

1 Department of Real Estate
2 107 South Broadway, Room 8107
3 Los Angeles, California, 90012

4 Telephone: (213) 897-3937

FILED

JUL -8 1992

DEPARTMENT OF REAL ESTATE

BY C. Berg

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of)	DRE No. H-24751 LA
13 CHING LEANG WANG,)	OAH No. L-55215
14 Respondent.)	

15 STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

16 I

17 STIPULATION

18 It is hereby stipulated by and between Respondent CHING
19 LEANG WANG (herein "Respondent") and the Complainant acting by and
20 through James L. Beaver, Counsel for the Department of Real
21 Estate, as follows for the purpose of settling and disposing of
22 the Accusation filed on August 20, 1991, in this matter
23 (hereinafter "the Accusation"):

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A. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation.

B. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation, filed by the Department of Real Estate in this proceeding.

C. On September 4, 1991, Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that Respondent understands that by withdrawing said Notice of Defense, Respondent will thereby waive Respondent's right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that Respondent will waive other rights afforded to Respondent in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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1 D. Respondent admits the factual allegations in
2 Paragraphs I through IX, inclusive, of the Accusation and
3 stipulates, subject to the limitations set forth below, that the
4 Real Estate Commissioner shall not be required to provide further
5 evidence of such allegations.

6 E. It is understood by the parties that the Real
7 Estate Commissioner may adopt the Stipulation And Agreement In
8 Settlement and Order as his decision in this matter thereby
9 imposing the penalty and sanctions on Respondent's real estate
10 licenses and license rights as set forth in the "Order" below. In
11 the event that the Commissioner in his discretion does not adopt
12 the Stipulation And Agreement In Settlement and Order, the
13 Stipulation And Agreement In Settlement and Order shall be void
14 and of no effect, and Respondent shall retain the right to a
15 hearing and proceeding on the Accusation under all the provisions
16 of the APA and shall not be bound by any admission or waiver made
17 herein.

18 F. The Order or any subsequent Order of the Real
19 Estate Commissioner made pursuant to this Stipulation shall not
20 constitute an estoppel, merger or bar to any further
21 administrative or civil proceedings by the Department of Real
22 Estate with respect to any matters which were not specifically
23 alleged to be causes for accusation in this proceeding.

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II

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of Issues shall be made:

In acting as described in Paragraphs IV through VIII, inclusive, of the Accusation, Respondent CHING LEANG WANG attempted to and did obtain a real estate broker license for himself by fraud, misrepresentation and deceit. Said acts of Respondent are cause for the suspension or revocation of all real estate licenses and license rights of Respondent pursuant to the provisions of Section 10177(a) of the Code.

III

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

A. The license and license rights of Respondent CHING LEANG WANG under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked;

B. A restricted real estate broker license shall be issued to Respondent if, within 90 days after the effective date of the Decision entered herein, said Respondent makes application for said license and pays to the Department of Real Estate the appropriate fee for said license.

C. The restricted license issued to Respondent CHING LEANG WANG shall be suspended for the ninety (90) day period commencing upon issuance of said restricted license.


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IV

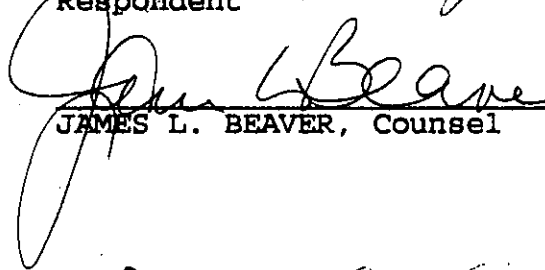
EXECUTION OF STIPULATION

I have read the Stipulation And Agreement In Settlement 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 Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 6-16-92

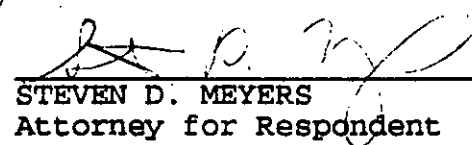

CHING LEANG WANG
Respondent

DATED: 6-25-92


JAMES L. BEAVER, Counsel

APPROVED AS TO FORM

DATED: 6-16-92


STEVEN D. MEYERS
Attorney for Respondent

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DECISION

The foregoing Stipulation And Agreement In Settlement and Order is hereby adopted as the Decision and Order of the Real Estate Commissioner in the above entitled matter.

This Decision shall become effective at 12 o'clock noon on July 28, 1992.

