

FILED
DEC 11 2001

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Shelly Elzy

* * *

In the Matter of the Accusation of)	
) NO. NO. H-3600 SAC
PETER WAYNE FONG,)	
) <u>DECISION</u>
Respondent.)	
_____)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on October 11, 2001, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On July 25, 2001, Charles Koenig made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense was mailed, by certified mail, to Respondent's last known mailing address on file with the Department on July 25, 2001.

On October 11, 2001, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

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 (hereinafter "Code") as a real estate broker.

III

On or about December 19, 2000, in the Superior Court, County of Solano, State of California, in Case No. FCS014932, a final judgment was entered against Respondent based on grounds of fraud,

misrepresentation, or deceit with reference to a transaction for which a real estate license is required.

DETERMINATION OF ISSUES

I

The facts set forth above constitute cause under Section 10177.5 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

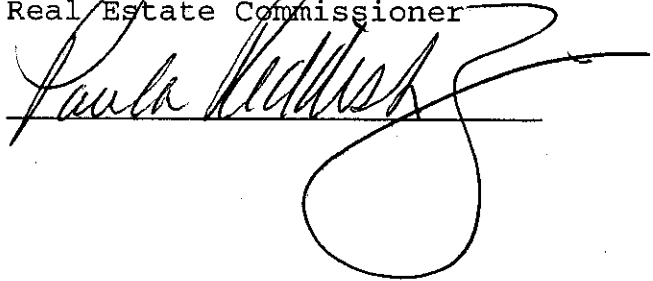
ORDER

All licenses and licensing rights of respondent PETER WAYNE FONG, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on December 31, 2001.

DATED: November 6, 2001

PAULA REDDISH ZENNEMANN
Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
OCT 11 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 PETER WAYNE FONG,) NO. H-3600 SAC
13 Respondent.) DEFAULT ORDER
14)

15 Respondent, PETER WAYNE FONG, having failed to file a
16 Notice of Defense within the time required by Section 11506 of
17 the Government Code, is now in default. It is, therefore,
18 ordered that a default be entered on the record in this matter.

19 IT IS SO ORDERED October 11, 2001.

21 PAULA REDDISH ZINNEMANN
22 Real Estate Commissioner

23
24 By: Steven J. Ellis
25 STEVEN J. ELLIS
26 Regional Manager
27

1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
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4 P. O. Box 187000
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FILED
JUL 25 2001

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 PETER WAYNE FONG,)
13 Respondent.)

No. H-3600 SAC

ACCUSATION

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15
16 The Complainant, CHARLES KOENIG, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against PETER WAYNE FONG (hereinafter "Respondent"), is informed
19 and alleges as follows:

20 I

21 Respondent is presently licensed and/or has license
22 rights under the Real Estate Law, Part 1 of Division 4 of the
23 California Business and Professions Code (hereinafter "Code") as
24 a real estate BROKER.

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II

The Complainant, CHARLES KOENIG, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondent in his official capacity and not otherwise.

III

On or about December 19, 2000, in the Superior Court, County of Solano, State of California, in Case No. FCS014932, a final judgment was entered against Respondent based on grounds of fraud, misrepresentation, or deceit with reference to a transaction for which a real estate license is required.

IV

The facts set forth in Paragraph III, above, constitute cause under Section 10177.5 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

V


Respondent has abandoned his business office at 1319 Travis Boulevard, Suite D, Fairfield, California and has failed to maintain on file with the Real Estate Commissioner a new address for the principal place of business for his real estate brokerage activities.

VI

The facts alleged in Paragraph V, above, are violations of Section 10162 of the Code and are grounds for the suspension or revocation of the license of Respondent under the provisions of Sections 10165 and 10177(d) of the Business and Professions Code.

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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, 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 provisions of law.


CHARLES KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 17th day of July, 2001