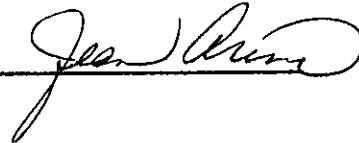


FILED

AUG 11 2009

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
OF THE STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of	)	
	)	
DONGHONG LU,	)	No. H-8980 SF
	)	
Respondent.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 15, 2005, a Decision was rendered herein revoking the real estate salesperson license of Respondent, 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 April 14, 2005, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On February 13, 2009, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the

1 requirements of law for the issuance to Respondent of an unrestricted real estate salesperson  
2 license and that it would not be against the public interest to issue said license to Respondent.

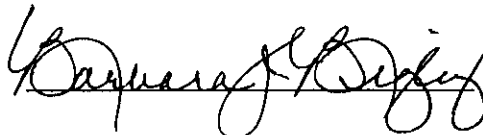
3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
4 reinstatement is hereby granted and that a real estate salesperson license be issued to Respondent  
5 if Respondent satisfies the following conditions within twelve (12) months from the date of this  
6 order:

- 7 1. Submittal of a completed application and payment of the fee for a real estate  
8 salesperson license.
- 9 2. Submittal of evidence of having, since the most recent issuance of an original  
10 or renewal real estate license, taken and successfully completed the continuing education  
11 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate  
12 license.

13 This Order shall become effective immediately.

14 DATED: 7-31-09, 2009.

15 JEFF DAVI  
16 Real Estate Commissioner

17 

18  
19 BY: Barbara J. Bigby  
20 Chief Deputy Commissioner

DEPARTMENT OF REAL ESTATE  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

FILED  
MAR 24 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	DRE No. H-8980 SF
)	OAH No. 2004120071
DONGHONG LU,	)
)	)
Respondent.	)
)	<u>STIPULATION AND AGREEMENT</u>

It is hereby stipulated by and between Respondent DONGHONG LU (herein "Respondent"), represented by Thornton Kontz, Esq., Respondent's attorney of record herein, and the Complainant, acting by and through James L. Beaver, Counsel for the Department of Real Estate (herein "the Department"), as follows for the purpose of settling and disposing of the Accusation filed on October 19, 2004 in this matter (herein "the Accusation"):

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be

DRE No. H-8980 SF

DONGHONG LU

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

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

8 3. On November 2, 2004, Respondent filed a Notice of  
9 Defense pursuant to Section 11505 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in the  
11 Accusation. Respondent hereby freely and voluntarily withdraws  
12 said Notice of Defense. Respondent acknowledges that Respondent  
13 understands that by withdrawing said Notice of Defense Respondent  
14 will thereby waive Respondent's right to require the Real Estate  
15 Commissioner (herein "the Commissioner") to prove the allegations  
16 in the Accusation at a contested hearing held in accordance with  
17 the provisions of the APA and that Respondent will waive other  
18 rights afforded to Respondent in connection with the hearing such  
19 as the right to present evidence in defense of the allegations in  
20 the Accusation and the right to cross-examine witnesses.

22 4. This stipulation is based on the factual  
23 allegations contained in the Accusation. In the interest of  
24 expediency and economy, Respondent chooses not to contest these  
25 factual allegations, but to remain silent and understands that,  
26 as a result thereof, these factual statements will serve as a

1 prima facie basis for the "Determination of Issues" and "Order"  
2 set forth below. The Real Estate Commissioner shall not be  
3 required to provide further evidence to prove such allegations.

4 5. It is understood by the parties that the  
5 Commissioner may adopt the Stipulation and Agreement as his  
6 decision in this matter, thereby imposing the penalty and  
7 sanctions on Respondent's real estate license and license rights  
8 as set forth in the "Order" below. In the event that the  
9 Commissioner in his discretion does not adopt the Stipulation and  
10 Agreement, it shall be void and of no effect, and Respondent  
11 shall retain the right to a hearing and proceeding on the  
12 Accusation under all the provisions of the APA and shall not be  
13 bound by any admission or waiver made herein.

14 6. The Order or any subsequent Order of the Real  
15 Estate Commissioner made pursuant to this Stipulation and  
16 Agreement in Settlement shall not constitute an estoppel,  
17 merger or bar to any further administrative or civil  
18 proceedings by the Department of Real Estate with respect to  
19 any matters which were not specifically alleged to be causes  
20 for accusation in this proceeding.

