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MAY 10 2000

DEPARTMENT OF REAL ESTATE

By John Arnold

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
JULIO CESAR CHONG,)
Respondent.)

No. H-27470 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On May 12, 1998, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On September 23, 1999, 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. Respondent has failed to
demonstrate to my satisfaction that Respondent has undergone
sufficient rehabilitation to warrant the reinstatement of
Respondent's real estate salesperson license, in that Respondent

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1 has no experience acting in a fiduciary capacity since the
2 effective date of the Decision in this matter. Further, in the
3 Proposed Decision in this matter, the Administrative Law Judge
4 found that Respondent had engaged in two separate instances of
5 dishonesty indicating a propensity for not telling the truth
6 about important matters. Consequently, Respondent is not able to
7 present any evidence of correction of practices that led to the
8 disciplinary action in this matter. Respondent, therefore, has
9 not demonstrated compliance with Section 2911(j), Title 10,
10 California Code of Regulations. Finally, Respondent has not
11 presented evidence of compliance with Sections 2911 (g), (h), (k)
12 and (m) of the Regulations. Additional time in a supervised
13 setting is required to establish that Respondent is
14 rehabilitated.

15 I am satisfied, however, that it will not be against
16 the public interest to issue a restricted real estate salesperson
17 license to Respondent.

18 NOW, THEREFORE, IT IS ORDERED that Respondent's
19 petition for reinstatement of his real estate salesperson license
20 is denied.

21 A restricted real estate salesperson license shall be
22 issued to Respondent pursuant to Section 10156.5 of the Business
23 and Professions Code, if Respondent satisfies the following
24 conditions within nine (9) months from the date of this Order:

25 1. Submittal of a completed application and payment of
26 the fee for a restricted real estate salesperson license.

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

6 The restricted license issued to Respondent shall be
7 subject to all of the provisions of Section 10156.7 of the
8 Business and Professions Code and to the following limitations,
9 conditions and restrictions imposed under authority of Section
10 10156.6 of that Code.

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

16 B. The restricted license issued to Respondent may be
17 suspended prior to hearing by Order of the Real Estate
18 Commissioner on evidence satisfactory to the Commissioner that
19 Respondent has violated provisions of the California Real Estate
20 Law, the Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner or conditions attaching to the restricted license.

22 C. Respondent shall submit with any application for
23 license under an employing broker, or any application for
24 transfer to a new employing broker, a statement signed by the
25 prospective employing broker on a form approved by the Department
26 of Real Estate which shall certify:
27

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

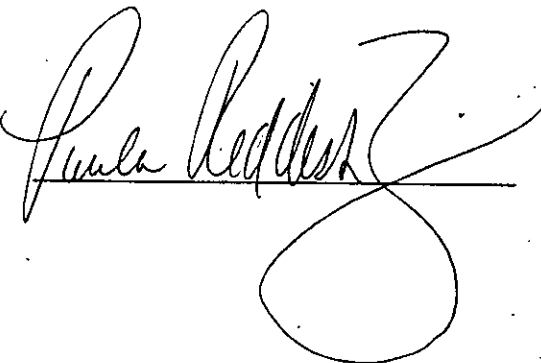
4 (2) That the employing broker will exercise close
5 supervision over the performance by the restricted
6 licensee relating to activities for which a real
7 estate license is required.

8 D. Respondent shall not be eligible to apply for the
9 issuance of an unrestricted real estate license nor the removal
10 of any of the limitations, conditions or restrictions of a
11 restricted license until one (1) year has elapsed from the date
12 of the issuance of the restricted license to respondent.

13 This Order shall be effective at 12 o'clock noon on
14 May 30, 2000.
15

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17 DATED: April 20, 2000.

18
19 PAULA REDDISH ZINNEMANN
20 Real Estate Commissioner

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JIM ANTT, JR.
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	Case No. H-27470 LA
)	
JULIO CESAR CHONG,)	OAH No. L1998020068
)	
Respondent.)	
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PROPOSED DECISION

This matter was heard on April 10, 1998, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings, State of California. The complainant was represented by Chris Leong, Counsel. The respondent was present and represented himself.

