

FILED

FEB 19 1986

DEPARTMENT OF REAL ESTATE

BY *K. Heber*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)
FRED WING WONG aka)
Fred Wong,)
Respondent.)

No. H-22336 LA

L-35845

STIPULATION AND WAIVER

I, FRED WING WONG, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the license fee.

I acknowledge that I have received and read the Statement of Issues filed by the Department of Real Estate on September 11, 1985, and the Statement to Respondent sent to me in connection with said Statement of Issues.

I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and constitute a basis for the denial of my application for a real estate salesperson license.

1 I further acknowledge that the Real Estate Commissioner
2 held a hearing on this Statement of Issues on October 17, 1985,
3 before the Office of Administrative Hearings, for the purpose of
4 proving the allegations therein. I was present at the hearing and
5 participated therein. Further, I have had an opportunity to read
6 and review the Proposed Decision of the Administrative Law Judge
7 recommending that my application for a real estate salesperson
8 license be granted.

9 I understand that pursuant to Government Code Section
10 11517(c) the Real Estate Commissioner has rejected the proposed
11 decision of the Administrative Law Judge. I further understand
12 that pursuant to the same Section 11517(c) the Real Estate
13 Commissioner may decide this case upon the record, including the
14 transcript, without taking additional evidence, after affording
15 me the opportunity to present written argument to the Real Estate
16 Commissioner.

17 I further understand that by signing this Stipulation
18 and Waiver, I am waiving my right to obtain an unrestricted real
19 estate license through proceedings under Government Code Section
20 11517(c) if this Stipulation and Waiver is accepted by the Real
21 Estate Commissioner. However, I also understand that I am not
22 waiving my rights to further proceedings to obtain a restricted
23 or unrestricted license if this Stipulation and Waiver is not
24 accepted by the Real Estate Commissioner.

25 I hereby request that the Real Estate Commissioner in
26 his discretion issue to me a restricted real estate salesperson
27 license under the authority of Section 10156.5 of the Business

1 and Professions Code.

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

5 1. The license shall not confer any property right
6 in the privileges to be exercised thereunder and the Real Estate
7 Commissioner may by appropriate order suspend prior to hearing
8 the right of respondent to exercise any privileges granted under
9 this restricted license in the event of:

10 a. The conviction of respondent (including a
11 plea of nolo contendere) of a crime which bears
12 a substantial relationship to respondent's
13 fitness or capacity as a real estate licensee; or

14 b. The receipt of evidence that respondent has
15 violated provisions of the California Real Estate
16 Law, the Subdivided Lands Law, Regulations of the
17 Real Estate Commissioner, or conditions attaching
18 to this restricted license.

19 2. Respondent shall not be eligible to apply for the
20 issuance of an unrestricted real estate license nor the removal
21 of any of the conditions, limitations or restrictions attaching
22 to the restricted license until one year has elapsed from the
23 date of issuance of the restricted license to respondent.

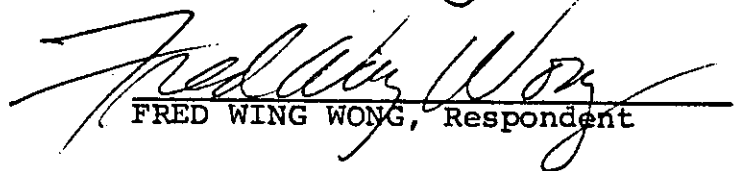
24 3. With his application for license, or with his
25 application for transfer to a new employing broker, respondent
26 shall submit a statement signed by the prospective employing
27 broker on a form approved by the Department of Real Estate

1 wherein the employing broker shall certify as follows:

2 a. That the broker has read the Statement of Issues
3 which is the basis for the issuance of the restricted
4 license; and

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

10 DATED this 27th day of JANUARY, 1986.

11
12 
13 FRED WING WONG, Respondent

14 I have read the Statement of Issues filed herein, the
15 Proposed Decision of the Administrative Law Judge dated
16 December 26, 1985, and the foregoing Stipulation and Waiver signed
17 by respondent. I am satisfied that it will not be inimical to
18 the public interest to issue a restricted real estate salesperson
19 license to respondent.

