

FILED

JAN 13 2021

DEPT. OF REAL ESTATE

@Saku

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation against

TAKEUCHI CORPORATION, doing business as
Global Asset Consultants, and
MAMORU TAKEUCHI,

Respondents.

DRE No. H-41696 LA

OAH No. 2020090528

STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondents TAKEUCHI CORPORATION and MAMORU TAKEUCHI (collectively "Respondents"), both represented by attorney Edward O. Lear, and the Complainant, acting by and through Lissete Garcia, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on June 16, 2020, 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").

///

H-41696 LA - TAKEUCHI CORPORATION, ET AL - STIPULATION AND AGREEMENT

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

4 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
7 acknowledge that Respondents understand that by withdrawing said Notice of Defense,
8 Respondents will thereby waive Respondents' right to require the Real Estate Commissioner
9 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
10 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
14 filed in this proceeding. In the interest of expedience and economy, Respondents choose not to
15 contest these factual allegations, but to remain silent and understand that, as a result thereof,
16 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated
17 to herein. The Real Estate Commissioner shall not be required to provide further evidence to
18 prove such allegations.

19 5. This Stipulation and Respondents' decision not to contest the Accusation are
20 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
21 limited to this proceeding and any other proceeding or case in which the Department, or
22 another licensing agency of this state, another state or if the federal government is involved and
23 otherwise shall not 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 and Agreement as his Decision in this matter, thereby imposing the penalty and
26 sanctions on Respondents' real estate license and license rights as set forth in the below
27 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation

1 and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a
2 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
3 bound by any admission or waiver made herein.

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

8 DETERMINATION OF ISSUES

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

12 I.

13 The conduct, acts, or omissions of Respondents, as described in the Accusation,
14 constitute cause for the suspension or revocation of all real estate licenses and license rights of
15 Respondent TAKEUCHI CORPORATION (under California Business and Professions Code
16 ("Code") sections 10186.2 and 10177, subdivisions (d) and (f).

17 II.

18 The conduct, acts, or omissions of Respondents, as described in the Accusation,
19 constitute cause for the suspension or revocation of all real estate licenses and license rights of
20 Respondent MAMORU TAKEUCHI (under California Business and Professions Code
21 ("Code") sections 10186.2 and 10177, subdivisions (a) , (d), and (f).

22 ///

23 ///

24 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

2

3
4
5

- 6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 granted pursuant to this Decision and Order, as to said Respondent only,
2 shall become permanent.

3 2. The last 30 days of said 60-day suspension shall be stayed for two (2) years
4 upon the following terms and conditions:

5 a. Respondent shall obey all laws, rules and regulations governing the rights,
6 duties and responsibilities of a real estate licensee in the State of California;
7 and,

8 b. That no final subsequent determination be made, after hearing or upon
9 stipulation, that cause for disciplinary action occurred within two (2) years
10 from the effective date of this Decision and Order. Should such a
11 determination be made, the Commissioner may, in his discretion, vacate and
12 set aside the stay order and reimpose all or a portion of the stayed
13 suspension. Should no such determination be made, the stay imposed herein
14 shall become permanent.

15 3. Respondent TAKEUCHI CORPORATION, shall severally or jointly with
16 Respondent MAMORU TAKEUCHI, pay the total sum of \$2,595.95 for the
17 Commissioner's reasonable cost of the investigation and enforcement which led
18 to this disciplinary action. Said payment shall be in the form of a cashier's
19 check made payable to the Department of Real Estate. **The investigative and**
20 **enforcement costs must be delivered to the Department of Real Estate, Flag**
21 **Section at P.O. Box 137013, Sacramento, CA 95813-7013, within 180 days of**
22 **the effective date. Payment of investigation and enforcement costs should**
23 **not be made until the Stipulation has been approved by the Commissioner.**
24 If Respondents fail to satisfy this condition in a timely manner as provided for
25 herein, Respondents' real estate licenses shall automatically be suspended until
26 payment is made in full, or until a decision providing otherwise is adopted
27 following a hearing held pursuant to this condition.

