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1	Department of Real Estate 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105
2	Telephone: (213) 576-6982 0CT 2 4 2024
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5	By
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8	DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	***
п	In the Matter of the Accusation of DRE No. H-42667 LA
12) MCSEN REALTY CORP., and MICKEY CAI,)
13	individually and as designated officer of Mcsen) Realty Corp.,) STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER
14	Respondents.
15)
16	It is hereby stipulated by and between Respondent MCSEN REALTY CORP. and
17	MICKEY CAI (collectively "Respondents") and the Complainant, acting by and through Kevin H.
18	Sun, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
19	of the Accusation filed on September 27, 2023, in Case No. H-42667 LA:
20	1. All issues which were to be contested and all evidence which was to be presented
21	by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be
22	held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead
23	and in place thereof be submitted on the basis of the provisions of this Stipulation and Agreement
24	in Settlement and Order ("Stipulation").
25	2. Respondents have received, read and understand the Statement to Respondents,
26	the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in
27	this proceeding.

3. On or about October 19, 2023, Respondents filed Notices of Defense pursuant to 1 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in 2 the Accusation in Case No. H-42667 LA. Respondents hereby freely and voluntarily withdraw said 3 Notices of Defense. Respondents acknowledge that they understand that by withdrawing said 4 Notices of Defense they will thereby waive their rights to require the Commissioner to prove the 5 allegations in the Accusation at a contested hearing held in accordance with the provisions of the 6 7 APA and that they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-8 9 examine witnesses.

