

Inc. 2/10

FILED
AUG 15 2007
DEPARTMENT OF REAL ESTATE

K. Muehlebach

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27069 LA
ROBERT K. HOM,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 12, 1997, a Decision was rendered herein
revoking the real estate broker license of Respondent, but
granting Respondent the right to the issuance of a restricted
real estate broker license. A restricted real estate broker
license was issued to Respondent or about April 15, 1998, and
Respondent has operated as a restricted licensee without cause
for disciplinary action against Respondent since that time.

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1 On April 26, 2006, Respondent petitioned for
2 reinstatement of said real estate broker license and the
3 Attorney General of the State of California has been given
4 notice of the filing of said petition.
5

6 I have considered the petition of Respondent and the
7 evidence and arguments in support thereof including Respondent's
8 record as a restricted licensee. Respondent has demonstrated
9 to my satisfaction that Respondent meets the requirements of
10 law for the issuance to Respondent of an unrestricted real
11 estate broker license and that it would not be against the
12 public interest to issue said license to Respondent.

13 NOW, THEREFORE, IT IS ORDERED that Respondent's
14 petition for reinstatement is granted and that a real estate
15 broker license be issued to Respondent if Respondent satisfies
16 the following conditions within nine (9) months from the date
17 of this Order:

18 1. Submittal of a completed application and payment
19 of the fee for a real estate broker license.

20 2. Submittal of evidence of having, since the most
21 recent issuance of an original or renewal real estate license,
22 taken and successfully completed the continuing education
23 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
24 for renewal of a real estate license.

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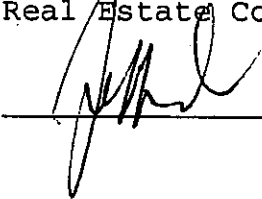
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1 3. Submittal evidence of having, since the most
2 recent issuance of an original or renewal real estate license,
3 taken and successfully completing the trust fund accounting and
4 handling course specified in paragraph (3), subdivision (a) of
5 Section 10170.5 of the Business and Professions Code.

6
7 This Order shall become effective immediately.

8 DATED: 8-9-80

9 JEFF DAVI
10 Real Estate Commissioner
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1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, California, 90012
3 (213) 897-3937

FILED
NOV 17 1997
DEPARTMENT OF REAL ESTATE

By Bruno B. Luna

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) H-27069 LA
12 PRESTIGE FUNDING, INC.,)
13 a California corporate broker and) STIPULATION AND AGREEMENT
14 ROBERT K. HOM, individually)
and as the designated officer of)
15 Prestige Funding, Inc.,)
Respondents.)

17 It is hereby stipulated by and between PRESTIGE
18 FUNDING, INC. and ROBERT K. HOM (referred to as Respondents),
19 acting by and through their attorney Henry Chow Wong, Esq. and the
20 Complainant, acting by and through Sean Crahan, Counsel for the
21 Department of Real Estate, as follows for the purpose of settling
22 and disposing of the Accusation filed on February 27, 1997:

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

1 the basis of the provisions of this Stipulation And Agreement
2 (hereafter Stipulation).

3 2. Respondents have received, read and understand the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation, filed by the Department of Real Estate in this
6 proceeding.

7 3. On April 22, 1997, Respondents filed Notices of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondents hereby freely and voluntarily withdraw
11 said Notices of Defense. Respondents acknowledges that they
12 understand that by withdrawing said Notices of Defense, they will
13 thereby waive their right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that they will waive
16 other rights afforded to them in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. Respondents, pursuant to the limitations set forth
20 below, hereby admit that the factual allegations in Paragraphs one
21 (1) through nine (9) in the Accusation filed in this proceeding are
22 true and correct and the Real Estate Commissioner shall not be
23 required to provide further evidence to prove such allegations.

24 5. It is understood by the parties that the Real Estate
25 Commissioner may adopt the Order in this Stipulation as his
26 decision and order in this matter thereby imposing the penalty and
27 sanctions on Respondent's real estate licenses and/or license



1 rights as set forth in the below Order. In the event that the
2 Commissioner in his discretion does not adopt the Stipulation, the
3 Stipulation And Agreement In Settlement shall be void and of no
4 effect, and Respondents shall retain the right to a hearing and
5 proceeding on the Accusation under all the provisions of the APA
6 and shall not be bound by any admission or waiver made herein.

