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MAY 10 2021

DEPT. OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

DIAMOND PROPERTY
INVESTMENTS INC, BRIAN
MOOYOUN JY KIM, individually and
as designated officer of Diamond
Property Investments Inc, JOSEPH
YONG BUM LEE, and JI YOUN KIM,

Respondents.

No. H-41533-LA

**STIPULATION AND AGREEMENT
AS TO JOSEPH YONG BUM LEE
AND JI YOUN JY KIM**

It is hereby stipulated and agreed by and between Respondents JOSEPH YONG BUM LEE ("LEE") and JI YOUN KIM ("JY KIM") ("Respondents"), and their attorney of record, Frederick M. Ray, Esq., Ray & Bishop, and the Complainant, acting by and through Laurence Haveson, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on May 20, 2020 ("Accusation") in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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").

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1 2. Respondents have received, read, and understand the Statement to Respondent, the
2 Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate in
3 this proceeding.

4 3. On June 9, 2020, Respondents LEE and JY KIM each filed a Notice of Defense
5 pursuant to section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices
7 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
8 Notices of Defense, Respondents will thereby waive Respondents' right to require the Real Estate
9 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested hearing
10 held in accordance with the provisions of the APA and that Respondents will waive other rights
11 afforded to Respondents in connection with the hearing such as the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13 4. This Stipulation is based on the factual allegations contained in the Accusation. In
14 the interest of expedience and economy, Respondents choose not to contest these allegations, but
15 to remain silent, and understand that, as a result thereof, these factual allegations, without being
16 admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein.
17 The Real Estate Commissioner shall not be required to provide further evidence to prove said
18 factual allegations.

19 5. This Stipulation and Respondents' decision not to contest the Accusation are made
20 for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to
21 this proceeding and any other proceeding or case in which the Department, or another licensing
22 agency of this state, another state, or if the federal government is involved, and otherwise shall not
23 be admissible in any other criminal or civil proceedings.

24 6. It is understood by the parties that the Real Estate Commissioner may adopt the
25 Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
26 Respondents' real estate licenses and license rights as set forth in the below Order. In the event
27 that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no

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1 effect, and Respondents shall retain the right to a hearing and proceeding on the Accusation under
2 all the provisions of the APA and shall not be bound by any admission or waiver made herein.

3 7. The Order or any subsequent Order of the Commissioner made pursuant to this
4 Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil
5 proceedings by the Department with respect to any matters which were not specifically alleged to
6 be causes for the Accusation in this proceeding.

7 8. Respondents understand that by agreeing to this Stipulation, Respondents agree to
8 pay, pursuant to Business and Professions Code Section 10106, 50% of the cost of the
9 investigation and enforcement of this matter. The amount of the investigation costs is \$5,988.20
10 and the amount of the enforcement costs is \$525.10, for a total of \$6,513.30; therefore,
11 Respondents agree to pay, pursuant to Code Section 10106, 50% of the total amount, or \$3,256.65.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions, and waivers, and solely for the
14 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that
15 the following Determination of Issues shall be made:

16 I.

17 The conduct, acts, and/or omissions of Respondent LEE as described in the Accusation,
18 constitute cause for the suspension or revocation of all real estate licenses and license rights of
19 Respondent LEE under California Business and Professions Code ("Code") Sections 10176(a),
20 10176(d), and 10177(g).

21 II.

22 The conduct, acts, and/or omissions of Respondent JY KIM, as described in the
23 Accusation, constitute cause for the suspension or revocation of all real estate licenses and license
24 rights of Respondent JY KIM under Code Sections 10130, 10176(a), 10176(d), and 10177(g).

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1 ORDER

2 I.

3 All licenses and licensing rights of Respondent LEE under the Real Estate Law are
4 suspended for a period of sixty (60) days from the effective date of this Decision and Order;
5 provided, however, that:

6 1. Thirty (30) days of said suspension shall be stayed upon the condition that
7 Respondent LEE petitions pursuant to Code Section 10175.2 and pays a monetary penalty
8 pursuant to Code Section 10175.2 at a rate of one hundred dollars (\$100.00) for each day of the
9 suspension for a total monetary penalty of \$3,000 (\$100.00 per day X thirty (30) days = \$3,000),
10 and upon the following terms and conditions:

11 a. Said payment shall be in the form of a cashier's check made payable to the
12 Department of Real Estate. Said check must be delivered to the Department of Real
13 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
14 effective date of this Decision and Order. **Payment of said monetary penalty should not**
15 **be made until the Stipulation has been approved by the Commissioner.**

16 b. No further cause for disciplinary action against the Real Estate license(s) of
17 Respondent LEE occurs within two (2) years from the effective date of the Decision and
18 Order in this matter.

