



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY NY 12231-0001

RANDY A. DANIELS
SECRETARY OF STATE

June 14, 2001

Honorable Carolyn B. Maloney
Member of Congress
1651 Third Avenue, Suite 311
New York, NY 10128-3679

Re: La La Wang

Dear Congresswoman Maloney:

Thank you for your letter of May 18th regarding La La Wang. As the materials you provided with your letter demonstrate, Ms. Wang is presently suing the State of New York in Federal Court with respect to the issues raised in your letter. She has also commenced a lawsuit in New York State Supreme Court regarding these issues.

It should be noted that the Department of State has not revoked her real estate broker license. Our decision ordered that her license be suspended until such time as she ceases to engage in the business of apartment information vendor without a license. And, in fact, her license suspension has, in effect, been stayed throughout this entire matter. The Department of State has been very forbearing toward Ms. Wang's six year refusal to obey the New York State Legislature's requirement that apartment information vendors be licensed.

Ms. Wang has always been free to engage in the business of being a real estate broker under her real estate broker's license. However, the facts presented at her hearing demonstrated that her business is that of an apartment information vendor, which requires a separate license. She is eligible to obtain an apartment information vendor license immediately, if she chooses to apply.

The record will show that Ms. Wang's business is that of providing information regarding the availability of real property in exchange for a fee paid by her customers. It will also show that she employs people to obtain property listings which she then sells. Such activity is not that of an "access provider."

The statute (Real Property Law 446-a) regulates "any person who engages in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of, a fee from a customer for furnishing information concerning the location and availability of real

New York State Dept. of State
La La Wang

Page 2

property, including apartment housing,” The fact that she furnishes the information via the internet rather than typing and mailing the lists does not change the inherent nature of her business. I have taken the liberty of enclosing the home page of her web site, as of June 8th, as well as testimonials she has posted from her clients.

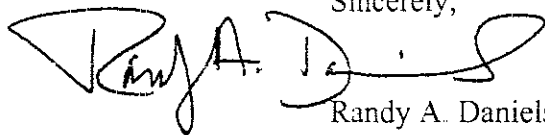
That some may consider the law’s requirements “onerous and inhibiting to businesses” does not diminish our responsibility to enforce the law, which was duly enacted by the Legislature and has been in existence for over 25 years.

Real Property Law Article 12-A, which regulates real estate brokers, requires that they be trustworthy. A demonstrated pattern of refusing to comply with licensing laws demonstrates untrustworthiness, whether related to specific real estate broker activity or not. A review of the case law under Article 12-A shows that brokers are routinely disciplined for improper activities not specifically related to real estate broker transactions.

Newspaper publishers are not apartment information vendors because the apartment advertisements are placed in the newspaper, usually for a fee, by the apartment owner or the apartment owner’s broker, and the prospective tenant pays only the nominal cost of the newspaper to receive the listing information. Newspaper apartment advertisements are incidental to the primary function of a newspaper (reporting news) while the clear primary function of Ms Wang’s web site is to provide apartment listings in exchange for a fee.

Again, thank you for your letter.

Sincerely,



Randy A. Daniels
Secretary of State

cc: Elliot Spitzer
Attorney General of the State of New York
120 Broadway
New York, NY 10271