7 6. The Order or any subsequent Order of the Real Estate
8 Commissioner made pursuant to this Stipulation shall not constitute
9 an estoppel, merger or bar to any further administrative or civil
10 proceedings by the Department of Real Estate with respect to any
11 matters which were not specifically alleged to be causes for
12 accusation in this proceeding.

13 7. The below Determination of Issues contains a
14 determination that Respondent PRESTIGE FUNDING INC., has violated
15 Code Section 10145. Respondent ROBERT K. HOM is aware that by
16 agreeing to this Stipulation And Agreement In Settlement, if the
17 findings set forth below in the Determination of Issues become
18 final, the Commissioner may charge Respondent ROBERT K. HOM for the
19 costs of any audit of any business conducted by ROBERT K. HOM which
20 requires a real estate license, pursuant to Section 10148 of the
21 Code to determine if Respondent ROBERT K. HOM is in compliance with
22 the Real Estate Law. The maximum cost of said audit will not
23 exceed \$1,750.00.

24 DETERMINATION OF ISSUES

25 By reason of the foregoing stipulations and waivers, made
26 solely for the purpose of settlement of the pending Accusation
27 without a hearing, it is stipulated and agreed that the following



1 Determination of Issues shall be made:

2 I

3 The conduct or omissions of Respondent PRESTIGE FUNDING,
4 INC., as set forth in paragraphs one (1) through nine (9) in the
5 Accusation constitute cause to suspend or revoke its real estate
6 broker license and/or license rights under the provisions of Code
7 Sections 10137 and 10177(d) for violations of Code Sections 10145,
8 10161,8 and 10162 and Regulations 2715 and 2752 of Title 10,
9 Chapter 6 of the California Code of Regulations.

10 II

11 The conduct or omissions of Respondent ROBERT K. HOM, as
12 set forth in paragraphs one (1) through nine (9) in the Accusation
13 constitute cause to suspend or revoke its real estate broker
14 license and/or license rights under the provisions of Code Sections
15 10177(g) and 10177(d) for violations of Code Sections 10145,
16 10161,8 and 10162 and Regulations 2715 and 2752 of Title 10,
17 Chapter 6 of the California Code of Regulations.

18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 I

21 All licenses and license rights of Respondent PRESTIGE
22 FUNDING, INC., under Part 1 of Division 4 of the Business and
23 Professions Code, are revoked.

24 II

25 All licenses and license rights of Respondent ROBERT K.
26 HOM under Part 1 of Division 4 of the Business and Professions Code
27 are revoked; provided, however, restricted real estate broker



1 license shall be issued to Respondent ROBERT K. HOM pursuant to
2 Section 10156.5 of the Code if Respondent ROBERT K. HOM makes
3 application therefor and pays to the Department of Real Estate the
4 appropriate fee for said licenses within one hundred twenty (120)
5 days from the effective date of the Decision. The restricted
6 licenses issued to Respondent ROBERT K. HOM shall be subject to all
7 of the provisions of Section 10156.7 of the Business and
8 Professions Code and to the following limitations, conditions and
9 restrictions imposed under authority of Section 10156.6 of said
10 Code:

11 A. The restricted broker license to be issued to
12 Respondent ROBERT K. HOM shall be suspended for a thirty (30) days
13 from the issuance of said restricted license; provided, however:

14 1. If Respondent ROBERT K. HOM petitions, said
15 suspension shall be permanently stayed upon the terms and
16 conditions of this paragraph:

17 (a) Respondent ROBERT K. HOM. pays a monetary
18 penalty pursuant to Section 10175.2 of the Business and Professions
19 Code of \$3,000;

20 (b) Said payment shall be in the form of a
21 cashier's check or certified check made payable to the Recovery
22 Account of the Real Estate Fund. Said check must be delivered to
23 the Department prior to the effective date of the Order in this
24 matter;

25 (c) If Respondent ROBERT K. HOM fails to pay
26 the monetary penalty in accordance with the terms of this paragraph
27 or this Order, the Commissioner may, without a hearing, order the



1 immediate execution of all or any part of the thirty (30) days
2 stayed suspension, in which event the Respondent shall not be
3 entitled to any repayment nor credit, prorated or otherwise, for
4 money paid to the Department under the terms of this Order.

