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FILED
JUL 12 2002
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-2507 SD
)
VINCE LUCAS CHAI,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On December 20, 1999, a Decision was rendered herein
revoking the real estate broker license of Respondent, but
granting Respondent the right to the issuance of a restricted
real estate broker license. A restricted real estate broker
license was issued to Respondent or about January 27, 2000.

On March 26, 2001, Respondent petitioned for
reinstatement of said license and the Attorney General of the
State of California has been given notice of the filing of the
petition.

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1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has failed
3 to demonstrate to my satisfaction that Respondent has undergone
4 sufficient rehabilitation to warrant the reinstatement of
5 Respondent's real estate broker license, in that:

6 I

7 On or about July 16, 1999, in Department of Real Estate
8 ("Department") Case No. H-2506 SD, an Order to Desist and Refrain
9 was served on Respondent which ordered Respondent to desist and
10 refrain from employing and compensating unlicensed persons to
11 perform acts for which a real estate license is required.

12 A Department investigation found that Respondent had
13 violated Business and Professions Code ("Code") 10137.

14 II

15 On December 20, 1999, a Decision was rendered in
16 Department of Real Estate Case No. H-2507 SD. The Decision
17 revoked the real estate broker license of Respondent, but granted
18 Respondent the right to the issuance of a restricted real estate
19 broker license.
20

21 In the Decision which revoked Respondent's real estate
22 broker license, there was a Determination of Issues made that
23 there was cause to revoke Respondent's license, pursuant to
24 Code Sections 10137 and 10138.

25 ///

26 ///

III

On November 2, 2001, Respondent was interviewed by a Deputy Real Estate Commissioner ("Deputy"). During the interview, the Deputy asked Respondent about the facts which led to the discipline of his license. Respondent told the Deputy that Jerry Edwards ("Edwards"), the unlicensed person whom he had employed and compensated, had taken advantage of Respondent. Respondent did not take responsibility for his actions and portrayed himself as a victim. In addition, Respondent did not give the Deputy a satisfactory explanation regarding why Respondent did not contact the Department to verify Edwards' license status.

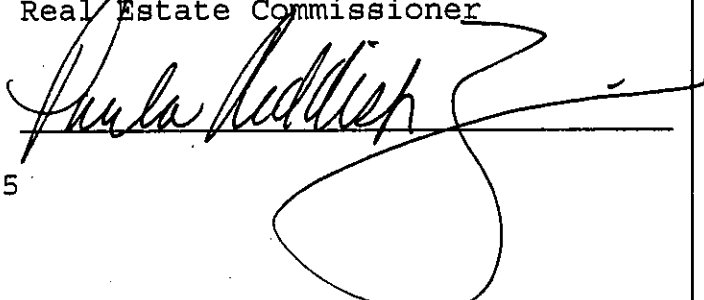
This evidences a lack of rehabilitation and is cause to deny Respondent's petition pursuant to Section 2911(m)(1), Title 10, Chapter 6, California Code of Regulations.

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

This Order shall become effective at 12 o'clock noon on August 1, 2002.

DATED: July 9, 2002.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Vince Lucas Chai
745 E. Valley Blvd., #815
San Gabriel, CA 91776

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED

JAN 7 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 VINCE LUCAS CHAI,)

13 Respondent.)

NO. H-2507 SD

STIPULATION AND AGREEMENT

14
15 It is hereby stipulated by and between VINCE LUCAS CHAI
16 ("Respondent"), by and through his attorney, Steve I. Penn; and
17 the Complainant, acting by and through Thomas C. Lasken, Counsel
18 for the Department of Real Estate; as follows, for the purpose of
19 settling and disposing of the Accusation filed on July 16, 1999,
20 in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA) (Government Code Section 11500 et seq.),
26 shall instead and in place thereof be submitted solely on the
27 basis of the provisions of this Stipulation and Agreement.

1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA, and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. On August 6, 1999, Respondent filed his Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 his Notice of Defense. Respondent acknowledges that by
10 withdrawing said Notice of Defense he will thereby waive his
11 right to require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 provisions of the APA and acknowledges that he will waive other
14 rights afforded to him in connection with the hearing such as the
15 right to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation. In the interests of
19 expedience and economy, Respondent chooses not to contest these
20 allegations, but to remain silent and understands that, as a
21 result thereof, these factual allegations, without being admitted
22 or denied, will serve as a prima facie basis for the disciplinary
23 action stipulated to herein. The Real Estate Commissioner shall
24 not be required to provide further evidence to prove said factual
25 allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as

1 her Decision in this matter, thereby imposing the penalty and
2 sanctions on Respondent's real estate licenses and license rights
3 as set forth in the below "Order". In the event that the
4 Commissioner in her discretion does not adopt the Stipulation and
5 Agreement, it shall be void and of no effect, and Respondent
6 shall retain the right to a hearing and proceeding on the
7 Accusation under all the provisions of the APA and shall not be
8 bound by any admission or waiver made herein.

