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FILED
DEC 17 2003
DEPARTMENT OF REAL ESTATE

By Laura B. Olm

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Accusation of)	No. H-27523 LA
HAE SUN CHUNG, aka,)	
Sunny Chung,)	
)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On April 1, 1998, an Order Accepting Voluntary Surrender of Real Estate License was rendered herein. Respondent HAE SUN CHUNG aka Sunny Chung's ("Respondent") petition for voluntary surrender of her real estate broker license was accepted.

On July 15, 2002, Respondent petitioned for reinstatement of her real estate broker license and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed

1 to demonstrate to my satisfaction that Respondent has undergone
2 sufficient rehabilitation to warrant the reinstatement of
3 Respondent's real estate broker license, in that:

4 I

5 The Order Accepting Voluntary Surrender of Real Estate
6 License ("Order"), accepted Respondent's petition for voluntary
7 surrender of her real estate broker license based upon the
8 understanding and agreement expressed in Respondent's Declaration
9 dated March 14, 1998 ("Declaration").

10 Respondent's Declaration stated that the filing of her
11 petition shall be deemed to be an understanding and agreement
12 that upon acceptance by the Commissioner, as evidenced by an
13 appropriate order, all affidavits and all relevant evidence
14 obtained in the investigation prior to the acceptance and all
15 allegations contained in the Accusation filed in Department of
16 Real Estate ("Department") Case No.
17 H-27523 LA may be considered by the Department to be true and
18 correct for the purpose of deciding whether or not to grant
19 reinstatement of Respondent's license.

20 The Accusation stated that on or about October 20,
21 1997, in the United States District Court for the Central
22 District of California, Southern Division, in Case No. SA
23 CR97-23 GLT, Respondent was convicted on her plea of guilty to
24 one felony count of violating 18 USC Section 1014 (False
25 Statements to a Federally Insured Institution). Said crime bears
26 a substantial relationship under Section 2910, Title 10,
27 California Code of Regulations, to the qualifications, functions,

1 or duties of a real estate licensee. Respondent was sentenced to
2 serve one (1) day in prison and three (3) years under supervised
3 release, as well as to pay fines. Said conviction constitutes
4 cause to suspend or revoke Respondent's real estate license
5 pursuant to Code Sections 490 and 10177(b) for conviction of a
6 crime.

7 II

8 Respondent's petition for reinstatement of her license
9 is governed by the Criteria of Rehabilitation set forth in the
10 California Administrative Code, Section 2911, Title 10, Chapter
11 6, California Code of Regulations ("Regulations"). Section 2911
12 provides as follows: "The following criteria have
13 been developed by the department pursuant to Section 482(a) of
14 the Business and Professions Code for the purpose of evaluating
15 the rehabilitation of an applicant for issuance or for
16 reinstatement of a license in considering whether or not to deny
17 the issuance or reinstatement on account of a crime or act
18 committed by the applicant."

19 The Criteria of Rehabilitation ("Criteria") as applied
20 to Respondent is as follows: Regulation 2911:

21 (a) It has been more than two (2) years since the conviction;
22 (b) restitution is not applicable; (d) registration pursuant to
23 Penal Code Section 290 is not applicable; (e) probation has been
24 completed; (f) abstinence from use of controlled substances or
25 alcohol is not applicable; (g) the court ordered fine has been
26 paid; (h) there is a stable family life; (j) there are no
27 adjudicated debts or monetary obligations; (k) correction of

1 business practices appears to be met; (l) there is involvement in
2 community, church or social programs; (m) there appear to be new
3 and different social and business relationships; (n) there
4 appears to be a change in attitude.

5 III

6 Respondent's conviction has not been expunged or
7 pardoned. This evidences a lack of rehabilitation and is cause
8 to deny Respondent's petition pursuant to Regulation 2911(c).