IT IS SO ORDERED: 7/10/92

CLARK WALLACE
Real Estate Commissioner

Clark Wallace

504

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

OCT 30 1991

DEPARTMENT OF REAL ESTATE

BY C. Soy

In the Matter of the Accusation of

CHING LEANG WANG,

}

Case No. H-24751 LA

OAH No. L-55215

Respondent(s)

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012

on the 22nd day of June, 19 92, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, upon the charges made in the Accusation 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 upon any express admissions, or other evidence including affidavits, without any notice to you.

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.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

By James L. Beaver
JAMES L. BEAVER, Counsel

Dated: October 30, 1991

cc: Ching Leang Wang
Steven D. Meyers, Esq.
Sacto.
OAH
JO

For

1 James L. Beaver, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California, 90012
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C. Bey

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) H-24751 LA
)
12 CHING LEANG WANG,) ACCUSATION
13)
Respondent.)
14 _____)

The Complainant, STEVEN J. ELLIS, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against CHING LEANG WANG (hereinafter "Respondent"), is informed
and alleges as follows:

I

Respondent is presently licensed and/or has license
rights under the Real Estate Law, Part 1 of Division 4 of the
Business and Professions Code (hereinafter "the Code").

II

The Complainant, STEVEN J. ELLIS, a Deputy Real Estate
Commissioner of the State of California, makes this Accusation
against Respondent in his official capacity.

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III

At all times mentioned herein, the Department of Real Estate of the State of California (hereinafter "the Department") required every applicant for the real estate broker licensing examination to prove prior successful completion of each of the courses specified in Section 10153.2(a)(1) of the Code, or an equivalent course of study as determined under Section 10153.5 of the Code, and also at least one of the courses specified in Section 10153.2(a)(2) of the Code, or an equivalent course of study as determined under Section 10153.5 of the Code.

IV

On or about March 30, 1989, Respondent paid New Method Institute (hereinafter "NMI") the sum of \$700.00, and in exchange for said payment, and at Respondent's instance and request, NMI provided Respondent a "Statutory Course Completion Certificate" falsely certifying that Respondent had theretofore completed the course of instruction and written final examination for a course of study determined under Section 10153.5 of the Code to be equivalent to each of the courses specified in Section 10153.2(a)(1) of the Code, and also falsely certifying that Respondent had theretofore completed the course of instruction and written final examination for a course of study determined under Section 10153.5 of the Code to be equivalent to three of the courses specified in Section 10153.2(a)(2) of the Code.

V

The facts certified as true in the "Statutory Course Completion Certificate" were false, as Respondent well knew. In

1 fact, Respondent had not commenced or completed the instructional
2 portion or the written final examinations for any of the courses
3 described in the "Statutory Course Completion Certificate" at or
4 about the times specified therein or at any other time or at all.

5
6 VI

7 On or about April 5, 1989, Respondent applied to the
8 Department for qualification to take the real estate broker
9 licensing examination. In support of this application, and to
10 prove prior successful completion of each of the courses specified
11 in Section 10153.2(a)(1) of the Code, or an equivalent course of
12 study as determined under Section 10153.5 of the Code, and also to
13 prove prior successful completion of at least one of the courses
14 specified in Section 10153.2(a)(2) of the Code, or an equivalent
15 course of study as determined under Section 10153.5 of the Code,
16 Respondent presented to the Department the false "Statutory Course
17 Completion Certificate" described above, thereby falsely and
18 fraudulently representing to be true the facts described in the
19 false "Statutory Course Completion Certificate".

20 VII

21 The Department qualified Respondent to take the real
22 estate broker licensing examination on the basis of the
23 representations made by Respondent in presenting the false
24 "Statutory Course Completion Certificate", and thereafter, on or
25 about October 20, 1989, the Department issued a real estate broker
26 license to Respondent.

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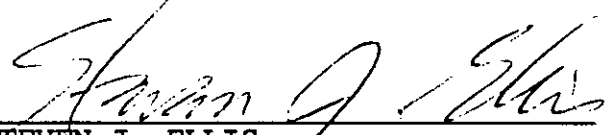
VIII

At all times mentioned herein from and after October 20, 1989, Respondent has been and now is licensed by the Department as a real estate broker.

IX

In acting as described in Paragraphs IV through VIII, inclusive, hereinabove, Respondent attempted to and did obtain a real estate broker license for himself by fraud, misrepresentation and deceit. Said acts of Respondent are cause for the suspension or revocation of all real estate licenses and license rights of Respondent pursuant to the provisions of Section 10177(a) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.


STEVEN J. ELLIS
Deputy Real Estate Commissioner

Dated at Los Angeles, California
this 20th day of August, 1991.

cc: Ching Leang Wang
Sacto.
JO