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9	BEFORE THE DEPARTMENT OF REAL ESTATE
10	STATE OF CALIFORNIA
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	In the Matter of the Accusation against ) No. H-42480 LA
12	MICHELLE YAM CHING HUNG, ) <u>STIPULATION AND</u> ) AGREEMENT IN SETTLMENT
13	Respondent. ) AND ORDER
14	It is hereby stipulated by and between Respondent MICHELLE YAM CHING
15	HUNG ("Respondent"), represented by counsel Lee K. Fink of Brower Law Group, A
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17	Professional Corporation, and the Complainant, acting by and through Kathy Yi, Counsel for
18	the Department of Real Estate ("Department"), as follows for the purpose of settling and
19	disposing of the Accusation filed on October 28, 2022, in this matter:
20	1. On January 24, 2023, the Real Estate Commissioner issued a Default
21	Decision against Petitioner, revoking Respondent's real estate license and license rights as of
22	February 28, 2023.
23	2. On March 30, 2023, Respondent filed a Petition for Writ of Mandate in
24	the Superior Court of California, County of Los Angeles, seeking to set aside the Default
25	Decision in the Matter of the Accusation against Michelle Yam Ching Hung. The hearing on
26	said Petition for Writ of Mandate has been set for March 5, 2024.
27	3. The parties wish to settle this matter without further proceedings.
	STIPULATION AND AGREEMENT

- Page 1 of 7 -

4. All issues which were to be contested and all evidence which was to be
 presented by Complainant and Respondent 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.

5. Respondent has received, read and understands the Statement to
Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department
in this proceeding.

9 6. Respondent, pursuant to the limitations set forth below, hereby admits
 10 that the factual allegations in the Accusation filed in this proceeding are true and correct and
 11 the Commissioner shall not be required to provide further evidence to prove such allegations.

12 7. It is understood by the parties that the Real Estate Commissioner may 13 adopt the Stipulation and Agreement as her Decision in this matter, thereby imposing the 14 penalty and sanctions on Respondent's real estate license, license rights, and mortgage loan 15 originator ("MLO") license endorsement as set forth in the below Order. In the event that the 16 Commissioner, in her discretion, does not adopt the Stipulation and Agreement, it shall be void 17 and of no effect, and Respondent shall retain the right to a hearing and proceeding on the 18 Accusation under all the provisions of the APA and shall not be bound by any admission or 19 waiver made herein.

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

## **DETERMINATION OF ISSUES**

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

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STIPULATION AND AGREEMENT - Page 2 of 7 -

1	The conduct, acts, or omissions of Respondent MICHELLE YAM CHING
2	HUNG, as described in the Accusation, constitute cause for the suspension or revocation of all
3	real estate licenses and license rights of Respondent under California Business and Professions
4	Code ("Code") section 10177(f). The basis for discipline of Respondent's MLO license
5	endorsement are pursuant to Code sections 10166.051(a) and 10166.051(b) and Section 2945.1
6	of Title 10, Chapter 6, of the California Code of Regulations ("Regulations").
7	ORDER
8	WHEREFORE, THE FOLLOWING ORDER is hereby made:
9	I.
10	All licenses, licensing rights, and MLO license endorsements of Respondent
11	MICHELLE YAM CHING HUNG under the Real Estate Law are revoked; provided, however,
12	a restricted real estate broker license and restricted MLO license endorsement shall be issued to
13	Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor
14	and pays to the Department the appropriate fee for the restricted license and restricted MLO
15	license endorsement within ninety (90) days from the effective date of this Decision. The
16	restricted license and restricted MLO license endorsement issued to Respondent shall be
17	subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
18	conditions, and restrictions imposed under Section 10156.6 of the Code:
19	1. The restricted license and restricted MLO license endorsement issued to
20	Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in
21	the event of Respondent's conviction, plea of guilty, or plea of nolo contendere to a crime
22	which is substantially related to Respondent's fitness or capacity as a real estate licensee.
23	2. The restricted license and restricted MLO license endorsement issued to
24	Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on
25	evidence satisfactory to the Commissioner that Respondent has violated provisions of the
26	California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
27	Commissioner, or the conditions attaching to this restricted license or restricted MLO license
	STIPULATION AND AGREEMENT - Page 3 of 7 -

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. • <sup>1</sup> endorsement.

Respondent shall not be eligible to petition for the issuance of any
 unrestricted real estate license, any unrestricted MLO license endorsement, nor for the removal
 of any of the conditions, limitations or restrictions of a restricted license until at least four (4)
 years have elapsed from the effective date of this Decision and Order. Respondent shall not be
 eligible to apply for any unrestricted licenses or unrestricted MLO license endorsement until all
 restrictions attaching to the license or MLO license endorsement have been removed.

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## II.

