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FILED
JUL 18 2007
DEPARTMENT OF REAL ESTATE

S. R. Medeiros

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) NO. H-27203 LA
HENRY L. PARK,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On January 20, 1998, a Decision was rendered herein, denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent.

On March 14, 2006, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

///

1 I have considered the petition of Respondent and
2 the evidence submitted in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate salesperson license and that it would
6 not be against the public interest to issue said license to
7 Respondent.
8 Respondent.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's
10 petition for removal of restrictions is granted and that a real
11 estate salesperson license be issued to Respondent if
12 Respondent satisfies the following conditions within nine (9)
13 months from the date of this Order:

14 1. Submittal of a completed application and payment
15 of the fee for a real estate salesperson license.
16

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

23 This Order shall be effective immediately.

24 Dated: 7-5-02

25
26 JEFF DAVIS
Real Estate Commissioner
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FILED
JAN 22 1998
DEPARTMENT OF REAL ESTATE

By CS

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
HENRY L. PARK,	NO. H-27203 LA
	L-1997050445
Respondent.	

DECISION AFTER REJECTION

The matter came on for hearing before Milford A. Maron, Administrative Law Judge of the Office of Administrative Hearings in Los Angeles, California, on August 15, 1997.

Darlene Averetta, Counsel, represented the Complainant.

HENRY L. PARK was present and represented by Gene Goldman, Esq. Evidence was received, the hearing was closed and the matter was submitted.

On September 2, 1997, the Administrative Law Judge submitted a Proposed Decision which I declined to adopt as my decision herein. Pursuant to Section 11517(c) of the Government Code of the State of California, Respondent was served with

1 notice of my determination not to adopt the Proposed Decision of
2 the Administrative Law Judge, along with a copy of said Proposed
3 Decision. Respondent was notified that the case would be
4 decided by me upon the record, the transcript of proceedings
5 held on August 15, 1997, and upon any written argument offered
6 by Respondent.

7 Written argument was offered by Respondent on
8 October 24, 1997.

9 I have given careful consideration to the record in
10 this case, including the transcript of the proceedings of
11 August 15, 1997. The following shall constitute the Decision of
12 the Real Estate Commissioner in this proceeding:

13 FINDINGS OF FACT

14 I have determined that all the Findings of Fact, in
15 the Proposed Decision of the Administrative Law Judge, dated
16 September 2, 1997, are appropriate and they are adopted as the
17 Findings of Fact of the Real Estate Commissioner in this
18 proceeding.

19 DETERMINATION OF ISSUES

20 I have determined that the Determination of Issues, in
21 the Proposed Decision of the Administrative Law Judge, dated
22 September 2, 1997, is appropriate and it is adopted as the
23 Determination of Issues of the Real Estate Commissioner in this
24 proceeding.

25 ORDER

26 After reconsideration, I have determined that the
27 Order in the Proposed Decision of the Administrative Law Judge,



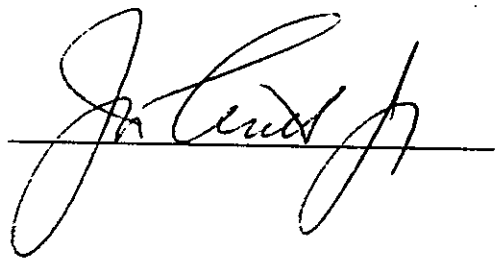
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dated September 2, 1997, is, with the following exception,
appropriate and it is adopted as the Order of the Real Estate
Commissioner in this proceeding: condition "4" of the Order
of the Proposed Decision is not adopted and shall not be part
of the Decision.

This Decision shall become effective at 12
o'clock noon on February 11, 1998.

IT IS SO ORDERED 1/20, 1998.

