

**FILED**

SEP - 7 2016

**BUREAU OF REAL ESTATE**

By 

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8 **BEFORE THE BUREAU OF REAL ESTATE**  
9 **STATE OF CALIFORNIA**

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11 To: ) CalBRE No. H-40375 LA  
MI YOUNG KIM. ) )  
12 ) ORDER TO DESIST & REFRAIN  
13 ) (B&P Section 10086)

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15 The Commissioner (Commissioner) of the California Bureau of Real Estate (Bureau)  
16 caused an investigation to be made of the activities of MI YOUNG KIM, aka Michelle Kim,  
17 Michelle Young, and Young Kim (KIM). Based on the investigation, the Commissioner has  
18 determined that KIM has engaged in, is engaging in, or is attempting to engage in, acts or  
19 practices constituting violations of the California Business and Professions Code (Code) and/or  
20 Title 10, Chapter 6, California Code of Regulations (Regulations), including the business of,  
21 acting in the capacity of, and/or advertising or assuming to act as, a real estate broker in the State  
22 of California within the meaning of Section 10131, subdivisions (a) (soliciting prospective  
23 sellers or purchasers of or negotiating the purchase or sale of real property) and (d) (performing  
24 services for borrowers in connection with loans secured by real property) of the Code.

1 Furthermore, based on the investigation, the Commissioner hereby issues the following Findings  
2 of Fact, Conclusions of Law, and Desist and Refrain Order under the authority of Section 10086  
3 of the Code.

4 FINDINGS OF FACT

5 1. From on or about October 27, 1994 through August 5, 1998, KIM was licensed by the  
6 Bureau as a real estate salesperson, License ID 01189443.

7 2. On April 1, 1998, the Bureau<sup>1</sup> filed an Accusation against KIM in Bureau Case No.  
8 H-27624 LA. The Accusation alleged cause to discipline KIM's salesperson license pursuant to  
9 Code sections 490 and 10177(b) based on a 1997 conviction for violating Penal Code section  
10 487 (grand theft-property).

11 3. An administrative hearing was held on May 19, 1998 for Case No. H-27624 LA.

12 4. On July 9, 1998, the Bureau's Commissioner issued a Decision which revoked KIM's  
13 real estate salesperson license. The Commissioner's Decision became effective on August 6,  
14 1998.

15 5. On or about October 17, 2013, KIM solicited seller J.Y.<sup>2</sup> for the short sale listing of  
16 J.Y.'s real property located at 800 Linda Vista Ave., Pasadena, California ("subject property").

17 6. KIM provided an undated letter written in Korean to seller J.Y. The letter states,  
18 when translated, "I will personally be responsible to give you, [J.Y.], \$10,000 on the day you  
19 move out of 800 Linda Vista."

20 7. On or about October 9, 2013, KIM opened escrow for the sale of the subject  
21 property with Central Escrow Inc.

22 \_\_\_\_\_  
23 <sup>1</sup> Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate ("Bureau"). All references to the  
agency are to the successor Bureau.

24 <sup>2</sup> Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals' full names will  
be provided during the discovery phase of this case to Respondents and/or their attorneys, after service of a timely and proper  
request for discovery on Complainant's counsel.

1 8. KIM negotiated the short sale of the subject property from J.Y. to C.C.

2 9. On May 21, 2014, KIM sent an email to J.T. of Alfa Escrow, Inc. requesting that  
3 escrow be opened for the sale of the subject property from C.C. to H.B.

4 10. KIM negotiated the sale of the subject property from C.C. to H.B.

5 11. On May 27, 2014, escrow closed on the short sale of the subject property from  
6 seller J. Y. to C.C.

7 12. KIM failed to pay the \$10,000 fee as promised to J.Y.

8 13. On June 2, 2014, escrow closed on the sale of the subject property from seller C.C. to  
9 H.B.

10 CONCLUSIONS OF LAW

11 Based on the findings of fact contained in paragraphs 1 through 13, KIM, using the  
12 names Michelle Kim, Michelle Young, and Young Kim, or other names or fictitious names  
13 unknown at this time, solicited prospective sellers or purchasers, negotiated the purchase, sale,  
14 or exchange of real property, solicited borrowers and performed services for those borrowers  
15 and/or those borrowers' lenders in connection with loans secured directly or collaterally by one  
16 or more liens on real property, which require a real estate license under Code Section 10131,  
17 subdivisions (a) and (d), during a period of time when KIM was not licensed by the Bureau in  
18 any capacity, in violation of Section 10130 of the Code.

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1 DESIST AND REFRAIN ORDER

2 Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW stated herein, IT  
3 IS HEREBY ORDERED THAT MI YOUNG KIM, while doing business in her name or any  
4 other fictitious business name, immediately desist and refrain from performing any acts within  
5 the State of California for which a real estate broker license or salesperson is required, unless she  
6 is so licensed.

7 DATED: 9/1/16

8 WAYNE S. BELL  
9 REAL ESTATE COMMISSIONER

10 By: *Daniel Sandri*  
11 DANIEL SANDRI  
12 Assistant Commissioner

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17 **Notice:** Business and Professions Code Section 10139 provides that “[A]ny person acting as a  
18 real estate broker or real estate salesperson without a license or who advertises using words  
19 indicating that he or she is a real estate broker without being so licensed shall be guilty of a  
20 public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by  
21 imprisonment in the county jail for a term not to exceed six months, or by both fine and  
22 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars  
23 (\$60,000).”  
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