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FILED
SEP 05 2006

DEPARTMENT OF REAL ESTATE

By Jean Ant

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

In the Matter of the Application of)
SABRINA MILDRED CHOU,) No. H-8217 SF
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On May 5, 2003, a Decision was rendered herein denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on June 10, 2003, and Respondent has operated as a restricted licensee without cause for disciplinary action since that time.

On July 14, 2005, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's Petition and the evidence submitted in support thereof including Respondent's

1 record as a restricted licensee. Respondent has demonstrated to
2 my satisfaction that Respondent meets the requirements of law for
3 the issuance to Respondent of an unrestricted real estate
4 salesperson license and that it would not be against the public
5 interest to issue said license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 Petition for removal of restrictions is granted and that a real
8 estate salesperson license be issued to Respondent subject to the
9 following understanding and conditions:

10 1. The license issued pursuant to this order shall be
11 deemed to be the first renewal of Respondent's real estate
12 salesperson license for the purpose of applying the provisions of
13 Section 10153.4.

14 2. Within nine (9) months from the date of this order
15 Respondent shall:

16 (a) Submit a completed application and pay the
17 appropriate fee for a real estate salesperson license, and

18 (b) Submit evidence of having taken and successfully
19 completed the courses specified in paragraphs (1) to (4)
20 inclusive of subdivision (a) of Section 10170.5 of the Real
21 Estate Law for renewal of a real estate license.

22 3. Upon renewal of the license issued pursuant to this
23 order, Respondent shall submit evidence of having taken and
24 successfully completed the continuing education requirements of
25 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
26 real estate license.

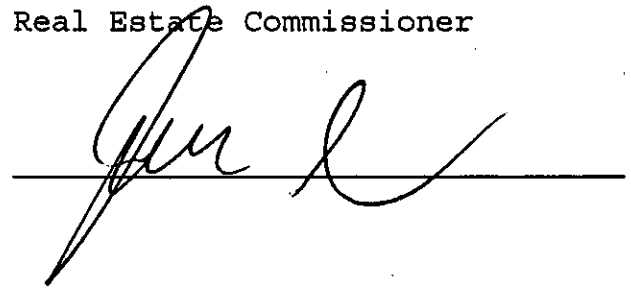
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This Order shall become effective immediately.

DATED: 8-15-06

JEFF DAVI
Real Estate Commissioner



A handwritten signature in cursive script, appearing to read "Jeff Davi", is written over a horizontal line.

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
MAY 10 2003

DEPARTMENT OF REAL ESTATE

By Laurie L. Z...

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

10 * * *

11 In the Matter of the Application of) DRE No. H-8217 SF
12) OAH No. N-2002110547
13) STIPULATION AND WAIVER
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)

28 It is hereby stipulated by and between SABRINA MILDRED
29 CHOU (hereinafter "Respondent"), individually and by and through
30 John F. Prentice, Esq., attorney of record herein for Respondent,
31 and the Complainant, acting by and through James L. Beaver,
32 Counsel for the Department of Real Estate, as follows for the
33 purpose of settling and disposing of the Statement of Issues
34 filed on October 22, 2002 in this matter:

35 A. Respondent acknowledges that she has received and
36 read the Statement of Issues and the Statement to Respondent
37 filed by the Department of Real Estate in connection with her
38 application for a real estate salesperson license. Respondent
39 also understands that by filing the Statement of Issues in this
40 matter the Real Estate Commissioner is shifting the burden to

1 Respondent to make a satisfactory showing that Respondent meets
2 all the requirements for issuance of a real estate salesperson
3 license. Respondent acknowledges that hearing in this matter for
4 the purpose of requiring further proof of Respondent's honesty
5 and truthfulness and to prove other allegations in the Statement
6 of Issues commenced on March 20, 2003, at the Oakland,
7 California, facilities of the Office of Administrative Hearings,
8 before Cheryl Tompkin, Administrative Law Judge, but was
9 suspended and not completed in order to afford the parties hereto
10 the opportunity to pursue resolution of this case, subject to the
11 approval of the Real Estate Commissioner, pursuant to this
12 Stipulation and Waiver. Respondent understands that the Real
13 Estate Commissioner may require that said hearing be completed,
14 or that she may in her discretion waive the hearing and grant
15 Respondent a restricted real estate salesperson license based
16 upon this Stipulation and Waiver. Respondent further understands
17 that by entering into this stipulation and waiver, Respondent
18 will be stipulating that the Real Estate Commissioner has found
19 that Respondent has failed to make such a showing, thereby
20 justifying the denial of the issuance to Respondent of an
21 unrestricted real estate salesperson license.