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

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

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

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a.	7. The Order or any subsequent Order of the Real Estate Commissioner made
2	pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
3	administrative or civil proceedings by the Department of Real Estate with respect to any matters
4	which were not specifically alleged to be causes for accusation in this proceeding.
5	DETERMINATION OF ISSUES
6	By reason of the foregoing stipulations, admissions and waivers and solely for the
7	purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that
8	the following determination of issues shall be made:
9	The conduct of Respondents, as described in the Accusation, is in violation of
10	California Business and Professions Code ("Code") Sections 10145 and 10159.2 and Title 10,
11	Chapter 6, California Code of Regulations ("Regulations") Sections 2725, 2831, 2831.1, 2831.2,
12	and 2835 and is grounds for the suspension or revocation of all of the real estate license and license
13	rights of Respondent under the provision of Code Section 10177(d), 10177(g), and 10177(h) (as to
14	MICKEY CAI).
15	ORDER
16	WHEREFORE, THE FOLLOWING ORDER is hereby made:
17	I.
18	(MCSEN REALTY CORP.)
19	All licenses and license rights of Respondent MCSEN REALTY CORP. under the
20	Real Estate Law are suspended for a period of thirty (30) days from the effective date of this
21	Decision or, if the license is expired, upon renewal of the license;
22	A. Provided, however, that the initial fifteen (15) days of said suspension shall be
23	stayed for two (2) years upon the following terms and conditions:
24	1. Respondent shall pay a monetary penalty pursuant to Code section 10175.2
25	at the rate of \$50.00 per day for each of the fifteen (15) days of suspension for a total monetary
26	penalty of \$750.00.
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1	2. Said payment shall be in the form of a cashier's check made payable to the
2	Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag
3	Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811.
4	3. No further cause for disciplinary action against the real estate license of
5	Respondent occurs within two (2) years from the effective date of the Decision or, if the license is
6	expired, upon the renewal of the license in this matter.
7	4. If Respondent fails to pay the monetary penalty in accordance with the
8	terms and conditions of the Decision, the suspension shall go into effect automatically with regard
9	to said Respondent. Respondent shall not be entitled to any repayment nor credit, prorated or
10	otherwise, for money paid to the Department under the terms of this Decision and Order.
11	5. If Respondent pays the monetary penalty, meets all the conditions set forth
12	above, and if no further cause for disciplinary action against the real estate license of Respondent
13	occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall
14	become permanent.
15	B. The remaining fifteen (15) days of the thirty (30) day suspension shall be stayed
16	for two (2) years upon the following terms and conditions:
17	1. That Respondent shall obey all laws, rules and regulations governing the
18	rights, duties and responsibilities of a real estate licensee in the State of California; and
19	2. That no final subsequent determination be made after hearing or upon
20	stipulation, that cause for disciplinary action occurred within two (2) years from the effective date
21	of this Decision or, if the license is expired, upon the renewal of the license. Should such a
22	determination be made, the Commissioner may, in her discretion, vacate and set aside the stay
23	order and re-impose all or a portion of the stayed suspension. Should no such determination be
24	made under this section, the stay imposed herein shall become permanent.
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1	П.
2	(MICKEY CAI)
3	All licenses and license rights of Respondent MICKEY CAI under the Real Estate
4	Law are suspended for a period of thirty (30) days from the effective date of this Decision or, if the
5	license is expired, upon renewal of the license;
6	A. Provided, however, that the initial fifteen (15) days of said suspension shall be
7	stayed for two (2) years upon the following terms and conditions:
8	1. Respondent shall pay a monetary penalty pursuant to Code section 10175.2
9	at the rate of \$50.00 per day for each of the fifteen (15) days of suspension for a total monetary
10	penalty of \$750.00.
I I	2. 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 Estate, Flag
13	Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811.
14	3. No further cause for disciplinary action against the real estate license of
15	Respondent occurs within two (2) years from the effective date of the Decision or, if the license is
16	expired, upon the renewal of the license in this matter.
17	4. If Respondent fails to pay the monetary penalty in accordance with the
18	terms and conditions of the Decision, the suspension shall go into effect automatically with regard
19	to said Respondent. Respondent shall not be entitled to any repayment nor credit, prorated or
20	otherwise, for money paid to the Department under the terms of this Decision and Order.
21	5. Respondent shall, within nine (9) months from the effective date of this
22	Order, present evidence satisfactory to the Commissioner that Respondent has, since the most
23	recent issuance of an original or renewal real estate license, taken and successfully completed the
24	continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
25	of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
26	license shall automatically be suspended until Respondent presents evidence satisfactory to the
27	Commissioner of having taken and successfully completed the continuing education requirements.
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Proof of completion of the continuing education courses must be delivered to the Department 1 2 of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811. 3 6. Respondent shall, within six (6) months from the effective date of this Decision and Order, take and pass the Professional Responsibility Examination administered by the 4 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy 5 this condition, Respondent's real estate license shall automatically be suspended until Respondent 6 passes the examination. 7 8 7. If Respondent pays the monetary penalty, meets all the conditions set forth above, and if no further cause for disciplinary action against the real estate license of Respondent 9 occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall 10 become permanent. 11 12 B. The remaining fifteen (15) days of the thirty (30) day suspension shall be stayed for two (2) years upon the following terms and conditions: 13 1. That Respondent shall obey all laws, rules and regulations governing the 14 rights, duties and responsibilities of a real estate licensee in the State of California; and 15 2. That no final subsequent determination be made after hearing or upon 16 17 stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Decision or, if the license is expired, upon the renewal of the license. Should such a 18 determination be made, the Commissioner may, in her discretion, vacate and set aside the stay 19 order and re-impose all or a portion of the stayed suspension. Should no such determination be 20 made under this section, the stay imposed herein shall become permanent. 21 III. 22 (MCSEN REALTY CORP. and MICKEY CAI) 23 24 A. All licenses and licensing rights of Respondents are indefinitely suspended unless or until Respondents pay the sum of \$3,241.63 for the Commissioner's reasonable cost of 25 the investigation and enforcement which led to this disciplinary action. Said payment shall be in 26 the form of a cashier's check made payable to the Department of Real Estate. The investigative and 27 (Rev. 7/18) Page 6 of 9

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enforcement costs must be delivered to the Department of Real Estate, Flag Section at 651 Bannon
 Street, Suite 504, Sacramento, CA 95811.

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B. Pursuant to Code Sections 10148, Respondents shall pay the Commissioner's reasonable costs for the audit which led to this disciplinary action in the amount of <u>\$6,650.81</u>. Respondents shall pay such costs within sixty (60) days of receiving an invoice therefore from the Commissioner, or, show proof of such payment. Payment of the audit costs should not be made until Respondents receives the invoice. 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.

