

FILED

AUG 15 2014

BUREAU OF REAL ESTATE

By S. Black

BEFORE THE
BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

JOHN CHEN,

Respondent.

NO. H-11688 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 7, 2014. The Findings of Fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and/or, (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of crimes.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On October 23, 2013, Robin Tanner made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and form for the Notice of Defense were mailed, by certified and regular mail to Respondent at his last known mailing address on file with the Bureau on April 24, 2014.

On August 7, 2014, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

Respondent JOHN CHEN was licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a Real Estate Broker. Said license expired on January 8, 2013.

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

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

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

The facts alleged in Paragraph 5 above indicate Respondent's failure to comply with Sections 10186.2(a)(1)(A), 10186.2(a)(1)(B), and 10186.2(a)(2) (failure to report in writing to the Bureau of the bringing of an indictment or information charging a felony and/or a conviction of any felony or misdemeanor against Respondent within 30 days) of the Code, and constitute cause under Section 10177(d) (willful disregard or violation of the Real Estate Law; Part 1 of Division 4 of the Code) for revocation of all licenses and license rights of Respondent under said Real Estate Law.

MATTERS IN AGGRAVATION
Prior Administrative Action

Effective March 18, 2008, in Case No. H-10328 SF, before the Bureau of Real Estate of the State of California, the Real Estate Commissioner (herein the "Commissioner") revoked Respondent's real estate broker license for violating Sections 10130, 10137, 10145, 10159.2, 10160, 10168.8, 10176(a), (c), (f) and (g), 10177(d), (g) and (h), 10236.4 and 10240 of the Code and Sections 2831, 2831.1, 2831.2, 2832 and 2752 of the Regulations, but granted Respondent the right to a restricted real estate broker license.

DETERMINATION OF ISSUES

1

The facts found above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all license and license rights of Respondent under the Real Estate Law.

2

The standard of proof applied is clear and convincing proof to a reasonable certainty.

ORDER

The real estate license and license rights of Respondent JOHN CHEN under the provisions of Part I of Division 4 of the Business and Professions Code are hereby revoked.

This Decision shall become effective at 12 o'clock noon on _____

SEP 05 2014

DATED: _____

AUG 13 2014

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670

FILED

AUG - 7 2014

BUREAU OF REAL ESTATE

By K. Contreras

8 BEFORE THE
9 BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 JOHN CHEN,)

14 Respondent.)

NO. H-11688 SF

DEFAULT ORDER

15 _____)
16 Respondent, JOHN CHEN, having failed to file a Notice of Defense within the
17 time required by Section 11506 of the Government Code, is now in default. It is, therefore,
18 ordered that a default be entered on the record in this matter as to JOHN CHEN.

19 IT IS SO ORDERED July 28, 2014.

21 WAYNE S. BELL

22 Real Estate Commissioner

23 By:

Joe M. Carrillo
24 JOE M. CARRILLO
25 Regional Manager
26
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