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APR - 8 2009
DEPARTMENT OF REAL ESTATE
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Accusation of) NO. H-2029 SA
JEANNIE TRINH LUONG,)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On January 29, 1996, a Decision was rendered herein
revoking Respondent's real estate broker license, but granting
Respondent the right to apply for and be issued a restricted
real estate salesperson license. A restricted real estate
salesperson license was issued to Respondent on February 27,
1996.

On or about August 16, 1999, Respondent petitioned for
reinstatement of said license. An Order Denying Reinstatement
of License was issued effective January 12, 2000.

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1 On or about April 29, 2008, Respondent again
2 petitioned for reinstatement of said license and the Attorney
3 General of the State of California has been given notice of
4 the filing of the petition.

5 I have considered Respondent's petition and
6 the evidence and arguments in support thereof. Respondent
7 has failed to demonstrate to my satisfaction that Respondent
8 has undergone sufficient rehabilitation to warrant the
9 reinstatement of Respondent's real estate broker license,
10
11 in that:

12 I

13 In the Decision which revoked Respondent's real
14 estate license there were Determination of Issues made that
15 there was cause to revoke Respondent's real estate license
16 pursuant to Business and Professions Code ("Code") Sections
17 490 and 10177(b), for a criminal conviction.
18

19 On or about January 4, 1995, Respondent was convicted
20 violating 18 United States Code Section 1014 (false statement
21 on loan application), a felony crime involving moral turpitude
22 which is substantially related to the qualifications, functions
23 and duties of a real estate licensee.

24 The facts underlying the conviction were that
25 Respondent signed fraudulent loan documents for a Small Business
26 Administration loan so that her husband could open a chain of
27 restaurants.

1 Respondent's sentence included probation for three (3)
2 years, restitution in the amount of \$152,564.62, jointly and
3 severally with her co-defendant husband and six (6) months home
4 confinement.

5 II

6 In the 2000 Order Denying Reinstatement of License,
7 it was determined that there was cause to deny Respondent's
8 Petition Application pursuant to Title 10, Chapter 6, California
9 Code of Regulations ("Regulation") Section 2911(i), for failure
10 to complete court ordered restitution and for failure to provide
11 proof that a 1991 judgment against her in the amount of
12 \$9,583.50 had been paid; and pursuant to Code Section 10177(a),
13 for failure to reveal the 1991 civil judgment against her on her
14 petition application.

15 III

16 The burden of proving rehabilitation rests with the
17 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).
18 A petitioner is required to show greater proof of honesty and
19 integrity than an applicant for first time licensure. The proof
20 must be sufficient to overcome the prior adverse judgment on the
21 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d
22 395).

23 The Department has developed criteria in Regulation
24 2911 to assist in evaluating the rehabilitation of an applicant
25 for reinstatement of a license. Among the criteria relevant in
26 this proceeding are:
27

1 2911 (b)&(j) - In reference to the court ordered
2 restitution, Respondent has not made restitution payments since
3 1999 and still owes approximately \$100,000 in restitution.
4 In addition, Respondent has not submitted proof that Respondent
5 has paid the 1991 civil judgment against her in the amount of
6 \$9,583.50.

7 2911 (n)(1) - Change in attitude from that which
8 existed at the time of the conduct in question as evidenced
9 by the testimony of Respondent. Respondent has not evidenced
10 such change by the following:

11 In response to question number 4. of Respondent's
12 Petition Application, to wit: "Have you ever been a defendant
13 in any civil court litigation, including small claims court?",
14 Respondent marked the box denoting "no" and failed to disclose
15 the civil court action resulting in the 1991 judgment against
16 her.

17 This was a material misstatement. The failure
18 to disclose relevant information in the Petition Application
19 prevents or hinders a full investigation into the extent of
20 rehabilitation. Information regarding civil judgments and
21 actions and past due debts, may reflect on Respondent's
22 business practices and qualifications for a real estate license.
23 A failure to disclose material facts shows a lack of candor
24 and diligence expected of a licensee, is a dishonest act and
25 is additional cause pursuant to Code Section 10177(a) to deny
26 Respondent's petition application.
27

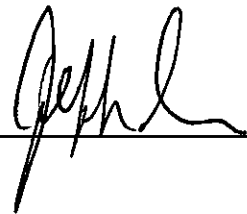
1 Given the fact that Respondent has not established
2 that Respondent has complied with Regulations 2911(b), 2911(j)
3 and 2911(n)(1) and is in violation of Code Section 10177(a), I
4 am not satisfied that Respondent is sufficiently rehabilitated
5 to receive a real estate broker license.
6

7 NOW, THEREFORE, IT IS ORDERED that Respondent's
8 petition for reinstatement of Respondent's broker license is
9 denied.

