

1 JASON D. LAZARK, Counsel (SBN 263714)  
2 Department of Real Estate  
3 P. O. Box 137007  
4 Sacramento, CA 95813-7007  
5 Office: (916) 576-8700  
6 Direct: (916) 576-7843  
7 jason.lazark@dre.ca.gov

**FILED**

JUL 14 2023

DEPARTMENT OF REAL ESTATE  
By B. A. Clarke

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: )

No. H-12682 SF

12 FLORENCE YUEN SHAN KONG, )

ACCUSATION

13 Respondent. )

14 The Complainant, STEPHANIE YEE, acting in her official capacity as a  
15 Supervising Special Investigator of the State of California, for cause of Accusation against  
16 FLORENCE YUEN SHAN KONG (“Respondent”), is informed and alleges as follows:

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18 Respondent is presently licensed and/or has license rights under the Real Estate  
19 Law, Part 1 of Division 4, of the Business and Professions Code (“the Code”) as a real estate  
20 broker. Respondent is also presently licensed and/or has license rights as a mortgage loan  
21 originator under Nationwide Multistate Licensing System License No. 1721385.

22 CRIMINAL CONVICTIONS

23 2

24 On or about February 11, 2021, in the United States District Court for the  
25 Northern District of California, Case No. CR-20-00354-001, Respondent was convicted of  
26 violating one count of 18 U.S.C. §666(a)(2) (theft or bribery of federal funds program), and two  
27 counts of 18 U.S.C. §1001(a)(2) (false statements to a government agency), all felonies which

1 bear a substantial relationship under Section 2910, Title 10, California Code of Regulations  
2 (“the Regulation”) to the qualifications, functions, or duties of a real estate licensee.

3 3

4 The facts alleged above in Paragraph 2 constitutes grounds under Sections 490  
5 (discipline for criminal conviction) and 10177(b) (discipline for criminal conviction) of the  
6 Code for suspension or revocation of all licenses and license rights, and endorsements and  
7 endorsement rights of Respondent under Part 1 of Division 4 of the Code (“the Real Estate  
8 Law”).

9 LICENSE REVOCATION

10 4

11 Effective July 25, 2022, before the Contractors State Licensing Board,  
12 Department of Consumer Affairs, Case No. N2021-238, the contractor’s license issued to  
13 Respondent was revoked by default. The revocation was based on Respondent’s criminal  
14 convictions, as set forth above in Paragraph 2.

15 5

16 The facts alleged above in Paragraph 4 constitute grounds under Section 10177(f)  
17 (acts, which if done by a real estate licensee, would be grounds for suspension or revocation) of  
18 the Code for the suspension or revocation of all licenses and license rights, and endorsements  
19 and endorsement rights of Respondent under the Real Estate Law.

20 FAILURE TO DISCLOSE CRIMINAL COMPLAINT, CONVICTION, AND DISCIPLINE

21 6

22 A diligent search was made of the records of the Department of Real Estate  
23 (“Department”) relating to Respondent’s Real Estate Broker License No. 02013032. As a result  
24 of said search, no record was discovered having been received from Respondent notifying the  
25 Department, in writing, of any conviction, information, indictment, or license disciplinary  
26 action related to Paragraphs 2 and 4, above.

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The facts alleged above in Paragraphs 2 through 6 indicate Respondent's failure to comply with Sections 10186.2(a)(1)(A), 10186.2(a)(1)(B), 10186.2(a)(1)(C), and 10186.2(a)(2) (failure to report to the Department in writing within 30 days of the bringing of an indictment or information charging a felony, conviction of any felony or misdemeanor, and failure to report disciplinary action by licensing agency) of the Code, and constitute cause under Section 10177(d) (willful disregard or violation of the Real Estate Law) for revocation of all licenses and license rights, and endorsements and endorsement rights of Respondent under the Real Estate Law.

COST RECOVERY

The Department will seek to recover costs of the investigation and prosecution of this case pursuant to Section 10106 of the Code which provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license rights, and endorsements and endorsement rights of Respondent under the Real Estate

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1 Law, for the cost of investigation and enforcement as permitted by law, and for such other and  
2 further relief as may be proper under other provisions of law.

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4 STEPHANIE YEE  
5 Supervising Special Investigator

6 Dated at Oakland, California, on  
7 this 10th day of July, 2023.

8  
9 DISCOVERY DEMAND

10 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
11 Department hereby makes demand for discovery pursuant to the guidelines set forth in the  
12 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the  
13 exclusion of witnesses and documents at the hearing or other sanctions that the Office of  
14 Administrative Hearings deems appropriate.