

**FILED**

JUN 25 2012

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DEPARTMENT OF REAL ESTATE  
BY: *Suzanne H. Hines*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-38219 LA
	)	
JONG HWAN HUH,	)	<u>A C C U S A T I O N</u>
	)	
Respondent.	)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JONG HWAN HUH, alleges as follows:

I

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against JONG HWAN HUH.

II

JONG HWAN HUH (hereinafter referred to as "Respondent") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code") as a salesperson. Respondent was first licensed as a salesperson on January 1, 2004.

1 III

2 EUWHA K. TRANSACTION

3 On or about December 17, 2009, Respondent drafted two  
4 different Residential Lease or Month-To-Month Lease Agreements  
5 for the tenant Eunhwa K. regarding the rental of a real property.  
6 Both of the Lease Agreements named Respondent as the Leasing  
7 Agent for Eunhwa K. One Lease Agreement, which Respondent  
8 submitted to the property's listing agent, called for Euhwa K. to  
9 submit \$2,800 as an advance rental payment for the month of  
10 January 2010. The other Lease Agreement, which Respondent  
11 submitted to Eunhwa K, called for Euhwa K. to submit \$16,800 in  
12 advance rental payments for the months of January through June  
13 2010. Euhwa submitted six months of advance rental payments to  
14 Respondent and moved into the rental property.

15 IV

16 On January 31, 2010, Respondent sent the listing agent  
17 a personal check from Respondent's bank account for Eunhwa K's  
18 February rent. This check was returned for non-sufficient funds.  
19 In early March 2010, Respondent sent the listing agent another  
20 personal check for Eunhwa K's March rent. This check also had  
21 non-sufficient funds. On April 6, 2010, the listing agent  
22 directly contacted Eunhwa K. regarding the rents for February and  
23 March 2010. Eunhwa K. informed the listing agent that she had  
24 already paid Respondent for the first six months rent. The  
25 listing agent and Eunhwa K. discovered that they had received  
26 different Lease Agreements from Respondent, both of which  
27 contained forged signatures.

1 V

2 MUN & MI C. TRANSACTION

3 On August 19, 2010, Respondent signed a Disclosure  
4 Regarding Real Estate Relationship with Mun & Mi C., in which  
5 Respondent agreed to represent Mun & Mi C. in the purchase of  
6 real estate. Respondent listed himself as an agent of the broker  
7 "UPI, Inc". Respondent was not licensed with the Department as  
8 under the employ any broker on August 19, 2010. Respondent has  
9 never been licensed with the Department as employed by "UPI,  
10 Inc".

11 VI

12 On August 19, 2010, Mun & Mi C. entered into a  
13 Residential Purchase Agreement, which was signed by Respondent as  
14 an agent of "UPI, Inc". The Purchase Agreement stated that the  
15 buyer shall pay an initial deposit of \$50,000, made payable to  
16 "UPI, Inc". The purchase agreement further stated the \$50,000  
17 deposit "shall be held uncashed until Acceptance and then  
18 deposited with Escrow Holder". On August 19, 2010, Mun & Mi C.  
19 gave Respondent a \$50,000 deposit check addressed to "UPI, Inc".  
20 Respondent gave the \$50,000 check to Charles A. Rim, who was the  
21 designated broker-officer of "United Pacific Investments, Inc."  
22 Respondent told Mr. Rim that the check was repayment for several  
23 loans Respondent had taken from Mr. Rim over the previous months.  
24 Neither Mr. Rim, nor United Pacific Investments, Inc, have ever  
25 employed Respondent. Mr. Rim denies any knowledge of the Mun &  
26 Mi C. transaction when he received the \$50,000 check.

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VII

Mun and Mi C's August 19, 2010 offer on the real property was not accepted and the purchase transaction did not proceed. Shortly thereafter, Mun and Mi C. requested that Respondent return their \$50,000 deposit. On September 21, 2010, Respondent gave them a \$50,000 check drawn from Respondent's personal account. The check was returned for non-sufficient funds. As of November 9, 2010, Mun and Mi C. had still not received a refund of their \$50,000 check.

VIII

The conduct acts of omissions of Respondent, as alleged in paragraphs III through VII above, involve substantial misrepresentation and fraud, constituting cause under Code Sections 10176(a), 10176(i) and/or 10177(g) for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

IX

Code Section 10137 states that no salesperson shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed. At the time of the transaction described in paragraphs V through VII above, Respondent was not licensed under any broker, constituting cause under Code Section 10137 for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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1                   WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of respondent JONG  
5 HWAN HUH under the Real Estate Law (Part 1 of Division 4 of the  
6 Business and Professions Code), that Complainant be awarded its  
7 costs of investigation and prosecution of this case, and for such  
8 other and further relief as may be proper under other applicable  
9 provisions of law.

10 Dated at Los Angeles, California  
11 this 7 day of June, 2012.

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14 ROBIN TRUJILLO  
15 Deputy Real Estate Commissioner  
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25 cc: Jong Hwan Huh  
26 M2 Funding Inc  
27 Robin Trujillo  
Sacto.