

FILED  
JUN 29 2006

DEPARTMENT OF REAL ESTATE

By *A. Ely*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of)  
THANH DINH TRAN, )  
Respondent. )

NO. H-9543 SF

ORDER DENYING APPLICATION FOR A REAL ESTATE LICENSE

The Real Estate Commissioner, in conformity with Section 10152, Division 4, Business and Professions Code of the State of California, required further proof of the honesty and truthfulness of THANH DINH TRAN (hereinafter "Respondent"), in connection with Respondent's application for a real estate salesperson license filed on or about December 9, 2004, and in relation thereto, filed a Statement of Issues on February 23, 2006.

Said Statement of Issues was properly served on Respondent on or about February 23, 2006, and Respondent has, to date, failed to file a Notice of Defense, request a hearing, or otherwise establish that he is entitled to the license sought.

1           IT IS THEREFORE ORDERED, pursuant to the authority  
2 granted under Section 11520 of the Government Code of the State  
3 of California, that the application of THANH DINH TRAN for a real  
4 estate salesperson license is hereby denied.

5           This Order is effective immediately.

6           DATED:           5/24          , 2006.  
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8                           JEFF DAVI  
9                           Real Estate Commissioner  
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1 MICHAEL B. RICH, Counsel  
2 State Bar No. 84257  
3 Department of Real Estate  
4 P. O. Box 187007  
5 Sacramento, CA 95818-7007  
6  
7 Telephone: (916) 227-0789

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8 BEFORE THE DEPARTMENT OF REAL ESTATE

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10 \* \* \*

11 In the Matter of the Application of )  
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13 THANH DINH TRAN, )  
14 )  
15 Respondent. )

No. H-9543 SF

STATEMENT OF ISSUES

16 The Complainant, E. J. HABERER II, a Deputy Real Estate  
17 Commissioner of the State of California, for Statement of Issues  
18 against THANH DINH TRAN (hereinafter "Respondent"), is informed  
19 and alleges as follows:

20 I

21 Respondent made application to the Department of Real  
22 Estate of the State of California for a real estate salesperson  
23 license on or about December 9, 2004.

24 II

25 Complainant, E. J. HABERER II, a Deputy Real Estate  
26 Commissioner of the State of California, makes this Statement of  
27 Issues in his official capacity and not otherwise.

///

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

1 crime which bears a substantial relationship under Section 2910,  
2 Title 10, California Code of Regulations, to the qualifications,  
3 functions, or duties of a real estate licensee.

4 VI

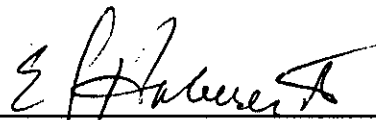
5 The crimes of which Respondent was convicted, as  
6 alleged in Paragraphs III, IV and V, above, constitute cause for  
7 denial of Respondent's application for a real estate license  
8 under Sections 480(a) and/or 10177(b) of the California Business  
9 and Professions Code.

10 PRIOR 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  
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 E. J. HABERER II  
26 Deputy Real Estate Commissioner

26 Dated at Oakland, California,

27 this 30<sup>th</sup> day of December, 2005.