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FILED

DEC 09 2008

DEPARTMENT OF REAL ESTATE

By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of
HONG SUN,
Respondent.

No. H-9361 SF

ORDER GRANTING UNRESTRICTED LICENSE

On August 30, 2005, a Decision was rendered herein denying the 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 October 29, 2005, and Respondent has operated as a restricted licensee since that time.

On June 26, 2008, 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 record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
2 restrictions is granted and that a real estate salesperson license be issued to Respondent subject to
3 the following understanding and conditions:

4 1. The license issued pursuant to this order shall be deemed to be the first renewal
5 of respondent's real estate salesperson license for the purpose of applying the provisions of
6 Section 10153.4.

7 2. Within nine (9) months from the date of this order respondent shall:

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

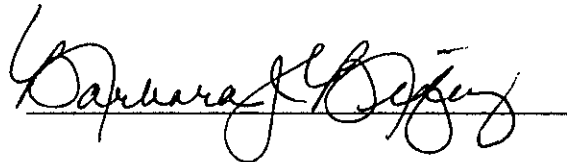
10 (b) Submit evidence of having taken and successfully completed the courses
11 specified in subdivisions (a) (1), (2), (3), (4) and (5) of Section 10170.5 of the
12 Real Estate Law for renewal of a real estate license.

13 3. Upon renewal of the license issued pursuant to this order, respondent shall
14 submit evidence of having taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
16 license.

17 This Order shall become effective immediately.

18 IT IS SO ORDERED 11-21-08

19 JEFF DAVI
20 Real Estate Commissioner

21 

22
23 BY: Barbara J. Bigby
24 Chief Deputy Commissioner

1 Department of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4
5 Telephone: (916) 227-0789
6

FILED
OCT - 4 2005

DEPARTMENT OF REAL ESTATE

By 

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**
9

10 *In the Matter of the Application of*

11 HONG SUN,
12

13 Respondent
14

) No. H- 9361 SF
)
)
)

) **STIPULATION AND**
) **WAIVER**
)
)

15 I, HONG SUN, respondent herein, do hereby affirm that I have applied to the Department of Real
16 Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the
17 statutory requirements for the issuance of the license, including the payment of the fee therefor.

18 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent
19 filed by the Department of Real Estate on SEPTEMBER 16, 2005, in connection with my application for a
20 real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this
21 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove
22 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real
23 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the
24 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a
25 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I
26 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate
27

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

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and
7 Professions Code.

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

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

- 15 1. The license shall not confer any property right in the privileges to be exercised including the
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under this restricted license in the event of:
 - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 20 b. The receipt of evidence that respondent has violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until two years have elapsed from the date of issuance of the restricted license to respondent.
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27

- 1 3. With the application for license, or with the application for transfer to a new employing broker, I
2 shall submit a statement signed by the prospective employing broker on a form approved by the
3 Department of Real Estate wherein the employing broker shall certify as follows:
- 4 a. That broker has read the Statement of Issues which is the basis for the issuance of the
5 restricted license; and
- 6 b. That broker will carefully review all transaction documents prepared by the restricted
7 licensee and otherwise exercise close supervision over the licensee's performance of acts
8 for which a license is required.
- 9 4. My restricted real estate salesperson license is issued subject to the requirements of Section
10 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months
11 of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of
12 successful completion, at an accredited institution, of a course in real estate practices and one of
13 the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of
14 real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely
15 present to the Department satisfactory evidence of successful completion of the two required
16 courses, the restricted license shall be automatically suspended effective eighteen (18) months
17 after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of
18 the restricted license, I have submitted the required evidence of course completion and the
19 Commissioner has given written notice to Respondent of the lifting of the suspension.
- 20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license
21 under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall
22 not be entitled to the issuance of another license which is subject to Section 10153.4 until four
23 years after the date of the issuance of the preceding restricted license.

24 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
25 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
26 number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending
27 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received
2 the original signed Stipulation and Waiver.

3 9/28/05

4 Dated

5 HONG SUN, Respondent

6 ***

7 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
8 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
9 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
10 restricted real estate salesperson license to respondent.

11 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
12 respondent HONG SUN if respondent has otherwise fulfilled all of the statutory requirements for licensure.
13 The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation
14 and Waiver.

15 This Order is effective immediately.

16 IT IS SO ORDERED

17 September 30, 2005

18 Jeff Davi
19 Real Estate Commissioner

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)
7

FILED
SEP 16 2005

DEPARTMENT OF REAL ESTATE

[Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 HONG SUN,)
13 Respondent.)

No. H-9361 SF

STATEMENT OF ISSUES

14
15 The Complainant, Steven J. Ellis, a Real Estate
16 Manager of the State of California, for Statement of Issues
17 against HONG SUN (hereinafter "Respondent") alleges as follows:

18 I

19 Respondent made application to the Department of Real
20 Estate of the State of California for a real estate salesperson
21 license on or about October 28, 2004 with the knowledge and
22 understanding that any license issued as a result of said
23 application would be subject to the conditions of Section
24 10153.4 of the California Business and Professions Code.

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II

Complainant, Steven J. Ellis, a Real Estate Manager of the State of California, makes this Statement of Issues in his official capacity.

III

On or about May 27, 1997, in the Municipal Court, Livermore-Pleasanton-Dublin Judicial District, County of Alameda, State of California, Respondent was convicted of violation of California Penal Code Section 487 (Grand Theft), a crime involving moral turpitude and/or which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations (herein "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as alleged in Paragraph III above constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

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1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson license to Respondent, and for such other and
6 further relief as may be proper under other provisions of law.

7
8 
9 STEVEN J. ELLIS
Real Estate Manager

10 Dated at Sacramento, California,
11 this 15th day of September, 2005.