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DEPARTMENT OF REAL ESTATE

BY C. Berg

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of
HERBERT LOKYEE HO,
aka Herbert Ho,
aka Herbert Lok Yee Ho,

Respondent.

)
) No. H- 24959 LA
)
) STIPULATION AND WAIVER
)

I, HERBERT LOKYEE HO

), 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 fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on January 15, 1992, in connection with my application for a real estate salesperson license. I understand 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 me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance
2 to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 license if this Stipulation and Waiver is not accepted by the Commissioner.

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

- 15 1. The license shall not confer any property right in the privileges to be exercised including the right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 exercise any privileges granted under this restricted license in the event of:
- 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
- 20 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

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

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

7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present
12 satisfactory evidence of successful completion of said courses, the restricted license shall be
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence
15 of course completion and the Commissioner has given written notice to the respondent of lifting
16 of the suspension.

17 DATED this 17 day of March, 1992

18
19 Herbert Ho.
20 Respondent

21 *Statement of Mitigation attached*
22 *in formal file.*
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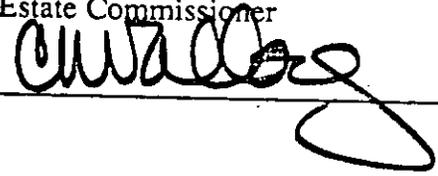
1 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
2 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
3 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
4 restricted real estate salesperson license to respondent.

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

9 This Order is effective immediately.

10 DATED this 27TH day of March 19 92

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12 CLARK WALLACE
13 Real Estate Commissioner

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1 Christopher K.D. Leong, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 (213) 897-3937

FEB 15 1991

DEPARTMENT OF REAL ESTATE
Diane A. Morgan

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8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Application of) No. H- 24959 LA
12)
12 HERBERT LOKYEE HO,) STATEMENT OF ISSUES
13)
13 aka Herbert Ho,)
14)
14 aka Herbert Lok Yee Ho,)
15)
15 Respondent.)

16 The Complainant, Steven J. Ellis, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against HERBERT LOOKYEE HO, aka Herbert Ho, aka Herbert Lok Yee
19 Ho, (hereinafter "Respondent"), is informed and alleges as
20 follows:

21 I

22 The Complainant, Steven J. Ellis, a Deputy Real Estate
23 Commissioner of the State of California, makes this Statement of
24 Issues against Respondent in his official capacity.

25 II

26 Respondent made application to the Department of Real
27 Estate of the State of California for a real estate salesperson
license on or about February 21, 1991. This license was to be

1 subject to Section 10153.4(c) of the Business and Professions
2 Code.

3 III

4 On or about March 23, 1987, after giving Respondent
5 full notice and opportunity for a hearing, the Department of
6 Consumer Affairs - Board of Examiners in Veterinary Medicine,
7 California, revoked Respondents Veterinary license on grounds of
8 falsified exam application and incompetent treatment of animals
9 and unsanitary conditions.

10 IV

11 In November, 1977, Respondent applied for a California
12 veterinary license. In his application he stated that he had
13 held a license in British Columbia, Canada, in 1975 and a
14 license in Washington in 1977. However, Respondent failed to
15 reveal that British Columbia had revoked his license in July
16 1976, while permitting him to continue to manage his veterinary
17 clinic.

18 V

19 In March 1978, Respondent was issued a California
20 veterinary license. From 1983 to 1986, Respondent was appointed
21 to the Veterinary board. In 1987, Respondent was prosecuted
22 administratively for failure to disclose his prior revoked
23 license.

24 VI

25 The conduct which led to the revocation of Respondent's
26 California Veterinary license, above, would be grounds for the
27 suspension or revocation of a California real estate license

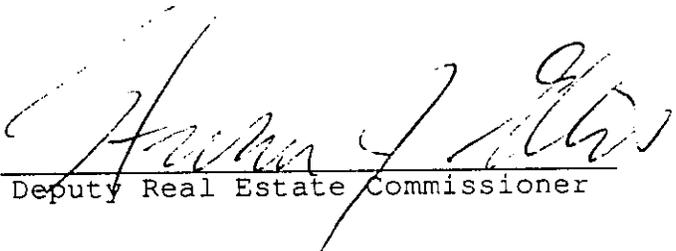
1 under Section 10177(a) of the California Business and
2 Professions Code.

3 VII

4 The conduct of Respondent, as alleged above in
5 Paragraph III through V, constitutes cause for denial of
6 Respondent's application for a real estate license under Section
7 10177(f) of the California Business and Professions Code.

8
9 These proceedings are brought under the provisions of
10 Section 10100, Division 4 of the Business and Professions Code
11 of the State of California and Sections 11500 through 11528 of
12 the Government Code.

13 Dated at Los Angeles, California

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17 Deputy Real Estate Commissioner

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cc: Herbert Lokyee Ho
George Realty/Bill Herrera
Sacto.
LB