYNE S. BELL
REAL ESTATE COMMISSIONER

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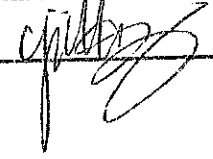
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1 Bureau of Real Estate
1651 Exposition Blvd.
2 Sacramento, CA 95815
(916) 263-8943

NOV - 3 2015
BUREAU OF REAL ESTATE
By 

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8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) CalBRE No. H-40051 LA
12) OAH No. 2016020731
13 PALM PACIFIC REALTY, INC.)
14 SHING HSUN WU, individually and as)
designated officer for Palm Pacific Realty, Inc.,)
15 KING FUN HUI, and BENJAMIN L. UENG,)
Respondents.)

16
17 ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

18 On December 3, 2015, an Accusation was filed in this matter against PALM
19 PACIFIC REALTY, INC. ("Respondent") in this matter. A First Amended Accusation was filed
20 on January 26, 2016.

21 On September 1, 2016, Respondent PALM PACIFIC REALTY, INC. petitioned
22 the Commissioner to voluntarily surrender its real estate corporation license pursuant to Section
23 10100.2 of the Business and Professions Code.

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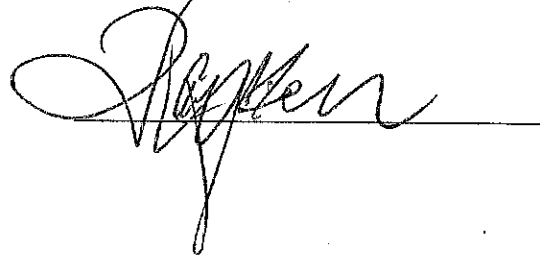
IT IS HEREBY ORDERED that Respondent PALM PACIFIC REALTY, INC.'s petition for voluntary surrender of its real estate corporation license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated September 1, 2016, (attached as Exhibit "A" hereto). Respondent's license certificate, pocket card and any branch office license certificate shall be sent to the below listed address so that they reach the Bureau on or before the effective date of this Order:

Bureau of Real Estate
Attn: Licensing Flag Section
P.O. Box 137013
Sacramento, CA 95813-7013

This Order shall become effective at 12 o'clock noon on NOV 23 2016

DATED: 10/21/2016

REAL ESTATE COMMISSIONER



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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

| | | |
|---|---|-----------------------|
| In the Matter of the Accusation of |) | CalBRE No. H-40051 LA |
| |) | OAH No. 2016020731 |
| <u>PALM PACIFIC REALTY, INC.,</u> |) | |
| SHING HSUN WU, individually and as |) | |
| designated officer for Palm Pacific Realty, Inc., |) | |
| KING FUN HUI, and BENJAMIN L. UENG, |) | |
| |) | |
| Respondents. |) | |

DECLARATION

My name is Anthony D. Pei and I am the owner of PALM PACIFIC REALTY, INC. which is licensed as a corporate real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of PALM PACIFIC REALTY, INC. I am acting on behalf of PALM PACIFIC REALTY, INC. in this matter. PALM PACIFIC REALTY, INC. is represented by attorney Frank M. Buda in this matter.

1 In lieu of proceeding in this matter in accordance with the provisions of the
2 Administrative Procedure Act (Sections 11400 et seq., of the Government Code), PALM
3 PACIFIC REALTY, INC. wishes to voluntarily surrender its real estate license, issued by the
4 Bureau of Real Estate ("Bureau"), pursuant to Business and Professions Code Section 10100.2.

5 It is understood that by so voluntarily surrendering its license, PALM PACIFIC
6 REALTY, INC. may be relicensed as a corporate broker or issued a mortgage loan originator
7 endorsement, only by petitioning for reinstatement pursuant to Section 11522 of the Government
8 Code. It is also understood that by so voluntarily surrendering its corporate real estate broker
9 license, PALM PACIFIC REALTY, INC. agrees to the following:

10 1. The filing of this Declaration shall be deemed as PALM PACIFIC REALTY,
11 INC.'s petition for voluntary surrender.

12 2. It shall also be deemed to be an understanding and agreement by PALM
13 PACIFIC REALTY, INC. that it waives all rights it has to require the Commissioner to prove the
14 allegations contained in the First Amended Accusation filed in this matter at a hearing held in
15 accordance with the provisions of the Administrative Procedure Act (Government Code Sections
16 11400 et seq.), and that PALM PACIFIC REALTY, INC. also waives other rights afforded to it
17 in connection with the hearing such as the right to discovery, the right to present evidence in
18 defense of the allegations in the First Amended Accusation and the right to cross-examine
19 witnesses.

20 3. PALM PACIFIC REALTY, INC. further agrees that upon acceptance by the
21 Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
22 obtained by the Bureau in this matter prior to the Commissioner's acceptance, and all relevant
23 allegations as to PALM PACIFIC REALTY, INC. only contained in Paragraphs 11(a) and 11(b)
24 of the First Amended Accusation filed in the Bureau Case No. H-40051 LA, may be considered
by the Bureau to be true and correct for the purpose of deciding whether to grant relicensure or
reinstatement pursuant to Government Code Section 11522.

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4. A copy of the Government Code Section 11522 and the Commissioner's
Criteria of Rehabilitation is attached hereto.

5. PALM PACIFIC REALTY, INC. freely and voluntarily surrenders all of its
licenses and license rights attached thereto under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct and that this declaration was executed 9-1, 2016,
at Diamond Bar California.
(City)


PALM PACIFIC REALTY, INC.
By: Anthony D. Pei