



1 Attorney General of the State of California has been given notice  
2 of the filing of said petition.

3 I have considered the petition of Respondent and the  
4 evidence and arguments in support thereof. Respondent has  
5 demonstrated to my satisfaction that Respondent meets the  
6 requirements of law for the issuance to Respondent of an  
7 unrestricted real estate broker license and that it would not be  
8 against the public interest to issue said license to Respondent.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's  
10 petition for reinstatement is granted and that a real estate  
11 broker license be issued to Respondent if Respondent satisfies  
12 the following conditions within nine (9) months from the date of  
13 this Order:

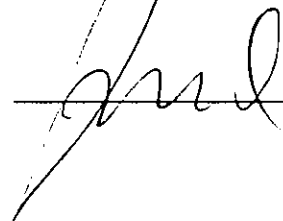
14 1. Submittal of a completed application and payment of  
15 the fee for a real estate broker license.

16 2. Submittal of evidence of having, since the most  
17 recent issuance of an original or renewal real estate license,  
18 taken and successfully completed the continuing education  
19 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
20 for renewal of a real estate license.

21 This Order shall be effective immediately.

22 DATED: 1-20-06

23 JEFF DAVI  
24 Real Estate Commissioner

25   
26 \_\_\_\_\_  
27



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of )  
VON T. HOGE aka VON HOGE, ) No. H-7455 SF  
Respondent. ) OAH No. N 1997050195

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PROPOSED DECISION

This matter was heard before Nancy L. Rasmussen, Administrative Law Judge, Office of Administrative Hearings, State of California, on July 9, 1997, at Oakland, California.

The complainant was represented by David A. Peters, Counsel.

Respondent Von T. Hoge appeared and was represented by Edward Davila, Attorney at Law, 2 North 2nd Street, Suite 295, San Jose, California 95113.

FINDINGS OF FACT

1. The accusation was made by complainant Les R. Bettencourt in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Von T. Hoge ("respondent") is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) as a real estate broker. The license expiration date is August 25, 1999.
3. On May 1, 1995, in the Superior Court of California, County of Santa Clara, respondent was convicted on a plea of no contest of violating Penal Code section 182(a)(1) (conspiracy), a crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate licensee.

4. Respondent's conviction arose out of her role in facilitating Renee Simpson's refinancing of real property owned by her father John Simpson. Renee Simpson had previously worked for Foothill Mortgage Corporation ("Foothill"), respondent's loan brokerage, and in 1989 she was working for Hai Tong, respondent's boyfriend and the owner of Northern Mortgage. Foothill sublet space in the building leased and occupied by Northern Mortgage and later purchased by Hai Tong.

On the evening of April 11, 1989, Renee Simpson brought her father in to Foothill and asked respondent to notarize several documents relating to the refinancing of his property. Although as part of her plea bargain respondent admitted the documents she notarized contained forged signatures of John Simpson, she maintains he signed the documents in her presence. Respondent did not know Renee Simpson planned to divert funds from her father's loan proceeds, or that she had agreed to loan Hai Tong \$50,000 for the downpayment on his purchase of the building in which Foothill and Northern Mortgage were located.

From the refinancing proceeds, Renee Simpson made a short-term loan to Hai Tong of \$50,259, which he used as a downpayment on the building.<sup>1</sup> In 1991 (when respondent no longer had a romantic relationship with Hai Tong), he transferred ownership of the property to her. Real estate values had declined and Hai Tong was unable to sell the property for an amount that would pay off his loan. Since Foothill still leased the building, he offered to deed the property to respondent, and she agreed to assume liability on the loan.

5. On November 17, 1995, imposition of sentence was suspended and respondent was placed on formal probation for two years. She was ordered to perform 200 hours of volunteer work and pay restitution in the amount of \$30,263. Prior to sentencing, respondent had paid \$20,000 restitution to the estate of John Simpson (Simpson was under a public conservatorship), in return for which her conviction was reduced from a felony to a misdemeanor. She completed paying the additional \$30,263 on or about November 29, 1995. Respondent has completed her required volunteer work.

6. Respondent, age 47, has been licensed as a real estate salesperson since 1980 and as a broker since 1987. She has worked hard for her many clients and wants to continue her career in real estate. Respondent currently has two salespersons working for her at Foothill.

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<sup>1</sup> There is hearsay evidence that Hai Tong repaid the \$50,259 loan to Renee Simpson.

Respondent relinquished her notary public license, although no administrative action had been filed against it. She has no current relationship with Hai Tong or Renee Simpson.

#### DETERMINATION OF ISSUES

1. Cause for license discipline exists under Business and Professions Code sections 490 and 10177(b).

2. Although respondent admitted in the criminal case that the signatures she notarized were forged, she testified credibly to the contrary in this matter. Even if there was some irregularity in respondent's notarization, it seems clear her role was a very minor one in Renee Simpson's scheme to gain access to her father's assets. While the conviction occurred just two years ago, eight years have elapsed since the underlying incident. Respondent has no other blemishes on her real estate career. She promptly paid the court ordered restitution and completed her volunteer service. It would not be contrary to the public interest to allow respondent to retain her real estate license on a restricted basis.

#### ORDER

All real estate licenses and licensing rights issued to respondent Von T. Hoge by the Department of Real Estate are revoked; provided, however, a restricted real estate broker 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 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 that Code:

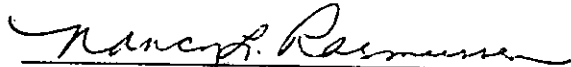
1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction, including by a plea of nolo contendere, of a crime which is substantially related to the qualifications, functions or duties of a real estate 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 one year has elapsed from the effective date of this Decision.
4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, 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 the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED:

July 24, 1997

  
\_\_\_\_\_  
NANCY L. RASMUSSEN  
Administrative Law Judge

FILED  
MAY - 6 1997

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

By Kathleen Contreras

*In the Matter of the Accusation of*

VON T. HOGE, aka VON HOGE,

Case No. H-7455 SF

OAH No. \_\_\_\_\_

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, Second Floor, Oakland, California 94612

on Wednesday -- July 9, 1997, at the hour of 9:00 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.

DEPARTMENT OF REAL ESTATE

Dated: May 2, 1997

By David A. Peters  
DAVID A. PETERS Counsel



1 THOMAS C. LASKEN, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000  
5  
6 Telephone: (916) 227-0789  
7

FILED  
APR 17 1997  
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 VON T. HOGE aka VON HOGE, ) NO. H- 7455 SF  
13 Respondent. ) ACCUSATION  
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15 The Complainant, Les R. Bettencourt, a Deputy Real  
16 Estate Commissioner of the State of California, for cause of  
17 Accusation against VON T. HOGE, aka VON HOGE (hereinafter  
18 "Respondent"), is informed and alleges as follows:

19 I

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

24 II

25 The Complainant, Les R. Bettencourt, a Deputy Real  
26 Estate Commissioner of the State of California, makes this  
27 Accusation in his official capacity.

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III

On or about May 1, 1995, in the Superior Court for the County of Santa Clara, State of California, Respondent was convicted of violation of Section 182(a)(1) of the California Penal Code (Conspiracy to Commit a Crime), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for 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 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.

  
LES R. BETTENCOURT  
Deputy Real Estate Commissioner

Dated at San Francisco, California,  
this 2nd day of April, 1997.