5 B. A pre condition to the issuance of the restricted
6 license to Respondent ROBERT K. HOM shall be that Respondent ROBERT
7 K. HOM shall submit proof satisfactory to the Real Estate
8 Commissioner that he has made restitution of \$1,000.00 to Elmer
9 Lawrence Jackson and Margarita Jackson.

10 C. A pre condition to the issuance of the restricted
11 license to Respondent ROBERT K. HOM shall be that, prior to the
12 issuance of the restricted license, Respondent ROBERT K. HOM shall
13 present evidence satisfactory to the Real Estate Commissioner that
14 he has, since the most recent issuance of an original or renewal
15 real estate license, taken and successfully completed the
16 continuing education requirements of Article 2.5 of Chapter 3 of
17 the Real Estate Law for renewal of a real estate license.

18 D. The restricted license may be suspended prior to
19 hearing by Order of the Real Estate Commissioner on evidence
20 satisfactory to the Commissioner that Respondent ROBERT K. HOM has
21 violated provisions of the California Real Estate Law, the
22 Subdivided Lands Law, Regulations of the Real Estate Commissioner,
23 or the conditions attaching to these restricted licenses.

24 E. Respondent HOM shall, within six months from the
25 effective date of this Decision, take and pass the Professional
26 Responsibility Examination administered by the Department including
27 the payment of the appropriate examination fee. If Respondent



1 fails to satisfy this condition, the Commissioner may order
2 suspension of Respondent's license until Respondent passes the
3 examination.

4 F. Respondent ROBERT K. HOM shall report in writing to
5 the Department of Real Estate as the Real Estate Commissioner shall
6 direct by his Order herein or by separate written order issued
7 while Respondent holds a restricted license, such information
8 concerning Respondent's activities for which a real estate license
9 is required as the Commissioner shall deem to be appropriate to
10 protect the public interest.

11 G. Respondent ROBERT K. HOM shall not be eligible to
12 apply for the issuance of an unrestricted real estate license nor
13 the removal of any of the conditions, limitations or restrictions
14 of a restricted license until two (2) years have elapsed from the
15 date of issuance of the restricted license to Respondent.

16 H. Pursuant to Code Section 10148, Respondent ROBERT K.
17 HOM shall pay the Commissioner's reasonable cost for an audit to
18 determine if Respondent ROBERT K. HOM is in compliance with the
19 Real Estate Law. In calculating the amount of the Commissioner's
20 reasonable cost, the Commissioner may use the estimated average
21 hourly salary for all persons performing audits of real estate
22 brokers, and shall include an allocation for travel time to and
23 from the auditor's place of work. The cost of said chargeable
24 audit shall not exceed \$1,750. Respondent ROBERT K. HOM shall pay
25 such cost within 45 days of receiving an invoice from the
26 Commissioner detailing the activities performed during the audit
27 and the amount of time spend performing those activities. The



1 Commissioner may suspend the restricted license issued to
2 Respondent ROBERT K. HOM pending a hearing held in accordance with
3 Section 11500, et. seq., of the Government Code, if payment is not
4 timely made as provided for herein, or as provided for in a
5 subsequent agreement between the Respondent and the Commissioner.
6 The suspension shall remain in effect until payment is made in full
7 or until Respondent enters into an agreement satisfactory to the
8 Commissioner to provide for payment, or until a decision providing
9 otherwise is adopted following a hearing held pursuant to this
10 condition. The suspension will remain in effect until payment is
11 made in full, or until Respondent enters into an agreement
12 satisfactory to the Commissioner to provide for payment, or until a
13 decision providing otherwise is adopted following a hearing
14 pursuant to this condition.

15 * * * * *

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

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DATED: 10/3/97

Robert K. Hom
PRESTIGE FUNDING, INC.,
Respondent, by Robert K. Hom,
Designated Officer.

DATED: 10/3/97

Robert K. Hom
ROBERT K. HOM, Respondent.

DATED: 10/3/97

Henry Chow Wong
HENRY CHOW WONG Esq. Counsel for
Respondents Prestige Funding, Inc.,
and Robert K. Hom, approved as to
form.