9 6. The Order or any subsequent Order of the Real
10 Estate Commissioner made pursuant to this Stipulation and
11 Agreement shall not constitute an estoppel, merger or bar to any
12 further administrative or civil proceedings by the Department of
13 Real Estate with respect to any matters which were not
14 specifically alleged to be causes for accusation in this
15 proceeding.

16 DETERMINATION OF ISSUES

17
18 By reason of the foregoing stipulations and waivers,
19 and solely for the purpose of settlement of the pending
20 Accusation without a hearing, it is stipulated and agreed that
21 the following determination of issues shall be made:

22 I

23 The conduct of Respondent, as alleged in the
24 Accusation, constitutes cause for the suspension or revocation of
25 the real estate license and license rights of Respondent under
26 Sections 10137 and 10138 of the Business and Professions Code
27 ("Code").

1 ORDER

2 A. The real estate broker license and all license rights of
3 Respondent under the Real Estate Law are revoked.

4 B. A restricted real estate broker license shall be issued to
5 Respondent pursuant to Section 10156.5 of the Code, if
6 Respondent makes application therefor and pays to the
7 Department the appropriate fee for said license within
8 ninety (90) days from the effective date of this ORDER.

9 C. The restricted license issued to Respondent shall be
10 subject to all the provisions of Section 10156.7 of the
11 Code and to the following limitations, conditions and
12 restrictions imposed under authority of Section 10156.6 of
13 the Code:

14 (1) The license shall not confer any property right in the
15 privileges to be exercised, and the Real Estate
16 Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under the restricted
18 license in the event of:

19 (a) The conviction of Respondent (including a plea of
20 nolo contendere) to a crime which bears a
21 significant relation to Respondent's fitness or
22 capacity as a real estate licensee; or,

23 (b) The receipt of evidence that Respondent has
24 violated provisions of the California Real Estate
25 Law, Subdivided Lands Law, Regulations of the Real
26 Estate Commissioner or conditions attaching to the
27 restricted license.

1 (2) Respondent shall not be eligible to apply for issuance
2 of an unrestricted real estate license nor the removal
3 of any of the conditions, limitations or restrictions
4 attaching to the restricted license until one (1) year
5 has elapsed from the date of issuance of a restricted
6 license to Respondent.

7 D. Respondent shall, within nine (9) months from the effective
8 date of this ORDER, present evidence satisfactory to the
9 Real Estate Commissioner that he has, since the most recent
10 issuance of an original or renewal real estate license,
11 taken and successfully completed the continuing education
12 requirements of Article 2.5 of Chapter 3 of the Real Estate
13 Law for renewal of a real estate license. If Respondent
14 fails to satisfy this condition, the Commissioner may order
15 the suspension of his restricted license until Respondent
16 presents such evidence. The Commissioner shall afford
17 Respondent the opportunity for a hearing pursuant to the
18 Administrative Procedure Act to present such evidence.

19 E. Respondent shall, within six (6) months from the effective
20 date of the restricted license, take and pass the
21 Professional Responsibility Examination administered by the
22 Department including the payment of the appropriate
23 examination fee. If Respondent fails to satisfy this
24 condition, the Commissioner may order the suspension of the
25 restricted license until Respondent passes the examination.

26 F. Respondent shall pay a fine of \$2,500.00 pursuant to Section
27 10139.5 of the Code in the form of a cashier's check or

1 certified check made payable to the Recovery Account of the
2 Real Estate Fund. Said check must be delivered to the
3 Department prior to the effective date of the Order in this
4 matter. If Respondent fails to pay said fine when due, the
5 Commissioner may order the indefinite suspension of
6 Respondent's real estate license and license rights. The
7 suspension shall remain in effect until payment is made in
8 full, or until Respondent enters into an agreement
9 satisfactory to the Commissioner to provide for such
10 payment. The Commissioner may impose further reasonable
11 disciplinary terms and conditions upon Respondent's real
12 estate license and license rights as part of any such
13 agreement.

14 G. Any restricted real estate broker license issued to
15 Respondent may be suspended or revoked for a violation by
16 Respondent of any of the conditions attaching to the
17 restricted license.

