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8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Application of)
12) NO. H-9543 SF THANH DINH TRAN,)
13	Respondent.)
14	ORDER DENYING APPLICATION FOR A REAL ESTATE LICENSE
15	ORDER DENTING APPLICATION FOR A REAL ESTATE DICENSE
16	The Real Estate Commissioner, in conformity with
17	Section 10152, Division 4, Business and Professions Code of the
18	State of California, required further proof of the honesty and
19	truthfulness of THANH DINH TRAN (hereinafter "Respondent"), in
20	connection with Respondent's application for a real estate
21	salesperson license filed on or about December 9, 2004, and in
22	relation thereto, filed a Statement of Issues on February 23,
23	2006.
24	Said Statement of Issues was properly served on
25	Respondent on or about February 23, 2006, and Respondent has, to
26	date, failed to file a Notice of Defense, request a hearing, or
27	otherwise establish that he is entitled to the license sought.

- 1 -

IT IS THEREFORE ORDERED, pursuant to the authority granted under Section 11520 of the Government Code of the State of California, that the application of THANH DINH TRAN for a real estate salesperson license is hereby denied. This Order is effective immediately. ____, 2006. DATED: JEFF DAVI Real Estate Commissioner u - 2 -

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1	MICHAEL B. RICH, Counsel
2	State Bar No. 84257 Department of Real Estate FEB 2 3 2006
3	P. O. Box 187007 Sacramento, CA 95818-7007 DEPAKIMICINI OF NEAL ESTATE
4	Telephone: (916) 227-0789 By A. El
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8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Application of)
12	THANH DINH TRAN,) No. H-9543 SF
13	Respondent.) <u>STATEMENT OF ISSUES</u>
14)
15	The Complainant, E. J. HABERER II, a Deputy Real Estate
16	Commissioner of the State of California, for Statement of Issues
17	against THANH DINH TRAN (hereinafter "Respondent"), is informed
18	and alleges as follows:
19	I
20	Respondent made application to the Department of Real
21	Estate of the State of California for a real estate salesperson
22	license on or about December 9, 2004.
23	II
.24	Complainant, E. J. HABERER II, a Deputy Real Estate
25	Commissioner of the State of California, makes this Statement of
26	Issues in his official capacity and not otherwise.
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1	. III
2	On or about April 3, 1997, in the Municipal Court,
3	County of Santa Clara, in case number C9722697, Respondent was
4	convicted of violating California Penal Code Section 23103 of the
5	California Vehicle Code (Drive vehicle upon highway in willful
6	and wanton disregard for safety) pursuant to Section 23103.5 of
7	the California Vehicle Code (Substitute charge of Section 23103
8	in lieu of driving under the influence under Section 23152), a
9	crime involving moral turpitude and/or a crime which bears a
10	substantial relationship under Section 2910, Title 10, California
11	Code of Regulations, to the qualifications, functions, or duties
12	of a real estate licensee.
13	IV
14	On or about August 19, 1997, in the Municipal Court,
15	County of Santa Clara, in case number 196338, Respondent was
16	convicted of violating California Penal Code Section 496 of the
17	California Penal Code (Knowingly receiving stolen property, to
18	wit: computer parts), a crime involving moral turpitude and/or a
19	crime which bears a substantial relationship under Section 2910,
20	Title 10, California Code of Regulations, to the qualifications,
21	functions, or duties of a real estate licensee.
22	V
23	On or about August 19, 1997, in the Municipal Court,
24	County of Santa Clara, in case number 196339, Respondent was
25	convicted of violating California Penal Code Section 496 of the
26	California Penal Code (Knowingly receiving stolen property, to
27	wit: oscilloscope), a crime involving moral turpitude and/or a
	- 2 -

¹⁹ contained herein, that the Commissioner refuse to authorize the ²⁰ issuance of, and deny the issuance of, a real estate salesperson ²¹ license to Respondent, and for such other and further relief as ²² may be proper under other provisions of law. ²³ ²⁴ ²⁵ <u>L. J. HABERER II</u> ²⁵ Dated at Oakland, California,		
Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee. VI The crimes of which Respondent was convicted, as alleged in Paragraphs III, IV and V, above, constitute cause for denial of Respondent's application for a real estate license under Sections 480(a) and/or 10177(b) of the California Business and Professions Code. PRIOR PROCEEDINGS VII Effective June 9, 1998, in Case No. H-7529 SF (OAH No. N1998010131), before the State of California, Department of Real Estate, the application of Respondent for a real estate salesperson license was denied for violation of Sections 480(a) and 10177(b) of the California Business and Professions Code. WHEREFORE, the Complainant prays that the above- entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, and for such other and further relief as may be proper under other provisions of law. Dated at Oakland, California,	-1	
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4 VI 5 The crimes of which Respondent was convicted, as 6 alleged in Paragraphs III, IV and V, above, constitute cause for 7 denial of Respondent's application for a real estate license 8 under Sections 480(a) and/or 10177(b) of the California Business 9 Image: PROCEEDINGS 10 Image: PROCEEDINGS 11 VII 12 Effective June 9, 1998, in Case No. H-7529 SF (OAH No. 13 N1998010131), before the State of California, Department of Real 14 Estate, the application of Respondent for a real estate 15 salesperson license was denied for violation of Sections 480(a) 16 and 10177(b) of the California Business and Professions Code. 17 WHEREFORE, the Complainant prays that the above- 18 entitled matter be set for hearing and, upon proof of the charges 19 contained herein, that the Commissioner refuse to authorize the 19 issuance of, and deny the issuance of, a real estate salesperson 11 icense to Respondent, and for such other and further relief as 11 may be proper under other provisions of law. 12 Image: Proper under other provisions of law. <	. 2	Title 10, California Code of Regulations, to the qualifications,
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 ²⁵ ²⁶ Dated at Oakland, California, 	23	a p , 1
 Deputy Real Estate Commissioner Dated at Oakland, California, 	24	Z Phase A
	25	Deputy Real Estate Commissioner
	26	
27 this <u>30 1</u> day of <u>Claimber</u> , 200 <u>5</u> .	27	this 30th day of December, 2005.
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