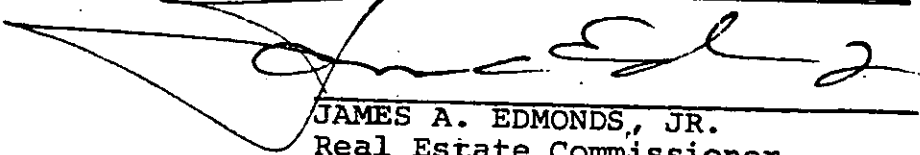
20 Therefore, IT IS HEREBY ORDERED that a restricted real
21 estate salesperson license be issued to respondent FRED WING WONG
22 if he has otherwise fulfilled all of the statutory requirements

23 /
24 /
25 /
26 /
27 /

1 for licensure. The restricted license shall be limited, con-
2 ditioned and restricted as specified in the foregoing Stipulation
3 and Waiver.

4 This Order shall become effective on March 11
5 1986.

6 Dated this 13th day of February, 1986.

7
8 
9 JAMES A. EDMONDS, JR.
10 Real Estate Commissioner

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

*Sacts
gag*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

JUN 16 1985

DEPARTMENT OF REAL ESTATE
BY K. W. ...

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-22336 LA
FRED WING WONG aka)	L-35845
Fred Wong,)	
Respondent.)	

NOTICE

TO: FRED WING WONG, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated December 26, 1985, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated December 26, 1985, is attached hereto for your information.

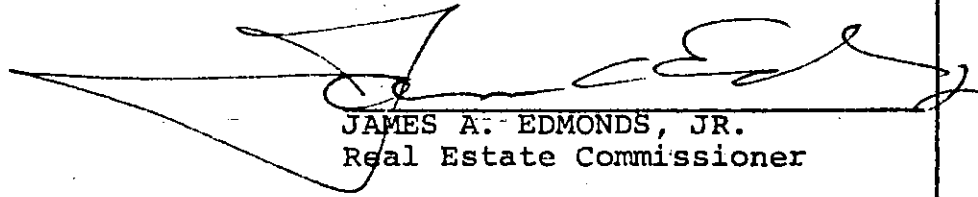
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on October 17, 1985, and any written argument hereafter submitted on behalf of respondent and complainant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of October 17, 1985, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of complainant to be considered by me must be submitted within 15 days after receipt of the argument of respondent at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: 1-7-86



JAMES A. EDMONDS, JR.
Real Estate Commissioner

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application)
of:)

FRED WING WONG aka)
FRED WONG,)

Respondent.)

No. H-22336 LA

L-35845

PROPOSED DECISION

This matter came on regularly for hearing before P. M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on October 17, 1985, and was continued from time to time thereafter until submitted for decision on December 24, 1985.

Complainant appeared by Marilyn L. Mosher, staff counsel. Respondent appeared personally without counsel.

Evidence, both oral and documentary was presented. The matter now stands submitted for decision. The Administrative Law Judge finds the following facts:

I

Complainant, Thomas McCrady, caused the Statement of Issues to be filed and served while acting solely in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

Fred Wing Wong aka Fred Wong, (hereinafter respondent) was issued a real estate salesperson license on or about June 21, 1985, following respondent's application therefor on or about June 4, 1985. On September 18, 1985, the said license was suspended pending resolution of these proceedings.

III

The parties have timely filed and served all pleadings, notices and other papers as required by law. Jurisdiction for these proceedings exists.

