

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1. Respondent pays a monetary penalty pursuant to
Section 10175.2 at the rate of \$125 for each day of the
suspension for a total monetary penalty of \$3,750.

This Order shall become effective at 12 o'clock
noon on February 20, 1996.

DATED: 1/30/96

JIM ANTT, JR.
Real Estate Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
DEC 20 1995
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of))	
SYLVIA VEGA, AND))	NO. H-3084 SAC
ALDAN MIKE SOON,))	OAH NO. N-9503136
Respondent.))	

ORDER STAYING EFFECTIVE DATE

On December 12, 1995, a Decision was rendered in the above-entitled matter as to ALDAN MIKE SOON only to become effective January 3, 1996.

IT IS HEREBY ORDERED that the effective date of the Decision of December 12, 1995, is stayed for a period of thirty (30) days as to ALDAN MIKE SOON only.

The Decision of December 12, 1995, shall become effective at 12 o'clock noon on February 2, 1996.

DATED: 12/19, 1995.

JIM ANTT, JR.
Real Estate Commissioner

[Signature]

FILED
DEC 14 1995
DEPARTMENT OF REAL ESTATE

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Kathleen Contreras

* * *

In the Matter of the Accusation of)	
)	
)	NO. H-3084 SAC
SYLVIA VEGA, and)	
ALDAN MIKE SOON,)	OAH NO. N-9503136
)	
Respondents.)	
<hr/>		

DECISION

The Proposed Decision dated November 27, 1995, 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 as to ALDAN MIKE SOON only.

This Decision shall become effective at 12 o'clock noon
on January 3, 1996.

IT IS SO ORDERED 12-12, 1995.

JIM ANTT, JR.
Real Estate Commissioner

[Handwritten Signature]

3. Beginning on or about June 30, 1992, Sylvia Vega, acting for or in expectation of compensation and while in the employ of respondent, negotiated a loan secured by a lien on real property for Ronald G. Grant and Mariama Ross.

4. Beginning on or about August 12, 1992, Vega, acting for or in expectation of compensation and while in the employ of respondent, negotiated a loan secured by a lien on real property for Sylvester Frederico Padilla and Mary Barberia Padilla.

5. Vega was not licensed by the Department as a real estate salesperson or broker at any time during the acts described in subparagraphs 3 and 4 above.

IV

Respondent's real estate broker license will expire December 23, 1996.

V

The evidence shows that Vega, before working for respondent, has a history of working for other mortgage loan brokers as a loan officer though she was never licensed to do so. Just before working for respondent, she worked for OPUS Mortgage Company arranging for loans and then became a co-owner of OPUS.

Respondent first talked with Vega over the telephone sometime during the first quarter of 1992. Vega was with OPUS then. She was interested in leaving OPUS for financial reasons. Respondent hired her in May 1992. While employed by respondent, she solicited loans in connection with real estate activities.

VI

Vega and respondent differ in what she purportedly told respondent about her licensure status when she was hired.² Respondent asked Vega several times for her license. She continually made excuses for not providing it. Eventually, respondent contacted the Department and learned Vega was not, and never had

² Vega's credibility was successfully challenged during her cross-examination. The evidence shows that, in an application to the Credit Bureau of the Monterey Peninsula, Inc., on a request for a business report, she is listed as owner of OPUS with a California license number. In fact, Vega was not licensed as a real estate broker then. The evidence also shows that, after leaving respondent's employment, Vega worked for National Pacific, a mortgage broker, and engaged in the business of soliciting for loans before being licensed to do so. In another instance, an application for credit while an owner of OPUS, the social security number listed opposite her name is not hers. All of this evidence undermined her credibility.

been, licensed. He terminated her employment some two weeks later in October 1992.

Thereafter, respondent contacted most of Vega's clients to resolve any problems that may have arisen. He offered his assistance to these individuals. He offered reimbursement of all fees they incurred. He executed loans and paid the costs charging no fees. Of the approximately twenty individuals involved, respondent obtained loans for two.

VII

Respondent has been licensed by the Department for nineteen years. He has no prior disciplinary action. No suits have been filed against him as a broker. He held a series 7 National Association of Securities dealer license for seventeen years with no known complaints or disciplinary action. During the past three years, respondent has supported numerous local charities and organizations.

DETERMINATION OF ISSUES

I

It is true this matter would not have come to the attention of the Department when it did were it not for respondent reporting the matter on his own. Nonetheless, the evidence shows respondent took no affirmative steps to assure himself of Vega's license status for some four to five months. He did not terminate her employment status for two weeks after he became satisfied she was unlicensed. Respondent's duty as a licensee was to assure that all persons engaged in activities requiring a real estate license were properly licensed at the time of employment.

II

Respondent violated Section 10137. Cause for disciplinary action thereby exists.

III

The matters found in Findings VI and VII have been considered.

