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FILED

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BUREAU OF REAL ESTATE

By *H. Contreras*

9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) NO. H-11688 SF
13)
14 JOHN CHEN,) ACCUSATION
15)
16 Respondent.)
17)

18 The Complainant, ROBIN TANNER, a Deputy Real Estate Commissioner
19 (herein "Complainant") of the State of California, Bureau of Real Estate (herein the "Bureau")
20 makes this Accusation in her official capacity against Respondent JOHN CHEN (herein the
21 "Respondent"). Complainant is informed and alleges as follows:

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23 At all times herein mentioned, Respondent was licensed and/or has license
24 rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code
25 (herein "the Code") as a real estate broker; Respondent's restricted real estate broker license
26 expired on about January 8, 2013.

27 2

On or about July 9, 2012, in the Superior Court, State of California, County of
Santa Clara, Respondent was convicted of Three (3) Counts of the crime of Procuring or
Offering a False Instrument, in violation of Section 115 of the Penal Code and Three (3) Counts

1 of the crime of False or Fraudulent Claim to Government Office, in violation of Section 72 of the
2 Penal Code, Felonies, that bear a substantial relationship under Section 2910 of Title 10, of the
3 California Code of Regulations (herein the "Regulations"), to the qualifications, functions or
4 duties of a real estate licensee.

5 3

6 The facts alleged above, constitute cause under Section 10177(b) (Conviction Of
7 Crime Substantially Related To Qualifications, Functions Or Duties Of Real Estate Licensee)
8 and Section 490 (Conviction Substantially Related Crime) of the Code for suspension or
9 revocation of Respondent's license under the Real Estate Law.

10 4

11 On May 15, 2013, a diligent search was made of the records of the Bureau,
12 relating to Respondent's Real Estate Broker License No. 1251432. As a result of said search,
13 no record was discovered having been received from Respondent notifying the Bureau, in
14 writing, of any conviction, indictment, information or license disciplinary action.

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16 The facts alleged above in Paragraph 4 indicate Respondent's failure to comply
17 with Sections 10186.2(a)(1)(A), 10186.2(a)(1)(B), and 10186.2(a)(2) (failure to report in writing
18 to the Bureau of the bringing of an indictment or information charging a felony and/or a
19 conviction of any felony or misdemeanor against Respondent within 30 days) of the Code, and
20 constitute cause under Section 10177(d) (willful disregard or violation of the Real Estate Law;
21 Part 1 of Division 4 of the Code) for revocation of all licenses and license rights of Respondent
22 under said Real Estate Law.

23 MATTERS IN AGGRAVATION

24 Prior Administrative Action

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26 Effective March 18, 2008, in Case No. H-10328 SF, before the Bureau, the Real
27 Estate Commissioner (herein the "Commissioner") revoked Respondent's real estate broker

1 license, but granted Respondent the right to a restricted real estate broker license for violating
2 Sections 10130, 10137, 10145, 10159.2, 10160, 10168.8, 10176(a), (c), (f) and (g), 10177(d), (g)
3 and (h), 10236.4 and 10240 of the Code, and Sections 2831, 2831.1, 2831.2, 2832, 2752 of the
4 Regulations.

5 COST RECOVERY

6 5

7 Investigation and Enforcement Costs

8 Section 10106 of the Code provides, in pertinent part, that in any order issued in
9 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
10 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
11 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

12 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
13 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
14 action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of
15 Division 4 of the Business and Professions Code), for the cost of the investigation and
16 enforcement as permitted by law, and for such other and further relief as may be proper under
17 other applicable provisions of law.

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22 ROBIN TANNER
23 Deputy Real Estate Commissioner

24 Dated at Oakland, California

25 this 23 day of October, 2013.