

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

DEC 13 2021

DEPT. OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation against)

No. H-41958 LA

12 AWJ INVESTMENT GROUP INC,)
13 dba Re/Max Orange County-East,)

STIPULATION
AND
AGREEMENT

14 and)

15 SUE-HWA LINDA LIU, individually and as)
16 designated officer for AWJ Investment)
17 Group Inc,)
18)
19)

19 Respondents.)

20 It is hereby stipulated by and between Respondents AWJ INVESTMENT GROUP
21 INC ("AIGP"), dba Re/Max Orange County-East and SUE-HWA LINDA LIU ("LIU")
22 (collectively, "Respondents"), individually and as designated officer for AWJ Investment Group
23 Inc, both represented by Mary E. Work, Esq., and the Complainant, acting by and through Julie
24 L. To, Counsel for the Department of Real Estate ("Department" or "DRE"), as follows for the
25 purpose of settling and disposing of the Accusation ("Accusation") filed on April 6, 2021, in
26

27 DRE Stipulation & Agreement, H-41958 LA: AWJ Investment Group Inc and Sue-Hwa Linda Liu

1 Case No. H-41958 LA, in this matter.

2 1. All issues which were to be contested and all evidence which was to be
3 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing
4 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
5 shall instead and in place thereof be submitted solely on the basis of the provisions of this
6 Stipulation and Agreement ("Stipulation").

7 2. Respondents have received, read and understand the Statement to Respondent,
8 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
9 ("Department") in this proceeding.

10 3. On April 10, 2021, Respondents timely filed Notices of Defense pursuant to
11 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations
12 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
13 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they
14 thereby waive their right to require the Commissioner to prove the allegations in the Accusation
15 at a contested hearing held in accordance with the provisions of the APA and that they will waive
16 other rights afforded to them in connection with the hearing such as the right to present evidence
17 in their defense and the right to cross-examine witnesses.

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

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1 5. This Stipulation is made for the purpose of reaching an agreed disposition of
2 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
3 which the Department or another licensing agency of this state, another state, or if the federal
4 government is involved, and otherwise shall not be admissible in any other criminal or civil
5 proceeding.

6 6. It is understood by the parties that the Real Estate Commissioner may adopt
7 this Stipulation as the Commissioner's Decision in this matter, thereby imposing the penalty and
8 sanctions on Respondents' real estate licenses and license rights as set forth in below "Order." In
9 the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement,
10 the Stipulation shall be void and of no effect and Respondents shall retain the right to a hearing
11 and proceeding on the Accusation under the provisions of the APA and shall not be bound by any
12 admission or waiver made herein.

13 7. The Order or any subsequent Order of the Real Estate Commissioner made
14 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
15 administrative or civil proceedings by the Department of Real Estate with respect to any matters
16 which were not specifically alleged to be causes for Accusation in this proceeding but do
17 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations
18 against Respondents herein.

19 8. Respondents understand that by agreeing to this Stipulation, Respondents agree
20 to pay, jointly and severally, pursuant to Business and Professions Code ("Code") Section 10148,
21 the cost of the audits which resulted in the determination that Respondents committed the
22 violations found in the Determination of Issues. The amount of said costs for the original audits
23 (LA190150 and LA200048) are \$6,848.00 for Audit LA190150 and \$7,805.00 for Audit
24 LA200048. Respondents agree to pay, pursuant to Code Section 10148 and DRE Case H-41028
25 LA, \$6,829.55 for the cost of Audit LA190150 and Audit LA200048.

1 9. Respondents have received, read, and understand the "Notice Concerning
2 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,
3 the findings set forth below in the Determination of Issues become final, and the Commissioner
4 may charge Respondents for the cost of any subsequent audits conducted pursuant to Code
5 Section 10148 to determine if the violations have been corrected. The maximum cost of the
6 follow-up audits will not exceed one-hundred twenty-five percent (125%) of the cost of the
7 original audits. In the instant case: (a) the cost of the original audit LA190150 is \$6,848.00, and
8 the maximum cost of the follow-up audit will not exceed \$8,560.00, and (b) the cost of the
9 original audit LA200048 is \$7,805.00, and the maximum cost of the follow-up audit will not
10 exceed \$9,756.25. Therefore, Respondents may be charged a maximum of \$18,316.25 in the
11 event of subsequent audits to determine if the violations found in Audits LA 190150 and
12 LA200048 have been corrected.