DATED: 10-7-97

Sean Crahan
SEAN CRAHAN, Counsel for
Complainant.

* * * * *

The foregoing Stipulation And Agreement is hereby adopted
as my Decision as to Respondents PRESTIGE FUNDING, INC. and ROBERT
K. HOM and shall become effective at 12 o'clock noon on
December 9, 1997.

IT IS SO ORDERED 11/12/97

JIM ANTT, JR.
Real Estate Commissioner

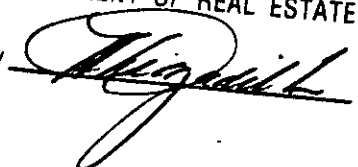
Jim Antt, Jr.



195-1204-010
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

FILED
MAY 19 1997
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

No. H-27069 LA By 

PRESTIGE FUNDING INC., a California
corporate braoker and ROBERT K. HOM,
individually and as the designated officer
of Prestige Funding Inc.

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) NOTICE OF HEARING ON ACCUSATION
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L-9704243

Respondents.
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To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 107 South Broadway, 2nd. Floor, Los Angeles, California on October 7 & 8, 1997 at 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal 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.

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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

Dated: May 19, 1997

DEPARTMENT OF REAL ESTATE

By:


SEAN CRAHAN
DRE, Counsel

cc: Henry Chow Wong, Esq.
CPL, OAH & SACTO

SACTO

Sean Crahan
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012

(213) 897-3937

FILED
FEB 27 1997
DEPARTMENT OF REAL ESTATE

[Signature]

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	H-27069 LA
	)	
PRESTIGE FUNDING INC.,	)	
a California corporate broker and	)	<u>ACCUSATION</u>
ROBERT K. HOM, individually	)	
and as the designated officer of	)	
Prestige Funding Inc.,	)	
	)	
Respondents.	)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California. for cause of accusation against PRESTIGE FUNDING INC., a California corporate broker and ROBERT K. HOM, individually and as the designated officer of Prestige Funding Inc., alleges as follows:

1,

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

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2.

At all times mentioned herein, PRESTIGE FUNDING INC., a California corporation (hereafter Respondent PFI), is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, hereinafter referred to as the "Code"). At all times herein mentioned, Respondent PFI was and still is licensed by the Department of Real Estate (hereafter the Department) as a corporate real estate broker.

3.

ROBERT K. HOM (hereafter Respondent HOM) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, hereinafter referred to as the "Code").

(a) At all times mentioned herein, Respondent HOM was and still is licensed by the Department as a real estate broker both individually and as the designated officer of Respondent PFI since June 17, 1993.

(b) Respondent HOM's individual license expired on or about November 5, 1996 but Respondent HOM retains the right to a late renewal. Respondent remains licensed as the designated officer of Respondent PFI.

(c) Pursuant to Code Section 10159.2, respondent HOM was responsible for the supervision of the officers, agents and employees of Respondent PFI for which a real estate license was required.

4.

At no time after November 18, 1994, was Hector Mario Barajas (hereafter Barajas) licensed by the Department as a real estate salesperson or broker.

(a) At all times herein mentioned, Barajas was the employed by Respondent PFI to perform acts requiring a license and was performing the acts hereinbelow in that capacity.

(b) Barajas was licensed by the Department as a real estate salesperson until his license was suspended on May 20, 1993 pursuant to Code Section 10153.4 and his license expired on or about November 18, 1994.

5.

Between on or about May 4, 1995 through May 31, 1995, for or in expectation of compensation, respondent PFI and Barajas, while employed by PFI, negotiated on behalf of Elmer Lawrence Jackson and Margarita Jackson (hereafter the Jacksons), as prospective purchasers, to purchase real property 1187 N. Los Robles Ave, Pasadena, California, (hereafter the Property) owned by the foreclosing lender.

6.

In connection with the negotiation of the purchase set forth in paragraph 5 above, on or about May 4, 1995, Barajas and Respondent PFI received \$1,000 in trust toward the purchase of the Property from the Jacksons. Respondent PFI failed to hold said funds in a trust account, deliver it to the sellers, deliver it to a neutral escrow depository or return it to the Jacksons, as requested by the Jacksons, in willful violation of Code Section

1 10145.