10 This Order shall become effective at 12 o'clock noon
11 on APR 28 2009

12 DATED: 3/31/09

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14 JEFF DAVI
15 Real Estate Commissioner

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FILED
DEC 23 1999
DEPARTMENT OF REAL ESTATE

By *R. M. ...*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-2029 SA
JEANNIE TRINH LUONG)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On January 29, 1996, a Decision was rendered herein revoking the real estate broker license of Respondent, JEANNIE TRINH LUONG (hereinafter "Respondent"), effective February 27, 1996. In said Decision Respondent was given the right to apply for and receive a restricted real estate salesperson license which was issued to her on February 27, 1996.

On August 16, 1999, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and

the evidence submitted in support thereof. Respondent has
1 failed to demonstrate to my satisfaction that she has
2 undergone sufficient rehabilitation to warrant the
3 reinstatement of her real estate broker license at this time.
4 This determination has been made in light of Respondent's
5 history of acts and conduct which are substantially related
6 to the qualifications, functions and duties of a real estate
7 licensee. That history includes:

8 1. On or about January 4, 1995, Respondent pled
9 guilty to one count of providing a false statement on a loan
10 application to a federally insured institution a felony
11 violation of Title 18, United States Code Section 1014.
12 Respondent was sentenced to three years probation and six
13 months under house arrest and ordered to pay restitution
14 amounting to \$152,564.62. At this time Respondent still owes
15 some \$100,000. This is evidence of a lack of rehabilitation
16 and is cause to deny Respondent's petition pursuant to
17 Section 2911 (i) of Chapter 6, Title 10, California Code of
18 Regulations.

19 2. On or about April 1, 1991, a judgment was
20 entered against Respondent in the amount of \$7500.00 plus
21 damages amounting to \$9583.50 in favor of Paul Tang, et al.
22 Respondent failed to reveal the existence of this judgment on
23 her petition and failed to submit evidence that all or any
24 part of this judgment has been paid. This is further evidence
25 of a lack of rehabilitation and is additional cause to deny
26 her petition pursuant to Section 2911(i) of the Regulations
27 and Section 10177(a) of the Business and Professions Code.

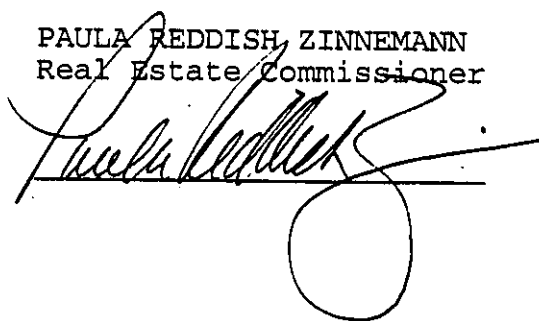


1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of her real estate broker license
3 is hereby denied.

4 This order shall become effective at 12 o'clock
5 noon on Jan. 12, 2000.

6 DATED: 12/20/99

8 PAULA REDDISH, ZINNEMANN
9 Real Estate Commissioner

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FILED
FEB - 7 1996
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-2029 SA
)
)
JEANNIE TRINH LUONG,) L-9507102
)
)
Respondent.)

DECISION

The Proposed Decision dated January 12, 1996, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

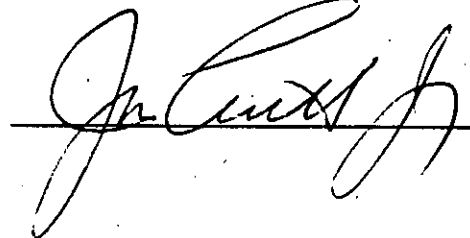
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension 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.

This Decision shall become effective at 12 o'clock noon on February 27, 1996.

IT IS SO ORDERED 1-29-96

JIM ANTT, JR.
Real Estate Commissioner



In the Matter of the Accusation of)
)
)
JEANNIE TRINH LUONG,)
)
Respondent.)