ORDER

All licenses and licensing rights of respondent Aldan Mike Soon under the Real Estate Law are suspended for 60 days from the effective date of this Decision; provided, however, that if respondent petitions, 30 days of said suspension shall be stayed upon condition that:

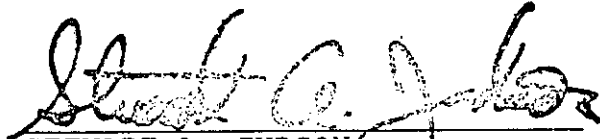
1. Respondent pays a monetary penalty pursuant to Section 10175.2 at the rate of \$250 for each day

*Modified - See
Order Granting
Recon.*

of the suspension for a total monetary penalty of \$7,500.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be delivered to the Department before the effective date of this Decision.
3. The balance of the 60 days suspension shall be stayed on condition that no further cause for disciplinary action against the real estate license of respondent occurs within 1 year from the effective date of this Decision.
4. If respondent fails to pay the monetary penalty in accordance with the terms and conditions of this Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed 60 days suspension in which event the respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.
5. If respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of respondent occurs within 1 year from the effective date of the Decision, the stay hereby granted shall become permanent.

DATED: November 27, 1995


STEWART A. JUDSON
Administrative Law Judge

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000

4 Telephone: (916) 227-0789

FILED
NOV 30 1995
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)
13 SYLVIA VEGA and)
14 ALDAN MIKE SOON,)
15 Respondents.)

NO. H-3084 SAC

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER
AS TO SYLVIA VEGA ONLY

16 It is hereby stipulated by and between SYLVIA VEGA
17 (sometimes referred to as "Respondent VEGA"), and her attorney of
18 record, Steven W. Thomas of GAGEN, McCOY, McMAHON & ARMSTRONG, and
19 the Complainant, acting by and through David B. Seals, Counsel for
20 the Department of Real Estate, as follows, for the purpose of
21 settling and disposing of the Accusation filed on
22 January 24, 1995, as to Respondent VEGA only:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 VEGA at a formal hearing on the Accusation, which hearing was to
26 be held in accordance with the provisions of the Administrative
27

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation.

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

8 3. On October 19, 1995, Respondent VEGA filed a Notice
9 of Defense pursuant to Section 11505 of the Government Code for
10 the purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent VEGA hereby freely and voluntarily
12 withdraws said Notice of Defense. Respondent VEGA acknowledges
13 that she understands that by withdrawing said Notice of Defense
14 she waives her right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that she waives
17 other rights afforded to her in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

20 4. Respondent VEGA, pursuant to the limitations set
21 forth below, hereby admits that the factual allegations in
22 Paragraphs I through VII and IX of the Accusation filed in this
23 proceeding are true and correct and the Real Estate Commissioner
24 shall not be required to provide further evidence to prove such
25 allegations.

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

1 Professions Code, if Respondent VEGA makes application therefor
2 and pays to the Department of Real Estate the appropriate fee for
3 the restricted license within ninety (90) days from the effective
4 date of this Order. The restricted license issued to Respondent
5 VEGA shall be subject to all of the provisions of Section 10156.7
6 of the Business and Professions Code and to the following
7 limitations, conditions and restrictions imposed under authority
8 of Section 10156.6 of the Code:

9 A. The restricted license issued to Respondent VEGA may
10 be suspended prior to hearing by Order of the Real Estate
11 Commissioner in the event of Respondent VEGA's conviction or plea
12 of nolo contendere to a crime which is substantially related to
13 Respondent VEGA's fitness or capacity as a real estate licensee.

14 B. The restricted license issued to Respondent VEGA may
15 be suspended prior to hearing by Order of the Real Estate
16 Commissioner on evidence satisfactory to the Commissioner that
17 Respondent VEGA has violated provisions of the California Real
18 Estate Law, the Subdivided Lands Law, Regulations of the Real
19 Estate Commissioner or conditions attaching to the restricted
20 license.

21 C. Respondent VEGA shall not be eligible to apply for
22 the issuance of an unrestricted real estate license nor for the
23 removal of any of the conditions, limitations or restrictions of a
24 restricted license until one (1) year has elapsed from the
25 effective date of this Order.

26 D. Respondent VEGA shall, within nine (9) months from
27 the effective date of this Order, present evidence satisfactory to

1 the Real Estate Commissioner that Respondent VEGA has, since the
2 most recent issuance of an original or renewal real estate
3 license, taken and successfully completed the continuing education
4 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
5 for renewal of a real estate license. If Respondent VEGA fails to
6 satisfy this condition, the Commissioner may order the suspension
7 of the restricted license until the Respondent VEGA presents such
8 evidence. The Commissioner shall afford Respondent VEGA the
9 opportunity for a hearing pursuant to the Administrative Procedure
10 Act to present such evidence.


