

1 3. On May 3, 2021, Respondent filed a Notice of Defense pursuant to section 11506 of
2 the Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that she understands that by withdrawing said Notice of Defense, Respondent will
5 thereby waive her right to require the Real Estate Commissioner (“Commissioner”) to prove the
6 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
7 APA and that Respondent will waive other rights afforded to her in connection with the hearing
8 such as the right to present evidence in defense of the allegations in the Accusation and the right to
9 cross-examine witnesses.

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

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

21 6. It is understood by the parties that the Real Estate Commissioner may adopt the
22 Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
23 Respondent’s real estate license and license rights as set forth in the below Order. In the event that
24 the Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no effect,
25 and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the
26 provisions of the APA and shall not be bound by any admission or waiver made herein.

27 7. The Order or any subsequent Order of the Commissioner made pursuant to this
28 Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil

1 proceedings by the Department with respect to any matters which were not specifically alleged to
2 be causes for the Accusation in this proceeding.

3 8. Respondent understands that by agreeing to this Stipulation, Respondent agrees to
4 pay, pursuant to Business and Professions Code Section 10148, the cost of the original audit which
5 led to this disciplinary action. The amount of said cost is \$9,078.00.

6 9. Respondent has received, read, and understand the "Notice Concerning Costs of
7 Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the
8 findings set forth below in the Determination of Issues become final, and the Commissioner may
9 charge Respondents for the cost of any subsequent audit conducted pursuant to Business and
10 Professions Code Section 10148 to determine if the violations have been corrected. The maximum
11 cost of the subsequent audit shall not exceed 125% of cost of the original audit, or \$11,347.50.

12 10. Respondent understands that by agreeing to this Stipulation, Respondent agrees to
13 pay, pursuant to Business and Professions Code Section 10106, the cost of the investigation and
14 enforcement of this matter. The amount of the investigation costs is \$536.35 and the amount of the
15 enforcement costs is \$1,555.20, for total costs of \$2,091.55.

16 DETERMINATION OF ISSUES

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

20 I.

21 The conduct, acts, and/or omissions of Respondent as described in the Accusation,
22 constitute cause for the suspension or revocation of all real estate licenses and license rights of
23 Respondent under California Business and Professions Code ("Code") sections 10145, 10159.5,
24 10176(e), 10176(i), and 10177(h), and 10177(d) and/or 10177(g), and Title 10, Chapter 6,
25 California Code of Regulations ("Regulations") sections 2725, 2731, 2831, 2831.1, 2831.2, 2832,
26 2832.1, 2834, and 2835(b).

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1 ORDER

2 I.

3 All licenses and licensing rights of Respondent KUNG under the Real Estate Law are
4 revoked; provided, however: (1) a restricted real estate broker license and a restricted mortgage
5 loan originator (“MLO”) license endorsement shall be issued to Respondent KUNG pursuant to
6 Sections 10156.5 and 10166.051 of the Code, respectively, if Respondent makes application
7 therefore and pays to the Department the appropriate fee for a restricted license and a restricted
8 MLO endorsement within ninety (90) days from the effective date of this Decision and Order. The
9 restricted license and restricted MLO endorsement issued to Respondent KUNG shall be subject to
10 all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and
11 restrictions imposed under authority of Sections 10156.5 and 10166.051 of the Code:

12 1. The restricted license and restricted MLO endorsement issued to Respondent KUNG
13 may be suspended prior to hearing by Order of the Commissioner in the event of Respondent’s
14 conviction, or entry of a plea of guilty or no contest, for a crime that is substantially related to the
15 qualifications, functions, or duties of a real estate licensee.

16 2. The restricted license and restricted MLO endorsement issued to Respondent KUNG
17 may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence
18 satisfactory to the Commissioner that Respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
20 attaching to the restricted licenses.

21 3. Respondent KUNG shall not be eligible to apply for the issuance of unrestricted real
22 estate licenses or MLO endorsements nor for removal of any of the conditions, limitations or
23 restrictions of a restricted license or MLO endorsement until two (2) years have elapsed from the
24 effective date of this Decision and Order.

25 4. Respondent KUNG shall pay the sum of \$2,091.55 for the Commissioner’s
26 reasonable cost of the investigation and enforcement which led to this disciplinary action, **within**
27 **one-hundred and eighty (180) days from the effective date of this Decision and Order.** Said
28 payment shall be in the form of a cashier’s check made payable to the Department of Real Estate.

