

FILED  
FEB 22 2001  
DEPARTMENT OF REAL ESTATE

By CC

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-27261 LA  
GINO H. G. WU, )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 24, 1998, a Decision was rendered herein revoking the real estate salesperson license of Respondent.

On March 31, 2000, 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 the petition of Respondent and the evidence and arguments in support thereof including Respondent's record as a licensee. Respondent has demonstrated to my satisfaction that respondent meets the requirements of law for the issuance to Respondent of a real

1 estate salesperson and that it would not be against the  
2 public interest to issue said license to GINO H. G. WU.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's  
4 petition for reinstatement is granted and that a real estate  
5 salesperson license be issued to Respondent if Respondent  
6 satisfies the following conditions within nine (9) months  
7 from the date of this Order:

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

10 2. Submittal of evidence of having, since the  
11 most recent issuance of an original or renewal real estate  
12 license, taken and successfully completed the continuing  
13 education requirements of Article 2.5 of Chapter 3 of the  
14 Real Estate Law for renewal of a real estate license.

15 This Order shall become effective immediately.

16 DATED: February 6, 2001

17 PAULA REDDISH ZINNEBANN  
18 Real Estate Commissioner  
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25 cc: Gino H. G. Wu  
26 2222 West 229<sup>th</sup> Place  
27 Torrance, CA 90501

By K. Niederhols

\* \* \* \* \*

### DECISION AFTER REJECTION

Evidence was received, the hearing was closed and the matter was submitted. On November 10, 1997, the Administrative Law Judge submitted his 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

1 with notice of my determination not to adopt the Proposed  
2 Decision of the Administrative Law Judge along with a copy of  
3 said Proposed Decision. Respondent was notified that the case  
4 would be decided by me upon the record, the transcript of  
5 proceedings held on October 16, 1997, and upon any written  
6 argument offered by Respondent. Respondent submitted written  
7 argument by way of a letter dated January 12, 1998, received by  
8 the Department on January 15, 1998.

9 Having given careful consideration to the record in  
10 this case including the transcript of proceedings of October 16,  
11 1997 and Respondent's January 12, 1998 argument, the following  
12 shall constitute the Decision of the Real Estate Commissioner in  
13 this proceeding:

14 FINDINGS OF FACT

15 I

16 Complainant Thomas Mc Crady made the Accusation in his  
17 official capacity as a Deputy Real Estate Commissioner of the  
18 State of California.

19 II

20 Respondent GINO H.G.WU is presently licensed and has  
21 license rights under the Real Estate Law as a real estate  
22 salesperson. At all times mentioned herein, he was so licensed.  
23 His license will expire on February 16, 2001.

24 III

25 On December 22, 1995, Respondent GINO WU was convicted  
26 on his plea of guilty in the United States District Court,  
27 Central District of California to one count of violating 18 USC



1 1014 (false statement to a financial institution). This crime is  
2 a felony involving moral turpitude which is substantially related  
3 to the qualifications, functions and duties of a real estate  
4 licensee.

5 IV

6 The conviction stemmed from an incident in November of  
7 1990. A friend of Respondent's, Elizabeth Chang, operated a  
8 mortgage loan business. At her request, Respondent informed  
9 Plaza Savings and Loan Association that a prospective borrower,  
10 Mrs. Hisako Endo, was employed by Whittaker True Value Hardware,  
11 a business partially owned by Respondent. He further verified  
12 that Mrs. Endo earned in excess of \$4,000 per month from this  
13 employment. In fact, Mrs. Endo was never employed by Respondent.

14 The Savings and Loan issued a loan based upon that  
15 application, in reliance upon fraudulent employment and wage  
16 documentation and a confirming phone conversation with the  
17 Respondent. Subsequently, Mrs. Endo and her husband declared  
18 bankruptcy and defaulted on the loan, causing the Savings and  
19 Loan to lose in excess of \$50,000. As a result of his  
20 conviction, Respondent was placed on probation for two years and  
21 required to make restitution in the amount of \$2,000.