22 DETERMINATION OF ISSUES

23 By reason of the foregoing stipulations, admissions and  
24 waivers and solely for the purpose of settlement of the pending  
25 Accusation without hearing, it is stipulated and agreed that the  
26 following Determination of Issues shall be made:

27 DRE No. H-8980 SF

DONGHONG LU

I

The acts and omissions of Respondent DONGHONG LU as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 490 and 10177(b) of the California Business and Professions Code (herein "the Code").

ORDER

I

All licenses and licensing rights of Respondent DONGHONG LU under the Real Estate Law are revoked; provided,  
however, a restricted real estate salesperson license shall be  
issued to said Respondent pursuant to Section 10156.5 of the  
Business and Professions Code if, within 90 days from the  
effective date of the Decision entered pursuant to this Order,  
the Respondent, prior to and as a condition of the issuance of said restricted license, makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

The restricted license issued to such 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 such Respondent  
may be suspended prior to hearing by Order of the Real Estate

DRE No. H-8980 SF

DONGHONG LU

1 Commissioner in the event of the Respondent's conviction or  
2 plea of nolo contendere to a crime which is substantially  
3 related to Respondent's fitness or capacity as a real estate  
4 licensee.

5 2. The restricted license issued to such Respondent  
6 may be suspended prior to hearing by Order of the Real Estate  
7 Commissioner on evidence satisfactory to the Commissioner that  
8 the Respondent has violated provisions of the California Real  
9 Estate Law, the Subdivided Lands Law, Regulations of the Real  
10 Estate Commissioner or conditions attaching to the restricted  
11 license.

12 3. Respondent shall not be eligible to apply for the  
13 issuance of an unrestricted real estate license or for the  
14 removal of any of the conditions, limitations or restrictions  
15 of a restricted license until two (2) years have elapsed from  
16 the effective date of this Decision.

17 4. Respondent shall, within nine months from the  
18 effective date of the Decision, present evidence satisfactory  
19 to the Commissioner that Respondent has, since the most recent  
20 issuance of an original or renewal real estate license, taken  
21 and successfully completed the continuing education  
22 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
23 for renewal of a real estate license. If Respondent fails to  
24 satisfy this condition, the Commissioner may order the  
25 suspension of the restricted license until the Respondent

1 presents such evidence. The Commissioner shall afford  
2 Respondent the opportunity for a hearing pursuant to the  
3 Administrative Procedure Act to present such evidence.

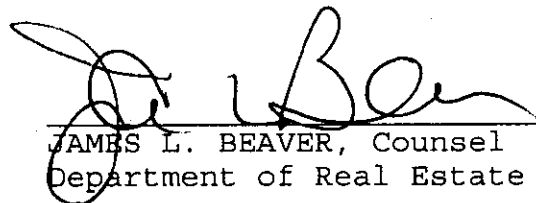
4 5. Respondent shall submit with any application for  
5 license under an employing broker, or any application for  
6 transfer to a new employing broker, a statement signed by the  
7 prospective employing real estate broker on a form approved by  
8 the Department of Real Estate which shall certify:

9 a. That the employing broker has read the Decision of  
10 the Commissioner which granted the right to a restricted license;  
11 and

12 b. That the employing broker will exercise close  
13 supervision over the performance by the restricted licensee  
14 relating to activities for which a real estate license is  
15 required.

16 2-25-05

17 DATED

18   
JAMES L. BEAVER, Counsel  
Department of Real Estate

19 \* \* \*

20 I have read the Stipulation and Agreement and its terms  
21 are understood by me and are agreeable and acceptable to me. I  
22 understand that I am waiving rights given to me by the California  
23 Administrative Procedure Act (including but not limited to  
24 Sections 11506, 11508, 11509, and 11513 of the Government Code),  
25 and I willingly, intelligently, and voluntarily waive those  
26 rights, including the right of requiring the Commissioner to

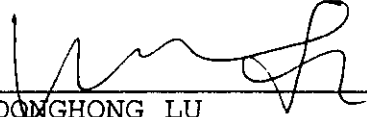
27 DRE No. H-8980 SF

DONGHONG LU

1 prove the allegations in the Accusation at a hearing at which I  
2 would have the right to cross-examine witnesses against me and to  
3 present evidence in defense and mitigation of the charges.