22 B. Respondent hereby admits that the allegations of
23 the Statement of Issues filed against Respondent are true and
24 correct and requests that the Real Estate Commissioner in her
25 discretion issue a restricted real estate salesperson license to
26 Respondent under the authority of Section 10156.5 of the Business
27 and Professions Code.

1 C. Respondent is aware that by signing this
2 Stipulation and Waiver, Respondent is waiving Respondent's right
3 to completion of the hearing and the opportunity to present
4 evidence at the hearing to establish Respondent's rehabilitation
5 in order to obtain an unrestricted real estate salesperson
6 license if this Stipulation and Waiver is accepted by the Real
7 Estate Commissioner. However, Respondent is not waiving
8 Respondent's right to completion of the hearing and to further
9 proceedings to obtain a restricted or unrestricted license if
10 this Stipulation and Waiver is not accepted by the Commissioner.

11 D. Respondent further understands that the following
12 conditions, limitations, and restrictions will attach to a
13 restricted license issued by the Department of Real Estate
14 pursuant hereto:

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

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

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

1 2. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor the removal
3 of any of the conditions, limitations or restrictions attaching
4 to the restricted license until two years have elapsed from the
5 date of issuance of the restricted license to Respondent.

6 3. With the application for license, or with the
7 application for transfer to a new employing broker, Respondent
8 shall submit a statement signed by the prospective employing
9 broker on a form approved by the Department of Real Estate
10 wherein the employing broker shall certify as follows:

11 a. That broker has read the Statement of Issues which
12 is the basis for the issuance of the restricted license; and

13 b. That broker will carefully review all transaction
14 documents prepared by the restricted licensee and otherwise
15 exercise close supervision over the licensee's performance of
16 acts for which a license is required.

17 4. Respondent's restricted real estate salesperson
18 license is issued subject to the requirements of Section 10153.4
19 of the Business and Professions Code, to wit: Respondent shall,
20 within eighteen (18) months of the issuance of the restricted
21 license, submit evidence satisfactory to the Commissioner of
22 successful completion, at an accredited institution, of two of
23 the courses listed in Section 10153.2, other than real estate
24 principles, advanced legal aspects of real estate, advanced real
25 estate finance or advanced real estate appraisal. If Respondent
26 fails to timely present to the Department satisfactory evidence
27 of successful completion of the two required courses, the

1 restricted license shall be automatically suspended effective
2 eighteen (18) months after the date of its issuance. Said
3 suspension shall not be lifted unless, prior to the expiration of
4 the restricted license, Respondent has submitted the required
5 evidence of course completion and the Commissioner has given
6 written notice to Respondent of lifting of the suspension.

7 5. Pursuant to Section 10154, if Respondent has not
8 satisfied the requirements for an unqualified license under
9 Section 10153.4, Respondent shall not be entitled to renew the
10 restricted license, and shall not be entitled to the issuance of
11 another license which is subject to Section 10153.4 until four
12 years after the date of the issuance of the preceding restricted
13 license.

14 April 28, 2003
15 DATED


16 JAMES L. BEAVER, COUNSEL
17 DEPARTMENT OF REAL ESTATE

18 * * *

19 I have read the Stipulation and Waiver and have
20 discussed its terms with my attorney, and its terms are
21 understood by me and are agreeable and acceptable to me. I
22 understand that I am waiving rights given to me by the
23 California Administrative Procedure Act (including but not
24 limited to Sections 11506, 11508, 11509, and 11513 of the
25 Government Code), and I willingly, intelligently, and
26 voluntarily waive those rights, including the right of a
27 hearing on the Statement of Issues at which I would have the
right to cross-examine witnesses against me and to present
evidence in defense and mitigation of the charges.

1 April 21st. 2003
2 DATED

Sabrina Mildred Chou
3 SABRINA MILDRED CHOU
4 Respondent

* * *

5 I have reviewed the Stipulation and Waiver as to form
6 and content and have advised my clients accordingly.

7 4-21-03
8 DATED

John F. Prentice
9 JOHN F. PRENTICE
10 Attorney for Respondent

* * *

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

18 Therefore, IT IS HEREBY ORDERED that a restricted real
19 estate salesperson license be issued to Respondent, if Respondent
20 has otherwise fulfilled all of the statutory requirements for
21 licensure. The restricted license shall be limited, conditioned,
22 and restricted as specified in the foregoing Stipulation and
23 Waiver.