9 Respondent shall, within nine (9) months from the effective date of this 10 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and 11 12 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the 13 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this 14 condition, Respondent's real estate license shall automatically be suspended until Respondent 15 presents evidence satisfactory to the Commissioner of having taken and successfully completed 16 the continuing education requirements. Proof of completion of the continuing education 17 courses must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, 18 Sacramento, CA 95813-7013.

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III.

1. Respondent shall pay the sum of \$1,912.88 for the Commissioner's 20 reasonable costs of the investigation (\$844.80) and enforcement (\$1,877.90) which led to this 21 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the 22 Department of Real Estate. The investigative and enforcement costs must be delivered to 23 24 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. Payment of investigation and 25 enforcement costs should not be made until the Stipulation and Agreement has been 26 approved by the Commissioner. 27

1	2. If Respondent fails to satisfy condition 1 of section III, above,
2	Respondent's restricted license shall be suspended until Respondent presents evidence of
3	payment. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to
4	the Administrative Procedure Act to present such evidence that payment was timely made. The
5	suspension shall remain in effect until payment is made in full or until a decision providing
6	otherwise is adopted following a hearing held pursuant to this condition.
7	IV.
8	Respondent shall notify the Commissioner in writing within 72 hours of any
9	arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Flag
10	Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
11	Respondent's arrest, the crime for which Respondent was arrested and the name and address of
12	the arresting law enforcement agency. Respondent's failure to timely file written notice shall
13	constitute an independent violation of the terms of the restricted license and restricted MLO
14	license endorsement and shall be grounds for the suspension or revocation of that license and
15	MLO license endorsement.
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17	DATED: 03/11/2024
18	Kathy Yi, Counsel Department of Real Estate
19	* * *
20	
21	Respondent has read the Stipulation and Agreement and understands that
22	Respondent is waiving rights given to Respondent by the California Administrative Procedure
23	Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and
24	Respondent willingly, intelligently, and voluntarily waives those rights, including the right of
25	requiring the Real Estate Commissioner to prove the allegations in the Accusation at a hearing
26	at which Respondent would have the right to cross-examine witnesses against Respondent and
27	to present evidence in defense and mitigation of the charges.

STIPULATION AND AGREEMENT - Page 5 of 7 -

Respondent agrees, acknowledges, and understands that Respondent cannot 1 rescind or amend this Stipulation and Agreement. Respondent can signify acceptance and 2 approval of the terms and conditions of this Stipulation and Agreement by electronically e-3 mailing a copy of the signature page, as actually signed by Respondent, to the Department. 4 Respondent agrees, acknowledges, and understands that by electronically sending to the 5 Department an electronic copy of Respondent's actual signature, as it appears on the 6 Stipulation and Agreement, that receipt of the emailed copy by the Department shall be as 7 binding on Respondent as if the Department had received the original signed Stipulation and 8 9 Agreement. Respondent can signify acceptance and approval of the terms and conditions of 10 this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: 11 Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 12 90013-1105. 13 Respondent's signature below constitutes acceptance and approval of the terms 14 and conditions of this Stipulation and Agreement. By signing this Stipulation and Agreement, 15 Respondent understands and agrees that Respondent may not withdraw Respondent's 16 agreement or seek to rescind the Stipulation and Agreement prior to the time the Commissioner 17 considers and acts upon it or prior to the effective date of the Stipulation and Agreement and 18 19 Order. 20 DATED: 3/5/2024 21 MICHELLE YAM CHING HUNG 22 Respondent 23 24 /// 25 /// 26 /// 27 /// STIPULATION AND AGREEMENT - Page 6 of 7 -

1	I have reviewed the Stipulation and Agreement as to form and content, and have
2	advised my client accordingly.
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4	DATED: March 5, 2024 Lee K. Fink / Counsel for Respondent
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8	The foregoing Stipulation and Agreement is hereby adopted by me as my
9	Decision in this matter as to Respondent MICHELLE YAM CHING HUNG and shall become
10	effective at 12 o'clock noon on
11	IT IS SO ORDERED
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13	CHIKA SUNQUIST REAL ESTATE COMMISSIONER
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16	By: MARCUS L. McCARTHER Chief Deputy Real Estate Commissioner
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	STIPULATION AND AGREEMENT - Page 7 of 7 -

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	I have reviewed the Stipulation and Agreement as to form and content, and ha
8	advised my client accordingly.
1	DATED:
	Lee K. Fink Counsel for Respondent
	* * *
	The foregoing Stipulation and Agreement is hereby adopted by me as my
_1	Decision in this matter as to Respondent MICHELLE YAM CHING HUNG and shall becon
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	effective at 12 o'clock noon on April 29, 2024. IT IS SO ORDERED $4/2/2024$
	11 15 50 OKDERED
	CHIKA SUNQUIST
	REAL ESTATE COMMISSIONER
	By: MARCUS L. McCARTHER Chief Deputy Real Estate Commissioner
-	STIPULATION AND AGREEMENT
	- Page 7 of 7 -

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