

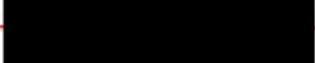
1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

FILED

OCT 24 2024

DEPT. OF REAL ESTATE

By 

8 **DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 ***

11 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.

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

10 4. This Stipulation is based on the factual allegations contained in the Accusation.
11 In the interest of expedience and economy, Respondents choose not to contest these allegations, but
12 to remain silent, and understand 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 is made for the purpose of reaching an agreed disposition of this
17 proceeding and is expressly limited to this proceeding and any other proceeding or case in which
18 the Department or another licensing agency of this state, another state, or if the federal government
19 is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

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

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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 II.

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.

11 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.

1 **Proof of completion of the continuing education courses must be delivered to the Department**
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
4 Decision and Order, take and pass the Professional Responsibility Examination administered by the
5 Bureau including the payment of the appropriate examination fee. If Respondent fails to satisfy
6 this condition, Respondent's real estate license shall automatically be suspended until Respondent
7 passes the examination.

8 7. If Respondent pays the monetary penalty, meets all the conditions set forth
9 above, and if no further cause for disciplinary action against the real estate license of Respondent
10 occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall
11 become permanent.

12 B. The remaining fifteen (15) days of the thirty (30) day suspension shall be stayed
13 for two (2) years upon the following terms and conditions:

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

16 2. That no final subsequent determination be made after hearing or upon
17 stipulation, that cause for disciplinary action occurred within two (2) years from the effective date
18 of this Decision or, if the license is expired, upon the renewal of the license. Should such a
19 determination be made, the Commissioner may, in her discretion, vacate and set aside the stay
20 order and re-impose all or a portion of the stayed suspension. Should no such determination be
21 made under this section, the stay imposed herein shall become permanent.

22 III.

23 (MCSSEN REALTY CORP. and MICKEY CAI)


24 A. All licenses and licensing rights of Respondents are indefinitely suspended
25 unless or until Respondents pay the sum of \$3,241.63 for the Commissioner's reasonable cost of
26 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
27 the form of a cashier's check made payable to the Department of Real Estate. The investigative and

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

3 B. Pursuant to Code Sections 10148, Respondents shall pay the Commissioner's
4 reasonable costs for the audit which led to this disciplinary action in the amount of \$6,650.81.
5 Respondents shall pay such costs within sixty (60) days of receiving an invoice therefore from the
6 Commissioner, or, show proof of such payment. Payment of the audit costs should not be made
7 until Respondents receives the invoice. If Respondents fail to satisfy this condition in a timely
8 manner as provided for herein, Respondents' real estate licenses shall automatically be suspended
9 until payment is made in full, or until a decision providing otherwise is adopted following a hearing
10 held pursuant to this condition.

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


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23 DATED: 8/27/24


Kevin H. Sun, Counsel for
Department of Real Estate

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Respondents' signatures below constitute acceptance and approval of the terms and 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 agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: 8/27/2024 
MCSSEN REALTY CORP.
Respondent
By: _____

DATED: 8/26/2024 
MICKEY CAI
Respondent

DATED: 8/27/20 
Approved as to Form

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents MCSSEN REALTY CORP. and MICKEY CAI in this matter and shall become effective at 12 o'clock noon on _____, 2024.

IT IS SO ORDERED _____, 2024.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER

By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner

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Respondents' signatures below constitute acceptance and approval of the terms and 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 agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: _____
MCSSEN REALTY CORP.
Respondent
By: _____

DATED: _____
MICKEY CAI
Respondent

DATED: _____
Mary E. Work
Counsel for Respondents
Approved as to Form

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents MCSSEN REALTY CORP. and MICKEY CAI in this matter and shall become effective at 12 o'clock noon on NOV 25 2024, 2024.

IT IS SO ORDERED 10/22/2024, 2024.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther
Chief Deputy Real Estate Commissioner