22 V

23 Respondent has admitted that he provided false  
24 information related to loan applications on at least eleven other  
25 occasions. Ms. Chang paid him \$50 each time.

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VI

Respondent is married and has adopted his stepdaughter who is in college. He works full-time as a real estate salesperson.

DETERMINATION OF ISSUES

I

Cause for discipline of Respondent's license was established for violation of sections 490 and 10177(b) of the Business and Professions Code, by reason of findings III and IV.

II

Though two years have passed since the underlying conviction occurred, Respondent has not proven sufficient rehabilitation and therefore his continued licensure poses a threat to the public. Respondent's conduct resulting in his criminal conviction involved significant dishonesty and was repeated on some eleven other occasions when he was not apprehended. This is well below the acceptable standard for a real estate licensee. It would be contrary to the public interest to grant him a restricted license at this time.

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3 ORDER

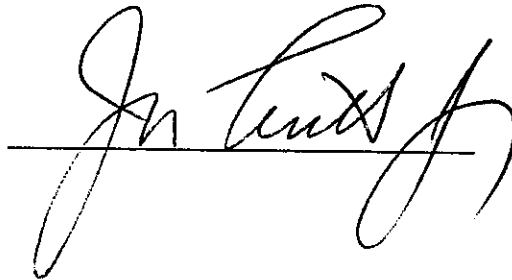
4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 All license and license rights of Respondent GINO WU  
6 under the Real Estate Law are revoked.

7 This decision shall become effective at 12 o'clock noon  
8 on March 24, 1998.

9 IT IS SO ORDERED 2/24, 1998.  
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14 JIM ANTT, JR.  
15 Real Estate Commissioner  
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*Wu*

**FILED**  
DEC - 9 1997  
DEPARTMENT OF REAL ESTATE

By *K. Kriederholt*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of )	No. H-27261 LA
GINO H. G. WU, )	L-1997080155
Respondent. )	

NOTICE

TO: GINO H. G. WU, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated November 10, 1997, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated November 10, 1997, is attached hereto 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 October 16, 1997, and any written argument hereafter submitted on behalf of respondent and complainant.





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

6 Written argument of complainant to be considered by  
7 me must be submitted within 15 days after receipt of the  
8 argument of respondent at the Los Angeles office of the  
9 Department of Real Estate unless an extension of the time is  
10 granted for good cause shown.

11 DATED: \_\_\_\_\_

12 12/3/97

13 JIM ANTT, JR.  
14 Real Estate Commissioner

15 *Jim Antt*  
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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
Against:	)	No. H-27261 LA
	)	
GINO H.G. WU,	)	OAH No. L-1997080155
	)	
	)	
Respondent.	)	
_____	)	

PROPOSED DECISION

On October 16, 1997, in Los Angeles, California, John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Complainant was represented by Marjorie P. Mersel. Counsel, Department of Real Estate.

Respondent represented himself.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

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

## II

Respondent Gino H.G. Wu is presently licensed and has license rights under the Real Estate Law as a real estate salesperson. At all times mentioned herein, he was so licensed. His license will expire on February 16, 2001, unless renewed.

## III

On December 22, 1995, respondent was convicted, on his plea of guilty, in the United States District Court, Central District of California, of violating 18 USC 1014 (false statement to a financial institution). This crime was a felony involving moral turpitude. It is substantially related to the qualifications, functions or duties of a real estate licensee.

The facts and circumstances surrounding the above crime are: On or about November 1990, respondent informed a Savings and Loan Association that a prospective borrower from the Association was an employee of respondent's earning over \$4,000 per month. Respondent was a part owner of Whittaker's True Value Hardware Store. A friend of his, Elizabeth Chang, operated a mortgage loan business. The prospective borrower and her husband were clients of Ms. Chang. Ms. Chang wanted to qualify the prospective borrowers in a refinance of their home. Respondent aided by providing fraudulent employment and wage documentation and confirming in a phone conversation with the Savings and Loan Association that the wife worked for him.