9 IV

10 Respondent has not provided proof of enrollment in
11 educational or vocational training courses. This evidences a
12 lack of rehabilitation and is cause to deny Respondent's petition
13 pursuant to Regulation 2911(i).

14 V

15 Due to the serious nature of the conduct which led to
16 the surrender of Respondent's real estate broker license and the
17 facts set forth in Paragraphs III and IV, above, a longer period
18 of time is required to measure Respondent's rehabilitation.

19 NOW, THEREFORE, IT IS ORDERED that Respondent's
20 petition for reinstatement of Respondent's real estate broker
21 license is denied.

22 I am satisfied, however, that it will not be against
23 the public interest to issue a restricted real estate salesperson
24 license to Respondent.

25 A restricted real estate salesperson license shall be
26 issued to Respondent pursuant to Code Section 10156.5 if
27 Respondent within twelve (12) months from the date hereof:

1 (a) submits evidence satisfactory to the Real Estate
2 Commissioner that Respondent has, since her license was revoked,
3 taken and passed the written examination required to obtain a
4 real estate salesperson license.

5 (b) submits evidence satisfactory to the Real Estate
6 Commissioner that Respondent has, since her license was revoked,
7 taken and passed the Professional Responsibility Examination
8 administered by the Department including the payment of the
9 appropriate examination fee.

10 (c) submits evidence satisfactory to the Real Estate
11 Commissioner that Respondent has, since Respondent's license
12 was revoked, taken and successfully completed the continuing
13 education requirements of Article 2.5 of Chapter 3 of the Real
14 Estate Law (Business and Professions Code Section 10170.5) for
15 renewal of a real estate license.

16 (d) makes application therefor and pays the
17 appropriate fee for said license.

18 The restricted license issued to Respondent shall be
19 subject to all of the provisions of Code Section 10156.7 and to
20 the following limitations, conditions and restrictions imposed
21 under authority of Code Section 10156.6:

22 1. The restricted license issued to Respondent may be
23 suspended prior to hearing by Order of the Real Estate
24 Commissioner in the event of Respondent's conviction or plea of
25 nolo contendere to a crime which is substantially related to
26 Respondent's fitness or capacity as a real estate licensee.

27 ///

1 2. The restricted license issued to Respondent may be
2 suspended prior to hearing by Order of the Real Estate
3 Commissioner on evidence satisfactory to the Commissioner that
4 Respondent has violated provisions of the California Real Estate
5 Law, the Subdivided Lands Law, Regulations of the Real Estate
6 Commissioner or conditions attaching to the restricted license.

7 3. Respondent shall not be eligible to apply for the
8 issuance of an unrestricted real estate license nor for the
9 removal of any of the conditions, limitations or restrictions of
10 a restricted license until two (2) years from the date of
11 issuance of any restricted license.

12 4. Respondent shall submit with any application for
13 license under an employing broker, or with any application for
14 transfer to a new employing broker, a statement signed by the
15 prospective employing real estate broker on a form approved by
16 the Department which shall certify:

17 (a) That the employing broker has read the Decision of
18 the Commissioner which granted the right to a restricted license;
19 and

20 (b) That the employing broker will exercise close
21 supervision over the performance by the restricted licensee
22 relating to activities for which a real estate license is
23 required.

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This Order shall become effective at 12 o'clock noon on
January 6, 2004

DATED: December 12, 2003

JOHN R. LIBERATOR
Chief Deputy Commissioner



cc: Hae Sun Chung
1856 Mariposa Lane
Fullerton, CA 92833

13017 Artesia Blvd., # D-126
Cerritos, CA 90703

fact 2/28

FILED
APR - 6 1998
DEPARTMENT OF REAL ESTATE

By K. Wiedeholt

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	NO. H-27523 LA
HAE SUN CHUNG, aka)	
Sunny Chung,)	
)	
Respondent.)	
_____)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On January 22, 1998, an Accusation was filed in this matter against Respondent HAE SUN CHUNG.