19 c. If Respondent LEE fails to pay the monetary penalty in accordance with the
20 terms and conditions of this Decision and Order, the suspension shall go into effect
21 automatically. Respondent LEE shall not be entitled to any repayment nor credit, prorated
22 or otherwise, for money paid to the Department under the terms of this Decision and
23 Order.

24 d. If Respondent LEE pays the monetary penalty under this Stipulation and
25 Agreement and if no further cause for disciplinary action against the Real Estate license(s)
26 of Respondent LEE occurs within two (2) years from the effective date of this Decision
27 and Order, the entire stay hereby granted pursuant to this Decision and Order, shall become
28 permanent.

1 suspension for a total monetary penalty of \$3,000 (\$100.00 per day X thirty (30) days = \$3,000),
2 and upon the following terms and conditions:

3 a. Said payment shall be in the form of a cashier's check made payable to the
4 Department of Real Estate. Said check must be delivered to the Department of Real
5 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
6 effective date of this Decision and Order. **Payment of said monetary penalty should not**
7 **be made until the Stipulation has been approved by the Commissioner.**

8 b. No further cause for disciplinary action against the Real Estate license(s) of
9 Respondent JY KIM occurs within two (2) years from the effective date of the Decision
10 and Order in this matter.

11 c. If Respondent JY KIM fails to pay the monetary penalty in accordance with
12 the terms and conditions of this Decision and Order, the suspension shall go into effect
13 automatically. Respondent JY KIM shall not be entitled to any repayment nor credit,
14 prorated or otherwise, for money paid to the Department under the terms of this Decision
15 and Order.

16 d. If Respondent JY KIM pays the monetary penalty under this Stipulation and
17 Agreement and if no further cause for disciplinary action against the Real Estate license(s)
18 of Respondent JY KIM occurs within two (2) years from the effective date of this Decision
19 and Order, the entire stay hereby granted pursuant to this Decision and Order, shall become
20 permanent.

21 2. The remaining thirty (30) days of said suspension shall be stayed for two (2) years
22 upon the following terms and conditions:

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

25 b. That no final subsequent determination be made, after hearing or upon
26 stipulation, that cause of disciplinary action occurred within two (2) years from the
27 effective date of this Decision and Order. Should such a determination be made, the
28 Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all

1 or a portion of the stayed suspension. Should no such determination be made, the stay
2 imposed herein shall become permanent.

3 3. Respondent JY KIM shall pay, severally or jointly with Respondent LEE, the sum
4 of \$3,256.65, amounting to 50% of the Commissioner's reasonable cost of the investigation and
5 enforcement which led to this disciplinary action, **within one-hundred and eighty (180) days**
6 **from the effective date of this Decision and Order.** Said payment shall be in the form of a
7 cashier's check made payable to the Department of Real Estate. **The investigative and**
8 **enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.**
9 **Box 137013, Sacramento, CA 95813-7013. Payment of investigation and enforcement costs**
10 **should not be made until the Stipulation has been approved by the Commissioner.** If
11 Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents'
12 real estate licenses shall automatically be suspended until payment is made in full, or until a
13 decision providing otherwise is adopted following a hearing held pursuant to this condition.

14
15 DATED: 1/25/2021


16 Laurence D. Haveson
17 Counsel for Complainant

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19 EXECUTION OF THE STIPULATION

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

27 Respondents can signify acceptance and approval of the terms and conditions of this
28 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually

1 signed by Respondents, to the Department. Respondents agree, acknowledge, and understand that
2 by electronically sending to the Department an electronic copy of Respondents' actual signatures,
3 as they appear on the Stipulation, that receipt of the emailed copy by the Department shall be as
4 binding on Respondents as if the Department had received the original signed Stipulation. By
5 signing this Stipulation, Respondents understand and agree that Respondents may not withdraw
6 their agreement or seek to rescind the Stipulation prior to the time the Commissioner considers
7 and acts upon it or prior to the effective date of the Stipulation and Order.

8 MAILING


9 Respondents and their counsel shall, within five (5) business days from signing the
10 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence
11 Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350,
12 Los Angeles, California 90013-1105.

13 Respondents' signatures below constitute acceptance and approval of the terms and
14 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing
15 this Stipulation Respondents are bound by its terms as of the date of such signature and that this
16 agreement is not subject to rescission or amendment at a later date except by a separate Decision
17 and Order of the Real Estate Commissioner.


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19 DATED: 1/20/2021

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Respondent JOSEPH YONG BUM LEE

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22 DATED: 1/20/2021

23 
Respondent JI YOUN KIM

24
25 DATED: 1/21/2021

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Frederick M. Ray
Ray & Bishop, Professional Law Corp.
27 Attorney for Respondents JOSEPH YONG BUM
LEE, and JI YOUN KIM
28 *Approved as to Form*

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on June 9th, 2021.

IT IS SO ORDERED 5.4.21, 2021.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley