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FILED
AUG 12 1993

DEPARTMENT OF REAL ESTATE
BY *Sandra B. Olson*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-24919 LA
ANN SUK HWANG)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 20, 1992, a Decision was rendered herein revoking the real estate salesperson license of Respondent, ANN SUK HWANG (hereinafter "Respondent"), effective April 14, 1992, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted license was issued on April 14, 1992.

On April 15, 1992, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently

1 exist to deny the issuance of an unrestricted real estate
2 salesperson license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement is granted and that an
5 unrestricted real estate salesperson license be issued to
6 Respondent ANN SUK HWANG after Respondent satisfies the
7 following conditions within one (1) year from the date of
8 this Order:

9 1. Submittal of a completed application and
10 payment of the fee for a real estate salesperson license.

11 2. Submittal of evidence satisfactory to the Real
12 Estate Commissioner that Respondent has, since her restricted
13 real estate salesperson license was issued, taken and
14 successfully completed the continuing education requirements
15 of Article 2.5 of Chapter 3 of the Real Estate Law for
16 renewal of a real estate license.

17
18 This Order shall become effective immediately.

19 DATED: 7/21/93

20 CLARK WALLACE
21 Real Estate Commissioner

22 

23
24 ANN SUK HWANG
25 219 S. Willaman Drive
26 Beverly Hills, California 90211
27

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, CA 90012
3 (213) 897-3937

MAR 25 1992

DEPARTMENT OF REAL ESTATE
BY Laura B. Clark

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-24919 LA
ANN SUK HWANG,) <u>STIPULATION AND</u>
) <u>AGREEMENT IN</u>
Respondent.) <u>SETTLEMENT AND ORDER</u>
)

It is hereby stipulated by and between ANN SUK HWANG (hereinafter Respondent), represented by Howard Dawson, Esq., and the Complainant, acting by and through Christopher K.D. Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation, filed on December 5, 1991, in this matter:

1. 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 Procedures Act (APA), on March 5, 1992, shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation.

1
2 2. Respondent has received, reviewed and
3 understands the Accusation, the Statement to Respondent, and the
4 Discovery Provisions of the APA filed by the Department of Real
5 Estate in the above-captioned proceeding.

6 3. On January 24, 1992, Respondent filed a Notice
7 of Defense pursuant to Section 11505 of the Government Code for
8 the purpose of requesting a hearing on the allegations in the
9 Accusation. Respondent hereby freely and voluntarily withdraws
10 said Notice of Defense. Respondent acknowledges that she
11 understands that by withdrawing said Notice of Defense she will
12 thereby waive her right to require the Commissioner to prove the
13 allegations in the Accusation at a contested hearing held in
14 accordance with the provisions of the APA and that she will
15 waive other rights afforded to her in connection with the
16 hearing such as the right to present evidence in defense of the
17 allegations in the Accusation and the right to cross-examine
18 witnesses.

19 4. Respondent, pursuant to the limitations set forth
20 below, hereby admits that the factual allegations in Paragraphs I
21 through V of the Accusation filed in this proceeding are true and
22 correct and the Real Estate Commissioner shall not be required to
23 provide further evidence of such allegations.

24 5. It is understood by the parties that the Real
25 Estate Commissioner may adopt the Stipulation and Agreement in
26 Settlement and Order as his decision in this matter thereby
27 imposing the penalty and sanctions on Respondent's real estate
license and license rights as set forth in the below "Order".

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In the event that the Commissioner in his discretion does not adopt the Stipulation and the Agreement, the Agreement shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA, and shall not be bound by any admission or waiver made herein.

6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further disciplinary or civil proceedings by the Department of Real Estate with respect to any matters which are not specifically alleged to be causes for Accusation in this proceeding.

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:

I

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, made the Accusation against Respondent in his official capacity.

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II

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") as a real estate salesperson.

III

Respondent has been and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a real estate salesperson since said license was issued on March 9, 1989. This issuance was following Respondent's application therefor filed on or about March 1989.

IV

On or about February 20, 1991, in the Municipal Court of Beverly Hills, California, Respondent was convicted of violation of Section 484(a) of the California Penal Code (hereinafter "PC") (Petty theft).

V

Respondent's criminal conviction, as alleged above, is cause under Sections 490, 10177(b) of the Business and Professions Code for suspension or revocation of all the license and license rights of Respondent under the Real Estate Law.

ORDER

A. Respondent ANN SUK HWANG's real estate salesperson license is hereby revoked.

B. A restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the

1 Business and Professions Code if respondent makes application
2 therefor, and pays to the Department of Real Estate the
3 appropriate fee for said license within 120 days from the
4 effective date of the Order herein. The restricted license
5 issued to Respondent shall be subject to all of the provisions
6 of Section 10156.7 of the Business and Professions Code and to
7 the following limitations, conditions, and restrictions imposed
8 under authority of Section 10156.6 of the Code.