1 II.

2 All licenses and licensing rights of Respondent MAMORU TAKEUCHI under the Real
3 Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be
4 issued to Respondents pursuant to Section 10156.5 of the Code if Respondents makes
5 application therefor and pays to the Department the appropriate fee for the restricted license
6 within ninety (90) days from the effective date of this Decision. The restricted license issued to
7 Respondents shall be subject to all of the provisions of Section 10156.7 of the Code and to the
8 following limitations, conditions, and restrictions imposed under Section 10156.6 of the Code:

- 9 1. The restricted license issued to Respondent may be suspended prior to hearing
10 by Order of the Real Estate Commissioner in the event of Respondent's
11 conviction, plea of guilty, or plea of nolo contendere to a crime which is
12 substantially related to Respondent's fitness or capacity as a real estate licensee.
- 13 2. The restricted license issued to Respondent MAMORU TAKEUCHI may be
14 suspended prior to hearing by Order of the Real Estate Commissioner on
15 evidence satisfactory to the Commissioner that Respondents has violated
16 provisions of the California Real Estate Law, the Subdivided Lands Law,
17 Regulations of the Real Estate Commissioner, or the conditions attaching to this
18 restricted license.
- 19 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
20 real estate license nor for removal of any of the conditions, limitations or
21 restrictions of a restricted license until two (2) years have elapsed from the
22 effective date of this Decision and Order. Respondent shall not be eligible to
23 apply for any unrestricted licenses until all restrictions attaching to the license
24 have been removed.
- 25 4. Respondent shall submit with any application for license under an employing
26 broker, or any application for transfer to a new employing broker, a statement
27


1 signed by the prospective employing real estate broker on a form approved by
2 the Department which shall certify:

- 3 (a) That the employing broker has read the Decision and Order of the
4 Commissioner which granted the right to a restricted license; and
5 (b) That the employing broker will exercise close supervision over the
6 performance by the restricted licensee relating to activities for which a
7 real estate license is required.

- 8 5. Respondent shall pay, severally or jointly with Respondent TAKEUCHI
9 CORPORATION, the total sum of \$2,595.95 for the Commissioner's reasonable
10 cost of the investigation and enforcement which led to this disciplinary action.
11 Said payment shall be in the form of a cashier's check made payable to the
12 Department of Real Estate. **The investigative and enforcement costs must be**
13 **delivered to the Department of Real Estate, Flag Section at P.O. Box**
14 **137013, Sacramento, CA 95813-7013, within 180 days from effective date of**
15 **this Decision and Order. Payment of investigation and enforcement costs**
16 **should not be made until the Stipulation has been approved by the**
17 **Commissioner.**
- 18 6. If Respondents fail to satisfy condition 5, above, Respondent MAMORU
19 TAKEUCHI's restricted license shall be suspended until the Respondents
20 presents evidence of payment. The Commissioner shall afford Respondents the
21 opportunity for a hearing pursuant to the Administrative Procedure Act to
22 present such evidence that payment was timely made. The suspension shall
23 remain in effect until payment is made in full or until a decision providing
24 otherwise is adopted following a hearing held pursuant to this condition.
- 25 7. Respondent MAMORU TAKEUCHI shall, within twelve (12) months from the
26 effective date of this Decision and Order, take and pass the Professional
27 Responsibility Examination administered by the Department including the

1 payment of the appropriate examination fee. If Respondent fails to satisfy this
2 condition, Respondent's real estate license shall automatically be suspended
3 until Respondent passes the examination.

4 DATED: Oct. 29, 2020


Lissete Garcia, Counsel
Department of Real Estate

6 * * *

7 Respondents have read the Stipulation and Agreement and understand that Respondents
8 are waiving rights given to Respondents by the California Administrative Procedure Act,
9 (including but not limited to Sections 11521 and 11523 of the Government Code), and
10 Respondents willingly, intelligently, and voluntarily waive those rights, including the right to
11 seek reconsideration and the right to seek judicial review of the Commissioner's Decision and
12 Order by way of a writ of mandate.