18
19 December 3, 1999

20 DATED

20
21 Tom C. Lasken

22 THOMAS C. LASKEN, Counsel
23 DEPARTMENT OF REAL ESTATE

24 * * *

25 I have read the Stipulation and Agreement, have
26 discussed it with my counsel, and its terms are understood by
27 me and are agreeable and acceptable to me. I understand that I
am waiving rights given to me by the California Administrative
Procedure Act (including but not limited to Sections 11506,

1 11508, 11509, and 11513 of the Government Code), and I
2 willingly, intelligently and voluntarily waive those rights,
3 including the right of requiring the Commissioner to prove the
4 allegations in the Accusation at a hearing at which I would
5 have the right to cross-examine witnesses against me and to
6 present evidence in defense and mitigation of the charges.

7 11-22-99
8 DATED

Vin. 2 sh.
9 VINCE LUCAS CHAI
Respondent

10 I have reviewed the Stipulation and Agreement in
11 Settlement as to form and content and have advised my client
12 accordingly.

13 11/22/99
14 DATED

15 STEVE I. PENN
Attorney for Respondent

16 * * *

17 The foregoing Stipulation and Agreement is hereby
18 adopted by the Real Estate Commissioner as her Decision and
19 Order and shall become effective at 12 o'clock noon on
20 January 27, 2000.

21 IT IS SO ORDERED

22 December 20, 1999.
23 PAULA REDDISH ZINNEMAN
Real Estate Commissioner

FILED

SEP 21 1999

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

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

VINCE LUCAS CHAI,

Case No. H-2507 SD

OAH No. L-1999080375

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 _____

The Office of Administrative Hearings, 1350 Front Street,

Room 6022, San Diego, California 92101

on November 16, 1999, and November 17, 1999, at the hour of 9:00 AM,
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: September 9, 1999

By Thomas C. Lasken
THOMAS C. LASKEN *Counsel*

1 THOMAS C. LASKEN, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED

JUL 16 1999

DEPARTMENT OF REAL ESTATE

By Jean R. Rueda

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

11 * * *

12 In the Matter of the Accusation of)
13 VINCE LUCAS CHAI,)
14 Respondent.)

NO. H-2507 SD

ACCUSATION

16 The Complainant, J. Chris Graves, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against VINCE LUCAS CHAI, is informed and alleges as
19 follows:

20 I

21 The Complainant, J. Chris Graves, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity.

24 II

25 At all times herein mentioned, VINCE LUCAS CHAI
26 ("Respondent") was, and presently is, licensed, and/or has
27 license rights under the Real Estate Law, Part 1 of Division 4

1 of the Business and Professions Code ("Code") as a real estate
2 broker.

3 III

4 At no time mentioned herein has Jerry M. Edwards
5 (hereinafter "Edwards") been licensed as a real estate broker
6 or salesperson.

7 IV

8 From March 24, 1997, or earlier, and continuing
9 thereafter, Respondent employed and compensated Edwards, an
10 unlicensed person, to perform acts for which a license is required
11 within the meaning of Section 10131(d) and/or Section 10131(e) of
12 the Code, including the operation and conduct of a mortgage loan
13 brokerage business with the public wherein lenders and borrowers
14 were solicited for loans secured directly or collaterally by
15 liens on real property, wherein such loans were arranged,
16 negotiated, processed, and consummated on behalf of others for
17 compensation or in expectation of compensation, and wherein such
18 loans were serviced and payments thereon were collected on behalf
19 of others.

20 VI

21 Respondent's acts and omissions alleged above in
22 Paragraph IV constitute cause for discipline under the provisions
23 of Sections 10137 and 10138 of the Code.

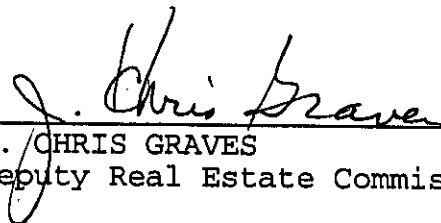
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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof
3 a decision be rendered imposing disciplinary action against all
4 licenses and license rights of Respondent under the Real Estate
5 Law (Part 1 of Division 4 of the Code), and for such other and
6 further relief as may be proper under other applicable provisions
7 of law, including the imposition of a fine of up to \$10,000
8 pursuant to the provisions of Section 10139.5 of the Code.
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J. CHRIS GRAVES
Deputy Real Estate Commissioner

17 Dated at San Diego, California,
18 this 28th day of June, 1999.
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22
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26
27