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DEPARTMENT OF REAL ESTATE

By

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of JEFFREY CHIN, Respondent.	NO. H- 10559 SF STIPULATION AND WAIVER

It is hereby stipulated by and between JEFFREY CHIN, (Respondent herein), and Respondent's attorney, EDGARDO GONZALEZ, and the Complainant, acting by and through RICHARD K. UNO, counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on December 15, 2008 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to

Respondent to make a satisfactory showing that Respondent meets all the requirements for the issuance of a real estate salesperson license. Respondent further understands that by entering into this Stipulation and Waiver, Respondent will be stipulating that the Real Estate Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are true and correct and request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions Code.

Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker license if this Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

Respondent further understand that the following conditions, limitations and restrictions will attach to a restricted real estate salesperson license issued by the Department of Real Estate pursuant hereto:

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

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

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

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until four (4) years has elapsed from the date of issuance of the restricted license to Respondent.

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

(a) That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and

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

2/17/09
DATED

RICHARD K. UNO, Counsel
Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Section 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a 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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (916) 227-9458. Respondent agrees,

acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

2.4.09
Dated

JEFFERY CHIN, Respondent

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

2-4-09
Dated

EDGUARDO GONZALEZ, Attorney for Respondent

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

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

This Order is effective immediately.

DATED: 3/24/09

JEFF DAVI
Real Estate Commissioner

RICHARD K. UNO, Counsel (SBN 98275)
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-2380

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DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of JEFFREY CHIN, Respondent.	No. H-10559 SF STATEMENT OF ISSUES

The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JEFFREY CHIN, (herein "Respondent"), alleges as follows:

1

Complainant makes this Statement of Issues in his official capacity.

2

On or about June 17, 2008, Respondent made application to the Department of Real Estate of the State of California (herein "the Department") for a real estate salesperson license.

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On or about November 18, 1998, in the Superior Court of the State of California, County of Sacramento, Case No. 98F08169, Respondent was convicted of violating Section 475(A) of the California Penal Code (Check Forgery), a felony 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.

4

Respondent's criminal conviction, as described in Paragraph 3, above, constitutes cause for denial of his application for a real estate license under Sections 10177(b) and 480(a) of the Code.

WHEREFORE, 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.

Joe M. Carrillo

JOE M. CARRILLO
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 11 day of December, 2008.