IV

On March 27, 1979, in the Municipal Court of Los Angeles Judicial District in the County of Los Angeles, State of California, respondent was convicted on his plea of guilty of five counts of violating Penal Code Section 664/484 (Attempted Theft), misdemeanors, each such count a crime involving moral turpitude. Thereupon the District Attorney dismissed five additional counts of attempted theft. The court imposed a fine of \$1,500. in the aggregate plus a penalty assessment of \$300. and placed respondent on summary probation for one year. Probation was terminated early, and respondent has now obtained relief pursuant to Section 1203.4 of the Penal Code.

V

Respondent has presented substantial evidence of his present rehabilitation. The facts underlying his 1979 difficulty involved the presentation of false warranty service claims by a manager employed by respondent to a commercial customer; claimed T.V. repairs had not in fact been done. As a consequence of this, respondent's Electronic Repair Certificate of Registration was suspended for forty-five days. There is no evidence of other criminal conduct. There is evidence of respondent's good reputation for truth and honesty. His employing broker supports his application, well-knowing the allegations set out in the Statement of Issues.

VI

There is not sufficient evidence to establish substantial relationship between the 1979 conviction and respondent's present qualifications to function and perform the duties of a real estate licensee.

VII

In response to Question 21 of his license application, to wit: "Have you ever been convicted of any violation of law? (Excluding non-moving traffic violations)", respondent marked the answer box denoting "No". This answer was not correct. Respondent explains he answered "No" because he believed the criminal action to have been against his business, and not against him personally. Respondent impresses the trier of fact as an honest person who is sincere in his beliefs. His mistake may have arisen because of differing cultural attitudes toward the distinction between business and personal lives in Chinese and American cultures; it is supported by the fact that his business was licensed by the Department of Consumer Affairs as "Wong's TV," and by the fact

that the criminal action was entitled, "People, etc. v. Fred Wong, dba 'Wong's City TV and Service', and Wong's TV."

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Grounds for denial of respondent's application pursuant to Section 480 of the Business and Professions Code do not exist by reason of the foregoing findings.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

not adopted { The application is granted. The order of suspension is set aside and respondent's real estate salesperson's license is restored to him.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter as a result of the hearing had before me on October 17, 1985 at Los Angeles, California, and recommend its adoption as the decision of the Real Estate Commissioner.

DATED: Dec. 26, 1985

P. M. Hogan

P. M. HOGAN
Administrative Law Judge
Office of Administrative Hearings

PMH:hk

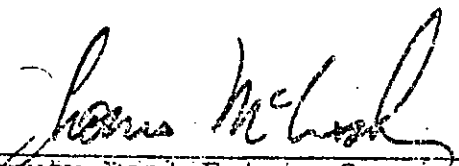
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

VI

Respondent's criminal convictions, as alleged in Paragraphs III above, warrants denial of respondent's application for a real estate license under Sections 480(a) and 10177(b) of the Business and Professions Code of the State of California.

These proceedings are brought under the provisions of Section 10100, Division 4, of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code.

Dated at Los Angeles, California
this 11th day of September, 1985.


Deputy Real Estate Commissioner

cc: Fred Wing Wong
Sincere Realty, Inc.
Sacto.
OGG

Sacto Wong

FILED

BEFORE THE DEPARTMENT OF REAL ESTATE

OCT-3 1985

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
BY *Jawa B Olena*

In the Matter of the Application of

FRED WING WONG aka
Fred Wong,

Case No. H-22336 LA

L-22336

Respondent

NOTICE OF HEARING ON APPLICATION

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,
314 West First Street, Los Angeles, California 90012

on the 17th day of October, 1985, at the hour of 2:30 p.m.,
or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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.

DATED: October 3, 1985

cc: Fred Wing Wong
Sincere Realty, Inc.
Robert Winckler, Esq.
✓ Sacto, OAH, OGG
RE Form 500 (Rev. 11-10-82)

JAMES A. EDMONDS, JR.
DEPARTMENT OF REAL ESTATE
By *Marilyn L. Prosser*
Counsel

*fact
flag*

FILED

SEP 18 1985

DEPARTMENT OF REAL ESTATE
BY *K. Medeiros*

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)	No. H-22336 LA
)	
FRED WING WONG aka)	
Fred Wong,)	
)	
Respondent.)	