4 2/14/05


5 DATED

  
6 DONGHONG LU  
Respondent

7 \* \* \*

8 I have reviewed the Stipulation and Waiver as to form  
9 and content and have advised my client accordingly.

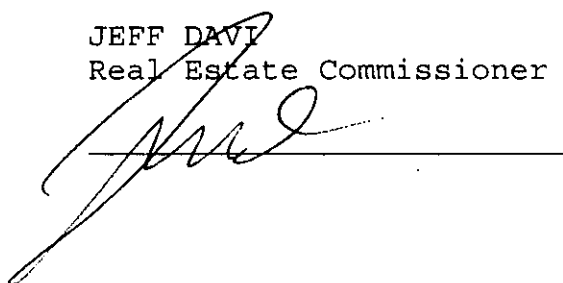
10 2/15/05  
11 DATED

  
12 THORNTON KONTZ  
Attorney for Respondent

13 \* \* \*

14 The foregoing Stipulation and Agreement is hereby  
15 adopted by me as my Decision in this matter and shall become  
16 effective at 12 o'clock noon on APRIL 14, 2005.

17 IT IS SO ORDERED 3-15-05, 2005.

18 JEFF DAVIS  
19 Real Estate Commissioner  
  
20  
21  
22  
23  
24  
25  
26  
27

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

**FILED**  
DEC - 1 2004

DEPARTMENT OF REAL ESTATE

By Laurie A. Zai

*In the Matter of the Accusation of*

DONHONG LU,

} Case No. H-8980 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, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **WEDNESDAY, FEBRUARY 9, 2005**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Accusation 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.

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: DECEMBER 1, 2004

By James L. Beaver  
JAMES L. BEAVER, Counsel (2)

1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

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

FILED  
OCT 19 2004

DEPARTMENT OF REAL ESTATE

By Kenzie G. Z...

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 DONGHONG LU, ) No. H-8980 SF  
13 Respondent. ) ACCUSATION  
14 )

15 The Complainant, Les R. Bettencourt, a Deputy Real  
16 Estate Commissioner of the State of California, for cause of  
17 Accusation against DONGHONG LU (herein "Respondent"), is  
18 informed and alleges as follows:

19 I

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

23 II

24 At all times herein mentioned, Respondent was and now  
25 is licensed and/or has license rights under the Real Estate Law  
26 (Part 1 of Division 4 of the Business and Professions Code)  
27 (herein "the Code") as a real estate salesperson.

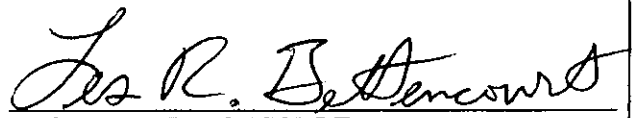
1 III

2 On or about December 2, 2003, in the Superior Court of  
3 the State of California, County of Santa Clara, Respondent was  
4 convicted of the crime of Disorderly Conduct in violation of  
5 Penal Code Section 647(a), a misdemeanor and a crime involving  
6 moral turpitude which bears a substantial relationship under  
7 Section 2910, Title 10, California Code of Regulations (herein  
8 "the Regulations"), to the qualifications, functions or duties  
9 of a real estate licensee.

10 IV

11 The facts alleged above are grounds for the suspension  
12 or revocation of the licenses and license rights of Respondent  
13 under the provisions of Sections 490 and 10177(b) of the  
14 California Business and Professions Code.

15 WHEREFORE, Complainant prays that a hearing be  
16 conducted on the allegations of this Accusation and that upon  
17 proof thereof a decision be rendered imposing disciplinary  
18 action against all licenses and license rights of Respondent  
19 under the Real Estate Law (Part 1 of Division 4 of the Business  
20 and Professions Code) and for such other and further relief as  
21 may be proper under other applicable provisions of law.

22  
23   
24 LES R. BETTENCOURT  
Deputy Real Estate Commissioner

25 Dated at Oakland, California,  
26 this 22nd day of September, 2004.