24 This Order is effective immediately.

25 IT IS SO ORDERED May 5, 2003.

Paula Reddish Zinnemann
26 PAULA REDDISH ZINNEMANN
27 Real Estate Commissioner

FILED
JAN 25 2003

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

DEPARTMENT OF REAL ESTATE

By Kathleen Conteras

In the Matter of the Application of

SABRINA MILDRED CHOU,

Case No. H-8217 SF

OAH No. N-2002110547

Respondent

**FIRST CONTINUED
NOTICE OF HEARING ON APPLICATION**

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
THE ELIHU HARRIS STATE BUILDING
1515 CLAY STREET, SUITE 206
OAKLAND, CALIFORNIA 94612**

on **MARCH 19, 2003**, at the hour of **1:30 PM**, or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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.

Dated: JANUARY 24, 2003

DEPARTMENT OF REAL ESTATE

By

James L. Beaver
JAMES L. BEAVER, Counsel

RE 500 (Rev. 8/97)

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

FILED

NOV 14 2002

DEPARTMENT OF REAL ESTATE

By *Luisie G. [Signature]*

In the Matter of the Application of

SABRINA MILDRED CHOU,

Case No. H-8217 SF

OAH No.

}
}

Respondent

NOTICE OF HEARING ON APPLICATION

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
THE ELIHU HARRIS STATE BUILDING
1515 CLAY STREET, SUITE 206
OAKLAND, CALIFORNIA 94612**

on **MONDAY, DECEMBER 30, 2002**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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: NOVEMBER 14, 2002

By *Deidre L. Johnson*
DEIDRE L. JOHNSON, COUNSEL
RE 500 (Rev. 8/97)

1 JAMES L. BEAVER, Counsel (SBN 60543)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0788 (Direct)

FILED

OCT 22 2002

DEPARTMENT OF REAL ESTATE

Lucille J. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 SABRINA MILDRED CHOU,)
13 Respondent.)

No. H-8217 SF

STATEMENT OF ISSUES

14
15 The Complainant, Les R. Bettencourt, a Deputy Real
16 Estate Commissioner of the State of California, for Statement of
17 Issues against SABRINA MILDRED CHOU (hereinafter "Respondent"),
18 alleges as follows:

19 I

20 Complainant, Les R. Bettencourt, a Deputy Real Estate
21 Commissioner of the State of California, makes this Statement of
22 Issues in his official capacity.

23 II

24 On or about April 12, 2002, Respondent made
25 application to the Department of Real Estate of the State of
26 California (hereinafter "the Department") for a real estate
27 salesperson license with the knowledge and understanding that,

1 pursuant to the provisions of Section 10153.3 of the Business
2 and Professions Code, any license issued as a result of said
3 application would be subject to the conditions of Section
4 10153.4 of the California Business and Professions Code
5 (hereinafter "the Code").

6 III

7 In response to Question 25 of said application, to
8 wit: "Have you ever been convicted of any violation of law?
9 Convictions expunged under Penal Code Section 1203.4 must be
10 disclosed. However, you may omit minor traffic citations which
11 do not constitute a misdemeanor or felony offense", Respondent
12 concealed and failed to disclose the conviction described in
13 Paragraph IV, below.

14 IV

15 On or about February 7, 2002, in the Superior and
16 Municipal Courts of the State of California, County of Marin,
17 Respondent was convicted of the crime of Driving While Having A
18 .08% Or Higher Blood Alcohol in violation of Vehicle Code
19 Section 23152(b), a misdemeanor and a crime involving moral
20 turpitude which bears a substantial relationship under Section
21 2910, Title 10, California Code of Regulations (herein "the
22 Regulations"), to the qualifications, functions or duties of a
23 real estate licensee.

24 V


25 In failing to reveal the conviction described in
26 Paragraph IV, above, in said application, Respondent attempted
27 to procure a real estate license by fraud, misrepresentation, or

1 deceit, or by making a material misstatement of fact in said
2 application, which constitutes cause for denial of Respondent's
3 application for a real estate license under Sections 480(c) and
4 10177(a) of the California Business and Professions Code.

5 VI

6 Respondent's criminal conviction, as described in
7 Paragraph IV, above, constitutes cause for denial of
8 Respondent's application for a real estate license under
9 Sections 480(a) and 10177(b) of the California Business and
10 Professions Code.

11 WHEREFORE, Complainant prays that the above-entitled
12 matter be set for hearing and, upon proof of the charges
13 contained herein, that the Commissioner refuse to authorize the
14 issuance of, and deny the issuance of a real estate salesperson
15 license to Respondent, and for such other and further relief as
16 may be proper in the premises.

17
18 
19 LES R. BETTENCOURT
Deputy Real Estate Commissioner

20 Dated at Oakland, California,
21 this 3rd day of October, 2002.