

1 DEPARTMENT OF REAL ESTATE
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED
FEB 15 2006

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10
11 *In the Matter of the Application of*

12 KHANH JERRY HOANG,

13 Respondent

) No. H- 3406 SD

) **STIPULATION AND WAIVER**

14
15 I, KHANH JERRY HOANG, Respondent herein, do hereby affirm that I have applied to the
16 Department of Real Estate for a real estate broker license and that to the best of my knowledge I have
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to
20 Respondent filed by the Department of Real Estate on January 30, 2006, in connection with my application
21 for a real estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
24 estate broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement
25 of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory
26 showing that I meet all the requirements for issuance of a real estate broker license. I further understand that
27 by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has

1 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an
2 unrestricted real estate broker license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and
4 correct and request that the Real Estate Commissioner in his discretion issue a restricted real estate broker
5 license to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, and if this Stipulation and Waiver is
7 accepted by the Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to
8 present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate
9 broker license. I am not waiving my right to a hearing and to further proceedings to obtain a restricted or
10 unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to
12 a restricted license issued by the Department of Real Estate pursuant hereto:

13 1. The license shall not confer any property right in the privileges to be exercised and the
14 Real Estate Commissioner may by appropriate order suspend the right to exercise any
15 privileges granted under this restricted license in the event of:

16 a. The conviction of Respondent (including a plea of nolo contendere) to a crime
17 which bears a substantial relationship to Respondent's fitness or capacity as a
18 real estate licensee; or

19 b. The receipt of evidence that Respondent has violated provisions of the California
20 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner, or conditions attaching to this restricted license.

22 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor
23 the removal of any of the conditions, limitations, or restrictions attaching to the
24 restricted license until two years have elapsed from the date of issuance of the
25 restricted license to Respondent.

26 Respondent can signify acceptance and approval of the terms and conditions of this
27 Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the

1 Department at fax number (916) 227-9458. Respondent agrees, acknowledges and understands that by
2 electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation
3 and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the
4 Department had received the original signed Stipulation and Waiver.

5
6 02/06/2006
7 Dated

8
9 KHANH JERRY HOANG
10 KHANH JERRY HOANG, Respondent

11 * * *

12 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver
13 signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the
14 honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public
15 interest to issue a restricted real estate broker license to Respondent.

16 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued
17 to Respondent KHANH JERRY HOANG, if Respondent has otherwise fulfilled all of the statutory
18 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in
19 the foregoing Stipulation and Waiver.

20 This Order is effective immediately.

21 IT IS SO ORDERED

22 February 10, 2006

23 JEFF DAVI
24 Real Estate Commissioner

25 By:

26 Dolores Weeks
27 DOLORES WEEKS
Southern Regional Manager

1 DANIEL E. KEHEW, Counsel (SBN 231550)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

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FILED
JAN 30 2006

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Application of)
13 KHANH JERRY HOANG,) H-3406 SD
14 Respondent.) STATEMENT OF ISSUES
15)

16 The Complainant, PHILLIP IHDE, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against KHANH JERRY HOANG (hereinafter "Respondent"), also known
19 as Frankie Cobian, is informed and alleges as follows:

20 I

21 Complainant, PHILLIP IHDE, a Deputy Real Estate
22 Commissioner of the State of California, makes this Statement of
23 Issues against Respondent in his official capacity.

24 II

25 Respondent made application to the Department of Real
26 Estate of the State of California for a real estate broker
27 license on or about March 14, 2005.

1 III

2 On or about February 6, 2002, in the Superior Court
3 of the State of California, County of San Diego, Respondent was
4 convicted of Trespass With Intent to Injure in violation of Penal
5 Code Sections 602(j), a misdemeanor and crime involving moral
6 turpitude that bears a substantial relationship under Section
7 2910, Title 10, California Code of Regulations, to the
8 qualifications, functions, or duties of a real estate licensee.

9 IV

10 On or about August 26, 2003, Respondent filed an
11 application with the Insurance Commissioner of the State of
12 California for a license to act as a bail agent in the State of
13 California. Question 18 of said bail agent application reads:

14 "Have you ever been convicted of a crime? 'Crime'
15 includes a felony or misdemeanor and military
16 offenses. 'Convicted' includes, but is not limited
17 to, having been found guilty by verdict of a judge or
18 jury, having entered a plea of guilty or nolo
19 contedere, having had any charge expunged, dismissed
or plea withdrawn pursuant to Penal Code Section
1203.4, or having been given probation, a suspended
sentence or a fine. You may exclude traffic
citations and juvenile offenses."

20
21 Respondent answered "No" to this question on said application,
22 concealing and failing to disclose the conviction described in
23 Paragraph III, above.

24 V

25 On or about April 1, 2004, the Department of Insurance
26 of the State of California denied Respondent's application for a
27 bail agent license based upon Respondent's concealment or failure

1 to disclose described in Paragraph IV, above. This denial
2 occurred only after Respondent was served with a Statement of
3 Issues in that case and submitted a special Notice of Denial
4 admitting that grounds existed for denial of a bail agent
5 license.

6 VI

7 Respondent's failure to reveal in said bail agent
8 application the conviction set forth in Paragraph V above is an
9 act that, if done by a real estate licensee, would constitute the
10 procurement of a license by fraud, misrepresentation, or deceit,
11 or by making a material misstatement of fact in a license
12 application, which failure is cause for denial of Respondent's
13 application for a real estate license under Sections 480(c) and
14 10177(a) of the Business and Professions Code (hereinafter
15 "Code").

16 VII

17 Respondent's bail agent license denial, described in
18 Paragraphs IV, V and VI, above, constitutes cause for denial of
19 Respondent's application for a real estate license under
20 Sections 480(a) and 10177(f) of the Code.

21 VIII

22 Respondent's criminal conviction, described in
23 Paragraph III above, constitutes cause for denial of Respondent's
24 application for a real estate license under Sections 480(a) and
25 10177(b) of the Code.

26 ///

27 ///


PHILLIP IHDE
Deputy Real Estate Commissioner

Dated at Los Angeles, California
this 25th day of January, 2006.