13 Respondents agree, acknowledge, and understand that Respondent cannot rescind or
14 amend this Stipulation and Agreement. Respondents can signify acceptance and approval of
15 the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy
16 of the signature page(s), as actually signed by Respondents, to the Department. Respondents
17 agree, acknowledge, and understand that by electronically sending to the Department an
18 electronic copy of Respondents' actual signatures, as they appear on the Stipulation, that
19 receipt of the emailed copy by the Department shall be as binding on Respondents as if the
20 Department had received the original signed Stipulation. By signing this Stipulation,
21 Respondents understand and agree that Respondents may not withdraw Respondents'
22 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and
23 acts upon it or prior to the effective date of the Stipulation and Order.

24 ///

25 ///

1 Respondents and Respondents' counsel shall mail the original signed Stipulation and
2 Agreement to: Lissete Garcia, Department of Real Estate, 320 West 4th Street, Suite 350,
3 Los Angeles, California 90013-1105, within five (5) business days of their signatures.

4
5 DATED: _____

Respondent TAKEUCHI CORPORATION

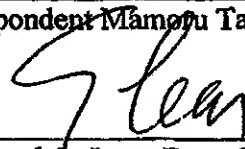
6 By (Printed Name): _____

7 Title: _____
8

9
10 DATED: _____

Respondent Mamoru Takeuchi

11
12 DATED: 10/28/2020


13 Edward O. Lear, Esq., Counsel for Respondents
14 *Approved as to Form*

15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in
17 this matter as to Respondents TAKEUCHI CORPORATION and MAMORU TAKEUCHI and
18 shall become effective at 12 o'clock noon on _____.

19 IT IS SO ORDERED _____

20 REAL ESTATE COMMISSIONER

21
22
23 Douglas R. McCauley

1 Respondents and Respondents' counsel shall mail the original signed Stipulation and
2 Agreement to: Lissete Garcia, Department of Real Estate, 320 West 4th Street, Suite 350,
3 Los Angeles, California 90013-1105, within five (5) business days of their signatures.

4
5 DATED: 10/28/2020


Respondent TAKEUCHI CORPORATION

6
7 By (Printed Name): MAMORU TAKEUCHI

8 Title: PRESIDENT

9
10 DATED: 10/28/2020


Respondent Mamoru Takeuchi

11
12 DATED: _____

13 Edward O. Lear, Esq., Counsel for Respondents
14 Approved as to Form

15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in
17 this matter as to Respondents TAKEUCHI CORPORATION and MAMORU TAKEUCHI and
18 shall become effective at 12 o'clock noon on _____.

19 IT IS SO ORDERED _____

20 REAL ESTATE COMMISSIONER

21
22
23 Douglas R. McCauley

1 Respondents and Respondents' counsel shall mail the original signed Stipulation and
2 Agreement to: Lisette Garcia, Department of Real Estate, 320 West 4th Street, Suite 350,
3 Los Angeles, California 90013-1105, within five (5) business days of their signatures.

4
5 DATED: _____

Respondent TAKEUCHI CORPORATION

6
7 By (Printed Name): _____

8 Title: _____

9
10 DATED: _____

Respondent Mamoru Takeuchi

11
12 DATED: _____

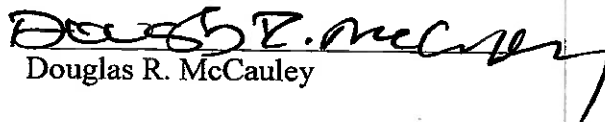
13 Edward O. Lear, Esq., Counsel for Respondents
14 *Approved as to Form*

15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in
17 this matter as to Respondents TAKEUCHI CORPORATION and MAMORU TAKEUCHI and
18 shall become effective at 12 o'clock noon on FEB 2, 2021.

19 IT IS SO ORDERED 12.4.20

20 REAL ESTATE COMMISSIONER

21
22 
23 Douglas R. McCauley