C. Pursuant to Code section 10148 of the Code, Respondents shall pay the 11 Commissioner's reasonable costs, not to exceed 125% of \$6,650.81, for a subsequent audit to 12 13 determine if Respondents have corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable costs, the Commissioner may use the 14 estimated average hourly salary for all persons performing audits of real estate brokers, and shall 15 include an allocation for travel time to and from the auditor's place of work. Respondents shall pay 16 such costs within sixty (60) days of receiving an invoice therefor from the Commissioner. Payment 17 of the audit costs should not be made until Respondents receives the invoice. If Respondents fail to 18 satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses 19 shall automatically be suspended until payment is made in full, or until a decision, providing 20 otherwise, is adopted following a hearing held pursuant to this condition. 21

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DATED: B/27/24

Kevin H. Sun, Counsel for Department of Real Estate

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EXECUTION OF THE STIPULATION

2	We have read the Stipulation, have discussed it with our counsel, and its terms are
3	understood by us and are agreeable and acceptable to us. We understand that we are waiving rights
4	given to us by the California Administrative Procedure Act (including but not limited to Sections
5	11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and
6	voluntarily waive those rights, including the right of requiring the Commissioner to prove the
7	allegations in the Accusation at a hearing at which we would have the right to cross-examine
8	witnesses against us and to present evidence in defense and mitigation of the charges.
9	Respondents shall mail the original signed signature page of the stipulation herein to
10	Kevin H. Sun, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
11	Los Angeles, California 90013-1105.
12	In the event of time constraints before an administrative hearing, Respondents can
13	signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by
14	emailing a scanned copy of the signature page, as actually signed by Respondents, to the
15	Department counsel assigned to this case. Respondents agree, acknowledge and understand that by
16	electronically sending the Department a scan of Respondents' actual signature as it appears on the
17	Stipulation and Agreement that receipt of the scan by the Department shall be binding on
18	Respondents as if the Department had received the original signed Stipulation. Respondents shall
19	also mail the original signed signature page of this Stipulation to the Department counsel.
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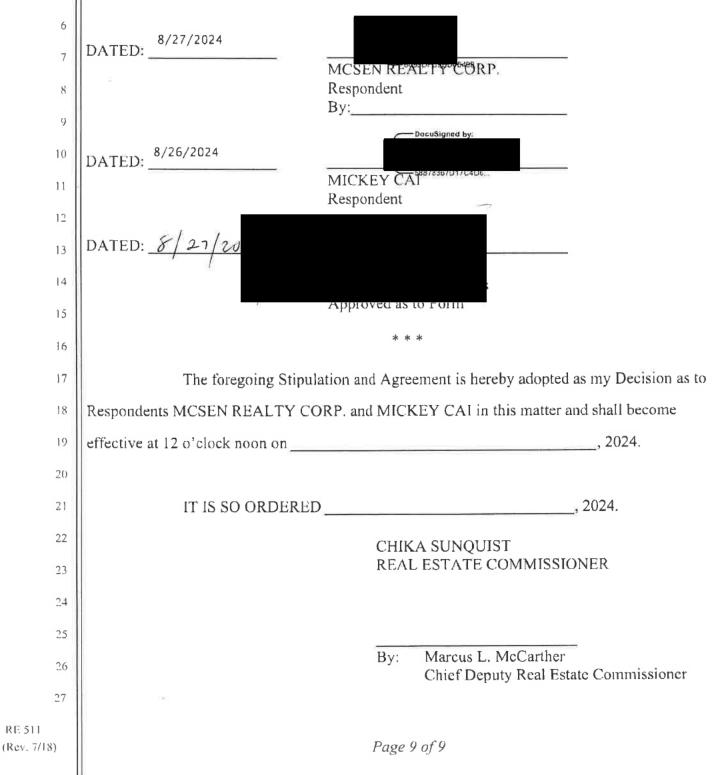
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Respondents' signatures below constitute acceptance and approval of the terms and I 2 conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing this Stipulation, Respondents are bound by its terms as of the date of such signatures and that this 3 4 agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner. 5



1	Respondents' signatures below constitute acceptance and approval of the terms and
2	conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing this
3	Stipulation, Respondents are bound by its terms as of the date of such signatures and that this
4	agreement is not subject to rescission or amendment at a later date except by a separate Decision
5	and Order of the Real Estate Commissioner.
6	
7	DATED:
8	MCSEN REALTY CORP. Respondent
9	By:
10	
11	DATED: MICKEY CAI
12	Respondent
12	DATED:
14	Mary E. Work
	Counsel for Respondents Approved as to Form
15	* * *
16	
17	The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18	Respondents MCSEN REALTY CORP. and MICKEY CAI in this matter and shall become
19	effective at 12 o'clock noon on NOV 2 5 2024 , 2024.
20	IT IS SO ORDERED $10/22/2024$ 2024
21	IT IS SO ORDERED, 2024.
22	CHIKA SUNQUIST
23	REAL ESTATE COMMISSIONER
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25	
26	By: Marcus L. McCarther Chief Deputy Real Estate Commissioner
27	Chief Deputy Real Estate Commissioner
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