

Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013

Telephone: (213) 576-6982

FILED

SEP 26 2016

BUREAU OF REAL ESTATE
By *Hynd Kienner*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	No. H-40212 LA
	)	
DANIEL CHOR CHAN,	)	<u>STIPULATION AND WAIVER</u>
	)	
Respondent.	)	
_____	)	

It is hereby stipulated by and between Daniel Chor Chan (hereinafter "Respondent") and Respondent's attorney, Steven C. Vondran, Esq., 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 Statement of Issues filed on April 20, 2016 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Bureau of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on the Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the

1 requirements for issuance of a real estate salesperson license. Respondent further understands
2 that by entering into this Stipulation and Waiver, Respondent will be stipulating that the Real
3 Estate Commissioner has found that Respondent has failed to make such a showing, thereby
4 justifying the denial of the issuance to Respondent of an unrestricted real estate salesperson
5 license.

6 Respondent hereby admits that the allegations in the Statement of Issues filed against
7 Respondent are true and correct, and requests that the Real Estate Commissioner in his
8 discretion issue a restricted real estate salesperson license to Respondent under the authority of
9 California Business and Professions Code section 10156.5.

10 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving
11 Respondent's right to a hearing and the opportunity to present evidence at the hearing to
12 establish Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson
13 license if this Stipulation and Waiver is accepted by the Real Estate Commissioner. However,
14 Respondent is not waiving Respondent's right to a hearing and to further proceedings to obtain a
15 restricted or unrestricted license of this Stipulation and Waiver is not accepted by the
16 Commissioner.

17 Respondent agrees that by signing this Stipulation and Waiver, the conditions,
18 limitations, and restrictions imposed on Respondent's restricted license, identified below, may
19 be removed only by filing a Petition for Removal of Restrictions ("Petition") with the
20 Commissioner, and that Respondent's Petition must follow the procedures set forth in California
21 Government Code section 11522.

22 Respondent further understands that the restricted license issued to Respondent shall be
23 subject to all of the provisions of California Business and Professions Code section 10156.7 and
24 to the following conditions, limitations, and restrictions imposed under authority of California
25 Business and Professions Code section 10156.6:

- 26 1. The restricted license shall not confer any property right in the privileges to be
27 exercised including the right of renewal, and the Real Estate Commissioner may

1 by appropriate order suspend the right to exercise any privileges granted under
2 this restricted license in the event of:

3 a. Respondent's conviction (including a plea of nolo contendere) to a crime
4 that bears a substantial relationship to Respondent's fitness or capacity as
5 a real estate licensee; or

6 b. The receipt of evidence that Respondent has violated provisions of the
7 California Real Estate Law, the Subdivided Lands Law, Regulations of
8 the Real Estate Commissioner, or conditions attaching to this restricted
9 license.

10 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real
11 estate license nor the removal of any of the conditions, limitations, or restrictions
12 attaching to the restricted license until three (3) years have elapsed from the date
13 of issuance of the restricted license to Respondent. Respondent shall not be
14 eligible to apply for any unrestricted licenses until all restrictions attaching to the
15 license have been removed.

16 3. With the application for license or with the application for transfer to a new
17 employing broker, Respondent shall submit a statement signed by the prospective
18 employing broker on a form approved by the Bureau of Real Estate, such as the
19 Restricted Salesperson Change Application (RE 214A), wherein the employing
20 broker shall certify as follows:

21 a. That broker has read the Statement of Issues which is the basis for the
22 issuance of the restricted license; and

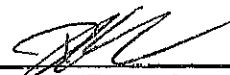
23 b. That broker will carefully review all transaction documents prepared by
24 the restricted licensee and otherwise exercise close supervision over the
25 licensee's performance of acts for which a license is required.

26 4. Respondent shall notify the Real Estate Commissioner in writing within 72 hours
27 of any arrest by sending a certified letter to the Real Estate Commissioner at the

1 Bureau of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013.

2 The letter shall set forth the date of Respondent's arrest, the crime for which
3 Respondent was arrested, and the name and address of the arresting law
4 enforcement agency. Respondent's failure to timely file written notice shall
5 constitute an independent violation of the terms of the restricted license and shall
6 be grounds for the suspension or revocation of that license.

7 DATED: 08/16/2016

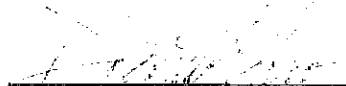
8 
Diane Lee, Counsel
Bureau of Real Estate
9

10 Respondent has read this Stipulation and Waiver, has discussed it with Respondent's
11 counsel, and its terms are understood by Respondent and are agreeable and acceptable to
12 Respondent. Respondent understands that Respondent is waiving rights given to Respondent by
13 the California Administrative Procedure Act (including, but not limited to, California
14 Government Code sections 11504, 11506, 11508, 11509, and 11513), and Respondent willingly,
15 intelligently, and voluntarily waives those rights, including, but not limited to, the right to a
16 hearing on the Statement of Issues at which Respondent would have the right to cross-examine
17 witnesses against Respondent and to present evidence in defense and mitigation of the charges.

18 Respondent can signify acceptance and approval of the terms and conditions of this
19 Stipulation and Waiver by faxing a copy of its signature page, as actually signed by Respondent,
20 to the Bureau of Real Estate at the following telephone/fax number: (213) 576-6917.

21 Respondent agrees, acknowledges, and understands that by electronically sending to the Bureau
22 of Real Estate a fax copy of his actual signature as it appears on the Stipulation and Waiver, that
23 receipt of the faxed copy by the Bureau of Real Estate shall be as binding on Respondent as if
24 the Bureau of Real Estate had received the original signed Stipulation and Waiver.

25
26 DATED: July 27, 2016

27 
Daniel Chor Chan
Respondent

1 *I have reviewed the Stipulation and Waiver as to form and content, and have advised my*
2 *client accordingly.*

3 DATED: 8/16/16


4 Steven C. Vondran
5 Attorney for Respondent

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

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

14 This Order is effective immediately.

15 IT IS SO ORDERED _____, 2016.

16 WAYNE S. BELL
17 REAL ESTATE COMMISSIONER
18
19
20
21
22
23
24
25
26
27

I have reviewed the Stipulation and Waiver as to form and content, and have advised my client accordingly.

DATED: _____

Steven C. Vondran
Attorney for Respondent

I have read the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent DANIEL CHOR CHAN if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 9/20/16, 2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

Daniel Sand:

By: DANIEL SANDRI
Assistant Commissioner