OAH. L-9507102

4. Respondent is 54 years of age and has been married for 35 years. She has been a resident of Southern California for over 20 years having emigrated to the United States from Viet Nam after the fall of Saigon where she worked for the United States Government for 15 years.

5. Respondent has had no prior complaints about her license nor any prior record of convictions or discipline. This conviction appears to be an aberration and out of character for her.

6. Respondent candidly and forthrightly acknowledges her actions and understands their seriousness and expresses great remorse over her conduct. She is currently making restitution on a monthly basis.

7. In 1993, respondent was honored by the Irvine Association of Realtors as the Realtor of the Month for August. It is further reported that respondent is creative, innovative and progressive in her approach to working with people.

8. Respondent has received a substantial number of letters of enthusiastic recommendations. She has completed law school and holds an LLD degree.

9. While the period of time from her conviction has been short, it appears obvious that respondent is an extraordinary individual. Although respondent can not and does not collaterally attack her conviction, her main mistake appears to be allowing her love, loyalty and submissiveness to her husband to overtake her otherwise impeccable record of honesty and integrity.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

1. Grounds exist to discipline respondent's license pursuant to Business and Professions Code sections 490 and 10177(b), based on Finding 3.

2. Due consideration has been given to all competent evidence of rehabilitation and mitigation; the Board's guidelines; the events giving rise to the Accusation; the seriousness of the crime itself; and respondent's conduct before and since the crime. The public interest would not be adversely affected by the issuance to respondent of a properly conditioned restricted license.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Real estate broker's license ID # 00639691 issued to respondent Jeannie Trinh Luong is revoked; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of said Code:

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until three years have elapsed from the effective date of the Decision herein.
4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:
 - a. That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

- b. That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.
5. Respondent shall, within nine months from the effective date of this decision, present evidence satisfactory to the Commissioner that she has taken and successfully completed the courses specified in subdivisions (a) and (b) of Section 10170.5 of the Real Estate Law for renewal of a real estate license. The restricted license issued pursuant to this Decision shall be deemed to be the first renewal of respondent's real estate salesperson license for the purpose of applying the provisions of Section 10153.4. Upon renewal of the license issued pursuant to this Decision or upon reinstatement of Respondent's real estate license, Respondent shall submit evidence of having taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.
6. Respondent shall, within six months from the effective date of the Decision herein, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

Dated: January 12, 1996


Leslie H. Greenfield
Administrative Law Judge
Office of Administrative Hearings

LHG:me

*Sharon
Flay*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
AUG 14 1995
DEPARTMENT OF REAL ESTATE

* * * *

In the Matter of the Accusation of)
)
JEANNIE TRINH LUONG,)
)
Respondent.)

Case No. H-2029 SA
OAH No. L-9507102

[Signature]

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, 314 West First Street, Los Angeles, California, on **December 27, 1995**, at the hour of **1:30 p.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: August 14, 1995.

cc: Jeannie Trinh Luong
Roger K. Denny, Esq.
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

[Signature]
ELLIOTT MAC LENNAN, Counsel

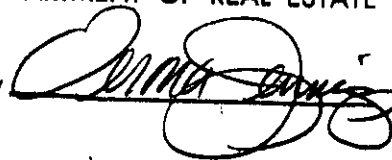
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ELLIOTT MAC LENNAN, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
MAY 30 1995

DEPARTMENT OF REAL ESTATE

by 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-2029 SA
	)	
JEANNIE TRINH LUONG,	)	A C C U S A T I O N
	)	
Respondent.	)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against JEANNIE TRINH LUONG (respondent) is informed and alleges in his official capacity as follows:

I

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

II

Respondent was originally licensed by the Department of Real Estate of the State of California as a real estate broker on November 24, 1980.

III

On January 4, 1995, in the United States District Court, for the Central District of California, case number CR 94-837-JGD, respondent was convicted upon a plea of guilty of violating one count of 18 United States Code Section 1014 (False Statement on Loan Application), a felony which by its facts and circumstances involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The facts as alleged constitute cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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 license rights of respondent JEANNIE TRINH LUONG under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law. Dated at Santa Ana, California this 30th day of May, 1995.

THOMAS MCCRADY
Deputy Real Estate Commissioner

cc: Jeannie T. Luong
Sacto.
AK