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

- 16 (1) That the employing broker has read the Order of
17 the Commissioner which granted the right to a
18 restricted license; and
19 (2) That the employing broker will exercise close
20 supervision over the performance by the
21 restricted licensee relating to activities for
22 which a real estate license is required.

23
24
25
26
27

10/25/95

DATED


DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

* * *

1 I have read the Stipulation and Agreement, have
2 discussed it with my counsel, and its terms are understood by me
3 and are agreeable and acceptable to me. I understand that I am
4 waiving rights given to me by the California Administrative
5 Procedure Act (including but not limited to Sections 11506, 11508,
6 11509 and 11513 of the Government Code), and I willingly,
7 intelligently and voluntarily waive those rights, including the
8 right of requiring the Commissioner to prove the allegations in
9 the Accusation at a hearing at which I would have the right to
10 cross-examine witnesses against me and to present evidence in
11 defense and mitigation of the charges.

12
13 10-26-95


DATED


SYLVIA VEGA
Respondent

14
15
16 I have reviewed the Stipulation and Agreement as to form
17 and content and have advised my client accordingly.

18 Oct 27, 1995

DATED


STEVEN W. THOMAS
Attorney for Respondent

19
20
21 * * *

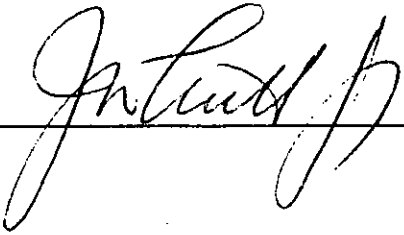
22 The foregoing Stipulation and Agreement in Settlement is
23 hereby adopted by the Real Estate Commissioner as his Decision and
24 Order and shall become effective at 12 o'clock noon on
25 December 20, 1995.

26 ///

27 ///

IT IS SO ORDERED 11-17, 1995.

JIM ANTT, JR.
Real Estate Commissioner



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

By Kathleen Contreras

In the Matter of the Accusation of

SYLVIA VEGA,
ALDAN MIKE SOON,

Case No. H-3084 SAC

OAH No. N-9503136

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, World Savings Tower,
1970 Broadway, 2nd Floor, Oakland, California 94612-3049

on Thursday -- October 26, 1995, at the hour of 10:00 AM,
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: March 20, 1995

DEPARTMENT OF REAL ESTATE
By David B. Seals
DAVID B. SEALS Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DAVID B. SEALS, Counsel
Department of Real Estate
P. O. Box 187000
Sacramento, CA 95818-7000

Telephone: (916) 227-0789

FILED
JAN 24 1995
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
SYLVIA VEGA, and)	NO. H-3084 SAC
ALDAN MIKE SOON,)	
)	<u>ACCUSATION</u>
Respondents.)	
_____)	

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California for cause of Accusation against SYLVIA VEGA (hereinafter "Respondent VEGA"), and ALDAN MIKE SOON (hereinafter "Respondent SOON") is informed and alleges as follows:

I.

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

II.

Respondent VEGA is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the

1 California Business and Professions Code as a real estate
2 salesperson.

3 III.

4 Respondent SOON is licensed and/or has license rights
5 under the Real Estate Law, Part 1 of Division 4 of the California
6 Business and Professions Code (hereinafter "Code") as a real
7 estate broker dba Michael Soon & Associates.

8 IV.

9 That at all times herein mentioned, Respondent SOON was
10 engaged in the business of, acted in the capacity of, advertised,
11 or assumed to act as a real estate broker in the State of
12 California within the meaning of Section 10131 of the Code for or
13 in expectation of compensation.

14 V.

15 Beginning on or about June 30, 1992, Respondent VEGA,
16 acting for or in expectation of compensation and while in the
17 employ of Respondent SOON, negotiated a loan secured by a lien on
18 real property for Ronald G. Grant and Mariama Ross.

19 VI.

20 Beginning on or about August 12, 1992, Respondent VEGA,
21 acting for or in expectation of compensation and while in the
22 employ of Respondent SOON, negotiated a loan secured by a lien on
23 real property for Sylvester Frederico Padilla and Mary Barberia
24 Padilla.

25 ///

26 ///

27 ///

VII.

Respondent VEGA was not licensed by the Department as a real estate salesperson or broker at any time during the acts described in paragraphs V and VI above.


VIII.

By reason of the acts and/or omissions as alleged above, Respondent SOON violated Section 10137 of the Code and said acts and/or omissions constitute grounds for disciplinary action thereunder.

IX.

By reason of the acts and/or omissions as alleged above, Respondent VEGA violated Section 10130 of the Code and said acts and/or omissions constitute grounds for disciplinary action under Sections 10177(d) and (f) of the Code.

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 Respondents, 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 the provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 13th day of January, 1995.