

FILED  
JUN - 9 1998

DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By R. Weidholt

\* \* \* \* \*

In the Matter of the Accusation of )  
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 CHATCHAI CHUCK VAREE, )  
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 )  
 Respondent. )  
 )  
 \_\_\_\_\_ )

No. H-27567 LA  
L-1998030339

DECISION

The Proposed Decision dated May 8, 1998, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on June 30, 1998.

IT IS SO ORDERED

5/27/98

JIM ANTT, JR.  
Real Estate Commissioner

J. Antt Jr.



him. Between 1986 and 1992, respondent arranged for the acquaintance to purchase and finance four pieces of real estate in a name other than that of the acquaintance. Because the escrow company would not accept cash, respondent converted the acquaintance's cash into cashier's checks in respondent's name and deposited them into escrow to cover down payments and costs.

5. Respondent testified on his own behalf - accepting complete responsibility and expressing appropriate contrition - and submitted letters attesting to his good character. He has been licensed as a real estate salesperson since 1983 and has had no other disciplinary action, no complaints and no lawsuits. He paid income taxes on the commissions he earned from his acquaintance's purchases. He completed about 150 other real estate transactions during the same period. He is almost 50 years old and the sole support of his wife (who is physically unable to work), his daughter and a niece and nephew whom he and his wife adopted when their father (respondent's wife's brother) died and their mother ran away.

#### LEGAL CONCLUSIONS

1. The convictions hereinabove set forth constitute cause under Sections 490 and 10177(b) of the Business and Professions Code to suspend or revoke respondent's license and license rights.

2. In determining the appropriate order to be made herein, due consideration was given to all relevant factors, including the nature of the crimes, the fact that respondent used his real estate license to commit them, the fact that they were committed six or more years ago, the fact that but for those crimes, respondent appears to have led a law-abiding life.

#### ORDER

All licenses and license rights of respondent Chatchai Chuck Varee under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Section 101566.5 of the Business and Professions Code (all further statutory references are to that 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 and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6:

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.

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 the conditions, limitations or restrictions of a restricted license until three (3) 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 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 (9) 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 suspension of the restricted license until respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: MAY 8, 1998

  
\_\_\_\_\_  
JERRY MITCHELL  
Administrative Law Judge

*Sacto*  
*Glenn*

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

**FILED**  
**MAR 27 1998**  
DEPARTMENT OF REAL ESTATE

*In the Matter of the Accusation of*

CHATCHAI CHUCK VAREE,

*Respondent*

}

By *K. Mederholt*

Case No. H-27567 LA

OAH No. L-1998030339

**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, CA 90012

on May 1, 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. 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

Dated: March 27, 1998

By *Yartha J. H. [Signature]*  
Counsel

cc: Chatchai Chuck Varee  
We're #1  
Kerry Bensinger, Esq.  
Sacto OAH CW

RE 501 (Rev. 8/97)

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*Yank*  
*2/20*

MARTHA J. ROSETT, Counsel  
State Bar # 142072  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012

**FILED**  
MAR - 2 1998  
DEPARTMENT OF REAL ESTATE

(213) 897-3937

By *K. W. ...*

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of )  
CHATCHAI CHUCK VAREE, )  
Respondent. )  
\_\_\_\_\_ )  
No. H-27567 LA  
**A C C U S A T I O N**

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against CHATCHAI CHUCK VAREE ("Respondent"), alleges as follows:

I

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

II

Respondent 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 ("Code") as a real estate salesperson. Said license is due to expire on June 25, 1999.

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III

On or about March 15, 1996, in the United States District Court, Central District of California, Respondent was convicted on his plea of guilty to one count of violating Title 18 United States Code, Section 371 (Conspiracy to defraud the United States) and Title 26 of the United States Code, Section 7201 (Attempted Tax Evasion), a felony and a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee. Respondent was sentenced to three years probation.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses 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/or license rights of CHATCHAI CHUCK VAREE under the Real Estate Law and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles, California  
this 2nd day of March, , 1998.

THOMAS MC CRADY  

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Deputy Real Estate Commissioner

cc: Chatchai Chuck Varee  
We're #1 Inc.  
Sacto.  
CW