ORDER SUSPENDING REAL ESTATE LICENSE

TO: FRED WING WONG, Respondent
2436 Riverdale Avenue
Los Angeles, CA 90031

On or about June 4, 1985, the above-named respondent filed with the Department of Real Estate of the State of California (hereinafter referred to as the Department) an application for a real estate salesperson license. In response to a question in said application, to wit: "Have you ever been convicted of any violation of law? (Excluding non-moving traffic violations)", respondent marked the box denoting "No".

On June 21, 1985, the Department issued a real estate salesperson license to respondent in reliance upon the aforesaid answer of respondent.

1 On September 11, 1985, in Case No. H-22336 LA, a
2 Statement of Issues signed by a Deputy Real Estate Commissioner
3 of the State of California was filed charging respondent with
4 having procured a real estate license by fraud, misrepresentation
5 or deceit or by making a material misstatement of fact required
6 to be revealed in the application for such license.

7
8 NOW, THEREFORE, IT IS ORDERED under authority of
9 Section 10177.1 of the Business and Professions Code of the State
10 of California that the real estate salesperson license heretofore
11 issued to respondent and the exercise of any privileges thereunder
12 are hereby suspended pending final determination made after a
13 hearing on the aforesaid Statement of Issues, a copy of which is
14 attached hereto.

15 IF IS FURTHER ORDERED that all license certificates
16 and identification cards issued by the Department which are in the
17 possession of respondent be immediately surrendered by personal
18 delivery or by mailing in the enclosed self-addressed envelope to:

19 DEPARTMENT OF REAL ESTATE
20 107 South Broadway, Room 8107
 Los Angeles, California 90012

21 This order shall be effective immediately.

22 DATED: September 17, 1985

23 JAMES A. EDMONDS, JR.
24 Real Estate Commissioner

25 By: John R. Liberator
26 JOHN R. LIBERATOR
27 Chief Deputy Commissioner

FILED

SEP 11 1985

1 MARILYN L. MESHER, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8
9
10 (213) 620-4790

DEPARTMENT OF REAL ESTATE
BY K. Mederholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

11	In the Matter of the Application of)	No. H-22336 LA
12	FRED WING WONG aka)	<u>STATEMENT OF ISSUES</u>
13	Fred Wong,)	
14	Respondent.)	

15 The Real Estate Commissioner, in conformity with Section
16 10152, Division 4, Business and Professions Code of the State of
17 California, requires further proof of the honesty and truthfulness
18 of FRED WING WONG aka Fred Wong, in connection with his application
19 for a real estate salesperson license, filed June 4, 1985, and in
20 relation thereto, will consider the following:

21 I

22 FRED WING WONG aka Fred Wong, (hereinafter respondent)
23 was issued a real estate salesperson license on or about June 21,
24 1985, following respondent's application therefor on or about
25 June 4, 1985.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

In response to Question 21 of said license application, to wit: "Have you ever been convicted of any violation of law? (Excluding non-moving traffic violations)", respondent marked the answer box denoting "NO".

III

On or about March 27, 1979, in the Municipal Court of Los Angeles Judicial District in the County of Los Angeles, State of California, respondent was convicted of five counts of violating Penal Code Section 664/484 (Attempted Theft), each such count a crime involving moral turpitude.

IV

The crimes of which respondent was convicted, as alleged in Paragraph III, hereinabove, and which were not disclosed by respondent in his license application, bear a substantial relationship to the qualifications, functions, or duties of a real estate licensee.

V

Respondent's failure to reveal the convictions against him as set forth in Paragraphs III and IV above, in said application constitutes the procurement of a real estate license by fraud, misrepresentation or deceit, or by making a material misstatement of fact in said application, which failure is cause for denial of respondent's application for a real estate license under Sections 480(c) and 10177(a) of the Business and Professions Code of the State of California.