9 (1) The restricted license may be suspended
10 prior to hearing by Order of the Real Estate Commissioner in the
11 event of Respondent's conviction or plea of nolo contendere to a
12 crime which bears a significant relationship to Respondent's
13 fitness or capacity as a real estate licensee.

14 (2) The restricted license may be suspended,
15 prior to and pending final determination after formal hearing by
16 Order of the Real Estate Commissioner based upon evidence
17 satisfactory to the Commissioner that Respondent has violated
18 provisions of the California Real Estate Law, the Subdivided
19 Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.

21 (3) With the application for license, or with
22 the application for transfer to a new employing broker,
23 respondent shall submit a statement signed by the prospective
24 employing broker on a form approved by the Department of Real
25 Estate wherein the employing broker shall certify as follows:

26 /
27 /

1 (a) That broker has read the Order herein
2 and the Decision which is the basis for the issuance of the
3 restricted license; and

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

8 (4) Respondent shall not be eligible to apply
9 for the issuance of an unrestricted real estate license nor the
10 removal of any of the conditions, limitations or restrictions of
11 the restricted license until ^{HD} ~~at least~~ one year has elapsed from
12 the date of this Order.

13 (5) Respondent shall, within six months from
14 the effective date of the restricted license, take and pass the
15 Professional Responsibility Examination administered by the
16 Department including the payment of the appropriate examination
17 fee. If respondent fails to satisfy this condition, the
18 Commissioner may order suspension of the restricted license
19 until respondent passes the examination.

20 (6) The license issued pursuant to this order
21 shall be deemed to be the first renewal of Respondent's real
22 estate salesperson license for the purpose of applying the
23 provisions of Section 10153.4

24 Within nine (9) months from the date of
25 this order, Respondent shall:

26 Submit evidence of having taken and
27 successfully completed the courses specified in the subdivision

1 (a) and (b) of Section 10170.5 of the Real Estate Law for
2 renewal of a real estate license.

3 (7) Upon renewal of the license issued pursuant
4 to this order, Respondent shall submit evidence of having taken
5 and successfully completed the continuing education requirements
6 of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
7 of a real estate license.

8
9 DATED: 2/24/92

Christopher K.D. Leong
Christopher K.D. Leong
Counsel for Complainant

11 * * *

12 I have read the Stipulation and Agreement in
13 Settlement and Order, and its terms are understood by me and are
14 agreeable and acceptable to me. I understand that I am waiving
15 rights given to me by the California Administrative Procedure
16 Act (including but not limited to Sections 11506, 11508, 11509
17 and 11513 of the Government Code), and I willingly,
18 intelligently and voluntarily waive those rights, including the
19 right of requiring the Commissioner to prove the allegations in
20 the Accusation at a hearing at which I would have the right to
21 cross-examine witnesses against me and to present evidence in
22 defense and mitigation of the charges.

23
24 DATED: 2/27/92

Ann Suk Hwang
ANN SUK HWANG
Respondent

25
26 DATED: 2/27/92

Howard Dawson
HOWARD DAWSON
Respondent's Attorney

27

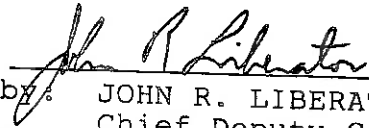
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* * *

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by the Real Estate Commissioner as Decision and Order and shall become effective at 12 o'clock noon on April 14, 1992.

IT IS SO ORDERED March 20, 1992.

CLARK WALLACE
Real Estate Commissioner


by: JOHN R. LIBERATOR
Chief Deputy Commissioner

1 Christopher H.D. Leong, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012

(213) 897-3937

FILED

DEC-5 1981

DEPARTMENT OF REAL ESTATE

W. H. Morgan

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

11 In the Matter of the Accusation of)
12 ANN SUK HWANG,) No. H-24919 LA
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, Steven J. Ellis, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against ANN SUK HWANG (hereinafter "Respondent"), is informed
18 and alleges as follows:

I

20 The Complainant, Steven J. Ellis, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation
22 against Respondent in his official capacity.

II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law, Part 1 of Division 4 of the
26 Business and Professions Code (hereinafter "the Code") as a real
27 estate salesperson.

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III

Respondent has been and now is licensed by the Department of Real Estate of the State of California (hereinafter the Department) as a real estate salesperson since said license was issued on March 9, 1989.

IV

On or about February 20, 1991, in the Municipal Court of Beverly Hills, County of Los Angeles, State of California, Respondent was convicted for a violation of Section 484(a) of the California Penal Code (hereinafter "PC") (Petty theft).

V

Respondent's criminal conviction, as alleged above, is cause under Sections 10177(b) and 490 of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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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, ANN SUK HWANG 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 applicable provisions of law.

Dated at Los Angeles, California
this 5th day of December, 1991.


Deputy Real Estate Commissioner

cc: Ann Suk Hwang
Sacto.
SC