As a result of his conviction, respondent was placed on probation for two years and required to make restitution in the amount of \$2,000.

## IV

Respondent gave false information to lending institutions approximately 11 times. He received \$50 for each false verification of employment. He did not do it because of the money. He did it because Elizabeth Chang was a friend. She encouraged the borrowers to prepare false loan applications and asked respondent to verify employments.

Respondent is genuinely remorseful. He fully realizes that what he did was "stupid." He was trying to help a friend, Chang. She is no longer his friend. Respondent takes full responsibility and pled guilty because he felt he was guilty. He knows what he did was wrong and, "it hurt me in my heart."

Respondent is married. His wife is aware of his conviction and, while she supports him, she also believes that what he did was wrong. She was not aware of the false statements

at the time. Respondent is currently employed full-time as a real estate salesperson. He supports his wife and his adopted daughter. His broker is aware of his criminal conviction. Respondent is rehabilitating himself.

#### DETERMINATION OF ISSUES

##### I

Cause for discipline of respondent's license was established for violation of sections 490 and 10177(b) of the Business and Professions Code, by reason of Finding III.

##### II

Weighing the seriousness of respondent's conviction, including the fact that it involved fraud to obtain a real estate mortgage loan; the fact that respondent's probation has not yet ended; the crime occurred more than five years ago; and, most importantly, respondent's sincere remorse; it would not be contrary to the public interest to grant him a restricted license at this time.

#### ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

*not adopted*

All licenses and licensing rights of respondent Gino H.G. Wu under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson 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 the restricted license within 90 days from the effective date of this Decision. The restricted 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 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.

*not  
adopted*

2. The restricted 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 not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until three years have elapsed from the effective date of this Decision.
4. 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.
5. 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.

6. 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.

Dated: November 10, 1997

  
\_\_\_\_\_  
JOHN D. WAGNER  
Administrative Law Judge  
Office of Administrative Hearings

*Sacto  
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**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

**FILED**  
AUG 20 1997  
DEPARTMENT OF REAL ESTATE

By *K. M. K. K. K.*

*In the Matter of the Accusation of*

GINO H. G. WU,

Case No. H-27261 LA

OAH No. L-1997080155

Respondent

**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, 107 South Broadway, Second Floor,  
Los Angeles, California 90012

on October 16, 1997, at the hour of 9:00 a.m.  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

By *Margaret P. Mercer*  
Counsel

Dated: August 20, 1997

cc: Gino H. G. Wu  
Sacto.  
OAH  
CW

1 MARJORIE P. MERSEL, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, California 90012

5 (213) 897-3937

FILED  
JUL 17 1997  
DEPARTMENT OF REAL ESTATE

By K. Wiedenholdt

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA -

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11 In the Matter of the Accusation of ) NO. H-27261 LA  
12 )  
13 GINO H. G. WU, ) A C C U S A T I O N  
14 Respondent. )  
\_\_\_\_\_ )

15 The Complainant, Thomas McCrady, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against GINO H. G. WU, aka Gino Katowu (hereinafter "Respondent")  
18 is informed and alleges as follows:

19 I

20 Respondent is presently licensed and/or has license  
21 rights under the Real Estate Law, Part 1 of Division 4 of the  
22 Business and Professions Code (hereinafter the Code). At all  
23 times herein mentioned, Respondent was licensed by the Department  
24 of Real Estate of the State of California as a real estate  
25 salesperson.  
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II

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

III

On or about December 22, 1995, in the U. S. District Court, Central District of California, Respondent was convicted of the crime of violating 18 USC 1014 (Giving False Statements to a Financial Institution), a felony and a crime involving moral turpitude.

IV --

The crime of which Respondent was convicted, as described in Paragraph III, above, constitutes cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of the license 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, GINO WU 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.

Dated at Los Angeles, California  
this 17th day of July, 1997.

THOMAS MC CRADY  
Deputy Real Estate Commissioner

cc: Gino H. G. Wu  
Sacto.  
CW