13 10. Respondents understand that by agreeing to this Stipulation, Respondents
14 agree to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and
15 enforcement which resulted in the determination that Respondents committed the violations
16 found in the Determination of Issues. The amount of said investigation and enforcement costs is
17 \$3,320.30 (comprised of \$1,880.30 in investigation costs and \$1,440.00 in enforcement costs);
18 therefore, Respondents agree to pay, jointly and severally, pursuant to Code Section 10106, the
19 amount \$3,320.30.

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1 **DETERMINATION OF ISSUES**

2 By reason of the foregoing stipulations, admissions and waivers, and solely for the
3 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
4 that the following determination of issues shall be made:

5 The conduct, acts or omissions of Respondents AIGI and LIU, as described in
6 Paragraph 4, herein above, are in violation of: Code Section 10159.5 and Title 10, Chapter 6,
7 California Code of Regulations ("Regulation") 2731; Code Sections 10145 and 10176(g) and
8 Regulation 2830; Code Section 10145(a) and Regulation 2832.1; Code Section 10145 and
9 Regulation 2832; Code Section 10145 and Regulation 2834; and [as to LIU only] Code Sections
10 10159.2 and 10177(h) and Regulation 2725, and are bases for the suspension or revocation of
11 the licenses and license rights of Respondents AIGI and LIU as violations of the Real Estate Law
12 pursuant to Code Sections 10177(d), 10177(g), and [LIU only] 10177(h).

13 **ORDER**

14 WHEREFORE, THE FOLLOWING ORDER is hereby made:

15 I.

16 All licenses and licensing rights of Respondents AWJ INVESTMENT GROUP
17 INC and SUE-HWA LINDA LIU under the Real Estate Law are suspended for a period of ninety
18 (90) days from the effective date of this Decision :

19 A. Provided, however, that if Respondents request, the initial thirty (30) days of
20 said suspension (or a portion thereof) shall be stayed for two (2) years upon condition that:

21 1. Each Respondent pays a monetary penalty pursuant to Section 10175.2
22 of the Business and Professions Code at the rate of \$50.00 per day for each day of the suspension
23 for a monetary penalty of \$1,500.00 for each Respondent, or \$3,000.00 total.
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2. Said payment shall be in the form of a cashier's check or certified check made payable to "Recovery Account of the Real Estate Fund." Said check must be received by the Department prior to the effective date of the Decision in this matter.

3. No further cause for disciplinary action against the real estate license of Respondents occurs within two (2) years from the effective date of the Decision in this matter.

4. If Respondents fail to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event the Respondents shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

5. If Respondents pay the monetary penalty in accordance with the terms of the Decision, and if no further cause for disciplinary action against the real estate licenses of Respondents occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondents shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made after hearing or upon stipulation, that cause of disciplinary action occurred within two (2) years from the effective date of this Decision. Should such a determination be made, the Commissioner may, in the Commissioner's discretion, vacate and set aside the stay order and re-impose all or a portion of