FACTUAL FINDINGS

1. The complainant, Thomas McCrady, made this Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. On or about August 12, 1996, Julio Cesar Chong (hereinafter "respondent") submitted an application to the Department of Real Estate for a real estate salesperson license. On said application, respondent answered "No" to Question No. 25, which asked "Have you ever been convicted of any violation of law." Said application resulted in a real estate salesperson license being issued to respondent on August 20, 1996.
3. In answering "No" to Question No. 25 on said application, respondent knowingly misrepresented a material fact and made a material misstatement of fact in that on or about April 29, 1991, in the United States District Court, Southern District of California, he was convicted, upon his plea of guilty, of a misdemeanor to wit, violation of 8 USC 1325 (Attempted Illegal Entry), a crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate licensee, for which he was sentenced to 45 days imprisonment.
4. According to respondent, the facts and circumstances of the conviction were as follows: He and his wife were living in the United States. They had an argument. She went to Mexico. He went after her. He then tried to get back into the United States using a phony birth certificate and claiming to be a United States citizen.

5. Respondent offered the fact that he is applying to become a foster parent as evidence of rehabilitation. He gave varying explanations for failing to disclose the conviction on his application. One was that he thought "crime" meant felony. Another was that he was inattentive and put the "X" in the wrong place. His explanations are inconsistent and implausible. His lack of forthrightness and his unwillingness to take responsibility for his own actions indicate that he is not sufficiently rehabilitated to warrant licensure at this time.

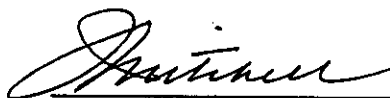
LEGAL CONCLUSIONS

Respondent's conviction occurred so long ago that it would not now, in and of itself, warrant suspension or revocation of his license. However, his failure to disclose it on his application constitutes procuring a license by fraud, deceit, or knowing misrepresentation of a material fact, or by knowingly omitting to state a material fact; wherefore, cause exists under Sections 498 and 10177 (a) of the Business and Professions Code to revoke or suspend his license. Of particular concern is the fact that his conviction resulted from his not telling the truth when attempting to reenter this country, and this Accusation resulted from his not telling the truth when applying for a real estate license, indicating that he has a propensity for not telling the truth about important matters, a character trait that is wholly incompatible with what the public has a right to expect in a real estate licensee.

ORDER

All licenses and license rights of respondent Julio Cesar Chong under the Real Estate Law are revoked.

DATED: April 23, 1998



JERRY MITCHELL
Administrative Law Judge

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
JULIO CESAR CHONG,)
Respondent(s)

Case No. H-27470 LA

OAH No. L-1998020068

FILED
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NOTICE OF HEARING ON ACCUSATION DEPARTMENT OF REAL ESTATE

To the above-named Respondent(s):

By Chris Leong

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, APRIL 10, 1998, at the hour of 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.

DEPARTMENT OF REAL ESTATE

Dated: February 19, 1998

By Chris Leong
CHRIS LEONG, Counsel

cc: Julio Cesar Chong
Sacto.
OAH

CEB

RE 501 (La Mac 11/92)

SAC

1 CHRIS LEONG, Counsel
2 State Bar Number 141079
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California 90012
6 (213) 897-3937

FILED
DEC - 4 1997
DEPARTMENT OF REAL ESTATE

By C. Bay

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-27470 LA
12 JULIO CESAR CHONG,)
13 Respondent.) A C C U S A T I O N
14 _____)

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against JULIO CESAR CHONG (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

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

23 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 (Code), as a real estate
27 salesperson. This license was subject to Section 10153.4 of the
Code.

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III

On or about April 29, 1991, in the United States District Court, Southern District of California, Respondent was charged with violations of Title 18, U.S.C. 911 (falsely representing to be a U.S. citizen) and 8 U.S.C. 1325 (Attempted illegal entry). Subsequently, in a plea bargain, Respondent was convicted of violation of one count of 8 U.S.C. 1325 (Attempted illegal entry), a crime involving moral turpitude which is substantially related under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

APPLICATION

IV

In response to Question 25 of Respondent's salesperson application, filed on or about August 12, 1996, to wit: "Have you ever been convicted of any violation of law?", Respondent marked the box denoting "No".

V

Respondent's failure to reveal his criminal conviction, as set forth in Paragraph III above, constitutes the procurement of a real estate license by knowingly making false statements of fact required to be revealed in said application, which failure is cause under Sections 498 and 10177(a) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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VI

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

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, JULIO CESAR CHONG, 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 4th day of December, 1997.

THOMAS McCRADY
Deputy Real Estate Commissioner

cc: Julio Cesar Chong
Sacto.
SR