On March 14, 1998, Respondent petitioned the Commissioner to voluntarily surrender her real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent HAE SUN CHUNG's petition for voluntary surrender of her real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated March 14, 1998 (attached as

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Exhibit "A" hereto).

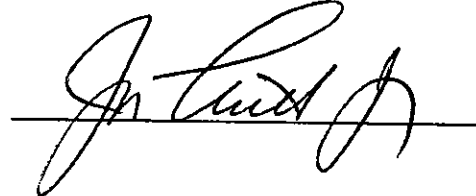
IT IS ALSO ORDERED that Respondent's license certificate(s), pocket card(s) and all branch office license certificates be sent to the below-listed address so that they reach the Department on or before the effective date of the Order:

Department of Real Estate
Attn: Licensing Flag Section
P.O. Box 187000
Sacramento, California 95818-7000

This Order shall become effective at 12 o'clock noon on April 28, 1998.

DATED: 4/1/98

JIM ANTT, JR.
Real Estate Commissioner



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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
HAE SUN CHUNG,)	No. H-27523 LA
Respondent.)	
_____)	

DECLARATION

My name is HAE SUN CHUNG.

I am the Respondent in the above-entitled case. I am representing myself in this matter.

Pursuant to Business and Professions Code Section 10100.2, I wish to voluntarily surrender my real estate license issued by the Department.

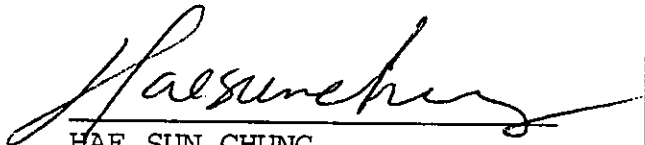
I understand that by so voluntarily surrendering my license, I agree to the following:

The filing of my petition shall be deemed to be an understanding and agreement by me that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained in the investigation prior to

1 the acceptance and all allegations contained in the Accusation
2 filed in Department of Real Estate Case No. H-27523 LA may be
3 considered by the Department to be true and correct for the
4 purpose of deciding whether or not to grant reinstatement of my
5 license.

6 I declare under penalty of perjury under the laws of the
7 State of California that the above is true and correct.

8 DATED: 3-14-98

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11 HAE SUN CHUNG

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Jus*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
FEB 27 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

HAE SUN CHUNG,

By *R. Sheddell*

Case No. H-27523 LA

OAH No. L-1998020284

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 107 South Broadway, Second Floor
Los Angeles, CA 90012

on April 1, 1998, at the hour of 1:30 p.m.,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: FEB 27 1998

By *Martha M. [Signature]* Counsel

cc: Hae Sun Chung
Sacto
OAH
PM

*back
2/27*

MARTHA J. ROSETT, Counsel
State Bar # 142072
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012

(213) 897-3937

FILED
JAN 22 1998
DEPARTMENT OF REAL ESTATE

By K. Marshall

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H- 27523 LA
HAE SUN CHUNG, aka)	<u>A C C U S A T I O N</u>
Sunny Chung,)	
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against HAE SUN CHUNG, aka Sunny Chung (herinafter "Respondent"), is informed and alleges as follows:

I

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

II

Respondent is licensed by the Department of Real Estate of the State of California ("Department") as a real estate broker.

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III

On or about October 20, 1997, in the United States District Court for the Central District of California, Southern Division, in Case No. SA CR97-23 GLT, Respondent was convicted on her plea of guilty to one felony count of violating 18 USC Section 1014 (False Statements to a Federally Insured Institution), a crime which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee. Respondent was sentenced to serve one day in prison and three years under supervised release, as well as to pay fines.

IV

The facts set forth in Paragraph III constitute cause under Sections 490 and 10177 (b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of HAE SUN CHUNG under the Real Estate Law and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles, California
this 22nd day of January, 1998.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Hae Sun Chung
Sacto.
PM