2 7.

3 On or about March 1, 1996 and on or about March 8, 1996,
4 an auditor from the Department examined the books and records of
5 respondent PFI covering a period of time from May 1, 1994 through
6 January 31, 1996 (hereafter the "audit period"). That examination
7 revealed that Respondent PFI, during the audit period, violated
8 the following Code Sections and Regulations from Title 10, Chapter
9 6, California Code of Regulations (hereafter Regulations):

10 (a) Respondent PFI employed or compensated Barajas to
11 perform acts requiring a license, including the Jackson
12 transaction in paragraphs 5 and 6 above and solicitations and
13 negotiations with borrowers for loans secured by real property
14 funded by third party lenders.

15 (b) Respondent PFI failed to handle the Jackson's
16 deposit in accordance with Code Section 10145.

17 (c) Respondent PFI failed to notify the Department of
18 the employment of three salespersons, Armen Minassian, Henry Wong,
19 Jr. and Hector Barajas, in willful violation of Code Section
20 10161.8 and Regulation 2752.

21 (d) Respondent PFI failed to notify the Department of
22 the change of Respondent PFI's main office location from 1160
23 North Central, Glendale, California to 1518 Huntington Drive,
24 South Pasadena, California in or about October or November, 1995,
25 in willful violation of Code Section 10162 Regulation 2715.

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1 8.

2 Respondent HOM knew or should have known that the above
3 violations occurred or were occurring. Respondent HOM failed to
4 exercise reasonable supervision over the activities of officers
5 and employees of respondent PFI for which a real estate license
6 was required so as to prevent the violations.

7 9.

8 Respondent HOM negligently signed the Jackson purchase
9 offer as broker without ascertaining the true status of the \$1,000
10 deposit.

11 10.

12 The acts and omissions of Respondent PFI, as set forth
13 above, are cause for the suspension or revocation of the licenses
14 and license rights of Respondent PFI pursuant to the following
15 Code Sections:

16 (a) Code section 10137 for employing or compensating
17 Hector Mario Barajas, while unlicensed, to solicit or negotiate
18 with prospective buyers, sellers and borrowers, as set forth in
19 paragraphs 5 and 7(a) above.

20 (b) Code Section 10177(d) for willful violations of:

21 (i) Code Section 10145, as set forth in Paragraph
22 6 and 7(b) above.

23 (ii) Code Section 10161.8 and Regulation 2752 for
24 failure to notify the Department of the employment of three
25 salespersons, as set forth in Paragraph 7(c) above.

26 (iii) Code Section 10162 and Regulation 2715 for
27 failure to notify the Department of the change of its main office

1 location, as set, as set forth in Paragraph 7(d) above.

2 11.

3 The acts and omissions of Respondent HOM, as set forth
4 above, is cause to suspend or revoke his licenses and license
5 rights pursuant to Code the following Code Sections:

6 (b) Code Section 10177(d) for willful violations of:

7 (i) Code Section 10145, as set forth in Paragraph
8 6 and 7(b) above.

9 (ii) Code Section 10161.8 and Regulation 2752 for
10 failure to notify the Department of the employment of three
11 salespersons, as set forth in Paragraph 7(c) above.

12 (iii) Code Section 10162 and Regulation 2715 for
13 failure to notify the Department of the change of its main office
14 location, as set, as set forth in Paragraph 7(d) above.

15 (b) Code Section 10177(g) for negligence as set forth
16 in paragraph 9 above.

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and that upon proof thereof,
3 a decision be rendered imposing disciplinary action against all
4 licenses and/or license rights of PRESTIGE FUNDING INC., a
5 California corporate broker and ROBERT K. HOM, individually and as
6 the designated officer of Prestige Funding Inc., under the Real
7 Estate Law and for such other and further relief as may be proper
8 under applicable provisions of law.

9 Dated at Los Angeles, California, this 27th day of February, 1997.

10
11 THOMAS MC CRADY

12 Thomas McCrady
13 Deputy Real Estate Commissioner
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24 cc: Prestige Funding Inc.
25 Robert K. Hom
26 LK CLM
27 Sacto.

SCsc