JIM ANTT, JR.
Real Estate Commissioner



III

A. On or about April 6, 1995, in the Municipal Court of Glendale Judicial District, County of Los Angeles, State of California, Respondent was convicted of violating Section 502.7(A)(5) of the Penal Code (use of device to defraud telephone company), a crime involving moral turpitude and one which is substantially related to the qualifications, functions and duties of a licensee.

B. The aforesaid violation arose out an event in which Respondent was found in possession of a cloned cellular phone in his vehicle. In fact, the telephone belonged to a relative who was riding in his vehicle. The fact that the vehicle was registered to Respondent resulted in his being named and convicted.

IV

Respondent testified in his own behalf and established the following facts:

1. That the incident is out of keeping with his general conduct. He is contrite for his misbehavior.
2. He needs the applied for license in order to advance in his employment and to secure a loan officer position.
3. He has fulfilled his probation which was terminated early. He has paid all restitution and fines.

* * * * *

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

I

Cause for denial of Respondent's application for a conditional real estate salesperson's license exists pursuant to Sections 10177(b) and 480 of the Business and Professions Code.

II

No public purpose would be adversely affected to grant Respondent a restricted conditional real estate salesperson's license.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of Henry L. Park for licensure as a conditional real estate salesperson is denied; provided, however, a restricted conditional real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of this Decision. The license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted conditional real estate salesperson's license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. Said license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.



4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Respondent's restricted conditional real estate salesperson's license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of said license, submit evidence satisfactory to the Commissioner of successful completion at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.


6. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified license under Section 10153.4, respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until five (5) years after the date of the issuance of the preceding restricted license.

7. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department, including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

* * * * *

Said conditions shall apply to any and all licenses of any class hereafter issued to Respondent, and he shall not petition for the removal of said conditions, or any of them, until the expiration of five (5) years from the date of the issuance of said restricted conditional real estate salesperson's license.

DATED: Sept 2, 1997


MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

MAM:btm

FILED
SEP 18 1997
DEPARTMENT OF REAL ESTATE

By CSJ

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
HENRY L. PARK,)	NO. H-27203 LA
Respondent.)	OAH NO. L-1997050445
_____)	

NOTICE

TO: Respondent HENRY L. PARK and GENE GOLDMAN, Attorney at Law,
representing Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision
herein dated September 2, 1997, of the Administrative Law Judge is
not adopted as the Decision of the Real Estate Commissioner. A
copy of the Proposed Decision dated September 2, 1997, is attached
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

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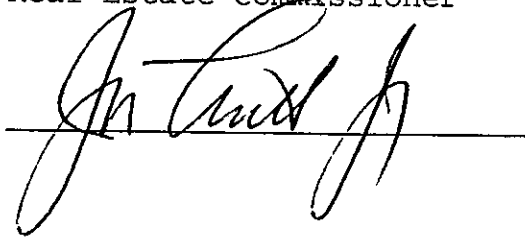
August 16, 1997, and any written argument hereafter submitted on behalf of Respondents and Complainant.

Written argument of Respondents to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of August 16, 1997, 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 Respondents at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: 9/15/97

JIM ANTT, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application)
of:)
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) No. H-27203 LA
)
HENRY L. PARK,) L-1997050445
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)
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Respondent.)
_____)

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge of the Office of Administrative Hearings at Los Angeles, California, on August 16, 1997. Darlene Averetta, Staff Counsel, appeared on behalf of the Complainant. Respondent, Henry L. Park, appeared in person and was represented by his counsel Gene Goldman, Esq. Oral and documentary evidence having been received, the matter stood submitted and the Administrative Law Judge finds the following facts:

I

3

Thomas McCrady, Complainant, made the Statement of Issues in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

Respondent, Henry L. Park, made application to the Department of Real Estate of the State of California for a conditional real estate salesperson's license on or about December 9, 1996.

III

A. On or about April 6, 1995, in the Municipal Court of Glendale Judicial District, County of Los Angeles, State of California, Respondent was convicted of violating Section 502.7(A)(5) of the Penal Code (use of device to defraud telephone company), a crime involving moral turpitude and one which is substantially related to the qualifications, functions and duties of a licensee.