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

3 II.

4 Pursuant to Section 10148 of the Business and Professions Code, Respondents
5 AWJ INVESTMENT GROUP INC and SUE-HWA LINDA LIU shall pay, jointly and severally,
6 the Commissioner's reasonable cost for (a) the audits which led to this disciplinary action
7 (LA190150 and LA200048) and (b) subsequent audits to determine if Respondent AIGI is now in
8 compliance with the Real Estate Law. The cost of the audits which led to this disciplinary action
9 is \$14,653.00; pursuant to the Stipulation and Agreement in Case H-41028 LA, Respondents
10 shall pay \$6,829.55 for the costs of said audits. In calculating the amount of the Commissioner's
11 reasonable cost, the Commissioner may use the estimated average hourly salary for all persons
12 performing audits of real estate brokers, and shall include an allocation for travel time to and
13 from the auditor's place of work. Said amount for any subsequent audits shall not exceed
14 \$18,316.25 (which is 125% of \$14,653.00). Respondents shall pay such cost within sixty (60)
15 days of receiving an invoice from the Commissioner detailing the activities performed during the
16 respective audit(s) and the amount of time spent performing those activities.

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18 If Respondents fail to satisfy this condition in a timely manner as provided for
19 herein, Respondents' real estate licenses shall automatically be suspended. The suspension shall
20 remain in effect until payment is made in full or until Respondents enter into an agreement
21 satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise
22 is adopted following a hearing held pursuant to this condition.

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III.

All licenses and licensing rights of Respondents are indefinitely suspended unless or until Respondents jointly and severally pay the sum of \$3,320.30 for the Commissioner's reasonable costs of investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check or certified check made payable to the Department of Real Estate. The investigation and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. If Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition

IV.


Respondent LIU shall, within six (6) months from the effective date of this Decision and Order, take and pass the Professional Responsibility Examination administered by the Department, including the payment of the appropriate examination fee. If Respondent LIU fails to satisfy this condition, Respondent LIU's real estate license shall automatically be suspended until Respondent LIU passes the examination.

V.

All license and licensing rights of Respondent LIU are indefinitely suspended unless or until Respondent LIU provides evidence satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent has successfully completed the trust fund account and handling continuing education courses, no earlier than one hundred and fifty (150) days prior to the effective date of the Decision and Order

1 in this matter. Proof of completion of the trust fund accounting and handling course must be
2 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
3 95813-7013. .

4 DATED: 10-21-21


Julie L. To, Counsel for
Department of Real Estate

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7 EXECUTION OF THE STIPULATION

8 We have read the Stipulation and Agreement. Its terms are understood by us and
9 are agreeable and acceptable to us. We understand that we are waiving rights given to us by the
10 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
11 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive
12 those rights, including the right of requiring the Commissioner to prove the allegations in the
13 Accusation at a hearing at which we would have the right to cross-examine witnesses against us
14 and to present evidence in defense and mitigation of the charges.

15 MAILING AND FACSIMILE

16 Respondents can signify acceptance and approval of the terms and conditions of
17 this Stipulation and Agreement by sending a hard copy of the original signed signature page of
18 the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth
19 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an
20 administrative hearing, Respondents can signify acceptance and approval of the terms and
21 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
22 as actually signed by Respondents, to the Department counsel assigned to this case. Respondents
23 agree, acknowledge, and understand that by electronically sending to the Department a scan of
24 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of
25 the scan by the Department shall be binding on Respondents as if the Department had received
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1 the original signed Stipulation and Agreement.

2 DATED: 10/19/2021



SUE-HWA LINDA LIU, Respondent

4 DATED: 10/19/2021



AWJ INVESTMENT GROUP INC, Respondent
By: SUE-HWA LINDA LIU, Designated Officer

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8 *I have reviewed the Stipulation and Agreement as to form and content and have*
9 *advised my clients accordingly.*

10 DATED: 10/20/2021



Mary E. Work, Attorney for Respondents
AWJ INVESTMENT GROUP INC and SUE-
HWA LINDA LIU

13 * * *

14 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
15 Respondents AWJ INVESTMENT GROUP INC dba Re/Max Orange County-East and SUE-
16 HWA LINDA LIU, individually and as designated officer of AWJ INVESTMENT GROUP INC,
17 and shall become effective at 12 o'clock noon on JAN 12 2022, 2021.

18 IT IS SO ORDERED 12.8.21, 2021.

20 ESTATE COMMISSIONER

22 
23 DOUGLAS R. McCAULEY