1 **The investigative and enforcement costs must be delivered to the Department of Real Estate,**
2 **Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. Payment of investigation and**
3 **enforcement costs should not be made until the Stipulation has been approved by the**
4 **Commissioner.** If Respondent fails to satisfy this condition in a timely manner as provided for
5 herein, Respondent's real estate license shall automatically be suspended until payment is made in
6 full, or until a decision providing otherwise is adopted following a hearing held pursuant to this
7 condition.

8 5. Pursuant to section 10148 of the Code, Respondent KUNG shall pay the sum of
9 \$9,078.00 for the Commissioner's cost of the audit which led to this disciplinary action.

10 **Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from**
11 **the Commissioner. Payment of audit costs should not be made until Respondent receives the**
12 **invoice.** If Respondent fails to satisfy this condition in a timely manner as provided for herein,
13 Respondent's real estate license shall automatically be suspended until payment is made in full, or
14 until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

15 6. Respondent understands that by agreeing to this Stipulation, the findings set forth
16 below in the Determination of Issues become final, and the Commissioner may charge Respondent
17 for the cost of any subsequent audit, if a subsequent audit is conducted, pursuant to Code section
18 10148 to determine if the violations have been corrected and that Respondent is in compliance with
19 trust fund handling requirements of the Real Estate Law. The maximum cost of the follow-up audit
20 will not exceed one-hundred twenty-five percent (125%) of the cost of the original audit; in the
21 instant case, the cost of the original audit is \$9,078.00 and the maximum cost of the follow-up audit
22 will not exceed \$11,347.50. Therefore, Respondent may be charged a maximum of \$11,347.50 in
23 the event of a subsequent audit.

24 7. Pursuant to Section 10148 of the Code, Respondent shall pay the Commissioner's
25 reasonable cost, not to exceed \$11,347.50, for any subsequent audit, if one is performed, to
26 determine if Respondent has corrected the violations found in the Determination of Issues and that
27 Respondent is in compliance with trust fund handling requirements of the Real Estate Law. In
28 calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the

1 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
2 include an allocation for travel time to and from the auditor's place of work. Respondent shall pay
3 such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.

4 **Payment of the audit costs should not be made until Respondent receives the invoice.** If

5 Respondent fails to satisfy this condition in a timely manner as provided for herein, Respondent's
6 real estate licenses shall automatically be suspended until payment is made in full, or until a
7 decision providing otherwise is adopted following a hearing held pursuant to this condition.

8 8. Respondent's signature indicates full agreement to the terms of this Stipulation and
9 Agreement and to the terms set forth herein.

10
11 DATED: 01/12/2022



12 Laurence D. Haveson
13 Counsel for Complainant

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15 **EXECUTION OF THE STIPULATION**

16 I have read the Stipulation and Agreement. I understand its terms and they are agreeable
17 and acceptable to me. I understand that I am waiving rights given to me by the California
18 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
19 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights,
20 including the right of requiring the Commissioner to prove the allegations in the Accusation at a
21 hearing at which I would have the right to cross-examine witnesses against me and to present
22 evidence in defense and mitigation of the charges.

23 Respondent can signify acceptance and approval of the terms and conditions of this
24 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually
25 signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands that
26 by electronically sending to the Department an electronic copy of Respondent's actual signature, as
27 it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding
28 on Respondent as if the Department had received the original signed Stipulation. By signing this
Stipulation, Respondent understands and agrees that Respondent may not withdraw her agreement

1 or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or
2 prior to the effective date of the Stipulation and Order.

3 MAILING


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

8 Respondent's signature below constitutes acceptance and approval of the terms and
9 conditions of this Stipulation. Respondent agrees, acknowledges, and understands that by signing
10 this Stipulation Respondent is bound by its terms as of the date of such signature and that this
11 agreement is not subject to rescission or amendment at a later date except by a separate Decision
12 and Order of the Real Estate Commissioner.

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14 DATED: 12/27/21


Respondent IVY HSIANG JU KUNG

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16 DATED: 12/27/2021


Frederick M. Ray
Ray & Bishop, Professional Law Corp.
Attorney for Respondent IVY HSIANG JU KUNG
Approved as to Form

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19 * * *

20 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me
21 as my Decision in this matter and shall become effective at 12 o'clock noon on

22 3/8/2022

23 IT IS SO ORDERED 2.7.22

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25 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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