B. The aforesaid violation arose out an event in which Respondent was found in possession of a cloned cellular phone in his vehicle. In fact, the telephone belonged to a relative who was riding in his vehicle. The fact that the vehicle was registered to Respondent resulted in his being named and convicted.

IV

Respondent testified in his own behalf and established the following facts:

1. That the incident is out of keeping with his general conduct. He is contrite for his misbehavior.
2. He needs the applied for license in order to advance in his employment and to secure a loan officer position.
3. He has fulfilled his probation which was terminated early. He has paid all restitution and fines.

* * * * *

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

I

Cause for denial of Respondent's application for a conditional real estate salesperson's license exists pursuant to Sections 10177(b) and 480 of the Business and Professions Code.

II

No public purpose would be adversely affected to grant Respondent a restricted conditional real estate salesperson's license.

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of Henry L. Park for licensure as a conditional real estate salesperson is denied; provided, however, a restricted conditional real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of this Decision. The license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

Not adopted

1. The restricted conditional real estate salesperson's license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. Said license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Respondent's restricted conditional real estate salesperson's license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent shall, within eighteen (18) months of the issuance of said license, submit evidence satisfactory to the Commissioner of successful completion at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance or advanced real estate appraisal. if Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of lifting of the suspension.

6. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified license under Section 10153.4, respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until five (5) years after the date of the issuance of the preceding restricted license.


7. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department, including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

Not adopted

* * * * *

Said conditions shall apply to any and all licenses of any class hereafter issued to Respondent, and he shall not petition for the removal of said conditions, or any of them, until the expiration of five (5) years from the date of the issuance of said restricted conditional real estate salesperson's license.

DATED: Sept 2, 1997


MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

MAM:btm

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-27203 LA
HENRY L. PARK,)
OAH No. L-1997050445
Respondent (s)

FILED
JUN - 3 1997
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

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, Second Floor, Los Angeles, CA 90012 on FRIDAY, AUGUST 15, 1997, at the hour of 9:00 A.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. 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.

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.

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.

DEPARTMENT OF REAL ESTATE

Dated: June 3, 1997

By Chris Leong
CHRIS LEONG, Counsel

cc: Henry L. Park
Allstar Loan Company/Gregg Shanberg
Sacto.
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CHRIS LEONG, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
MAY 13 1997
DEPARTMENT OF REAL ESTATE

By C. Za

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Application of)	No. H-27203 LA
)	
HENRY L. PARK,	STATEMENT OF ISSUES
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The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against HENRY L. PARK (hereinafter "Respondent"), is informed and alleges as follows:

I

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

II

Respondent made application to the Department of Real Estate of the State of California for a conditional real estate salesperson license on or about December 9, 1996. This license

1 was to be subject to the provisions of Section 10153.4 of the
2 California Business and Professions Code (hereinafter "Code").

3 III

4 On or about April 6, 1995, in the Municipal Court of
5 Glendale Judicial District, County of Los Angeles, State of
6 California, Respondent was convicted of violating Section
7 502.7(A)(5) of the California Penal Code (hereinafter "PC") (use
8 of device to defraud telephone company), a crime involving moral
9 turpitude which is substantially related under Section 2910,
10 Title 10, Chapter 6, California Code of Regulations, to the
11 qualifications, functions or duties of a licensee.

12 IV

13 Respondent's criminal conviction, as alleged above in
14 Paragraph III, is cause for the denial of Respondent's
15 application for a real estate license under Sections 10177(b)
16 and 480 of the California Business and Professions Code.

17 V

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

22 Dated at Los Angeles, California
23 this 13th day of May, 1997.

24 THOMAS McCRADY

Deputy Real Estate Commissioner

25 cc: Henry L. Park
26 Allstar Loan Company/Gregg Shanberg
27 Sacto.
SE

