

FILED
DEC 5 2003
DEPARTMENT OF REAL ESTATE

By Laura B. Kim

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27822 LA
JAMES L. HOU,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 2, 1999, 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 August 30, 1999, and
Respondent has operated as a restricted licensee without cause
for disciplinary action against Respondent since that time.

On November 19, 2001, Respondent petitioned for
reinstatement of said real estate broker license and the
Attorney General of the State of California has been given
notice of the filing of said petition.

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

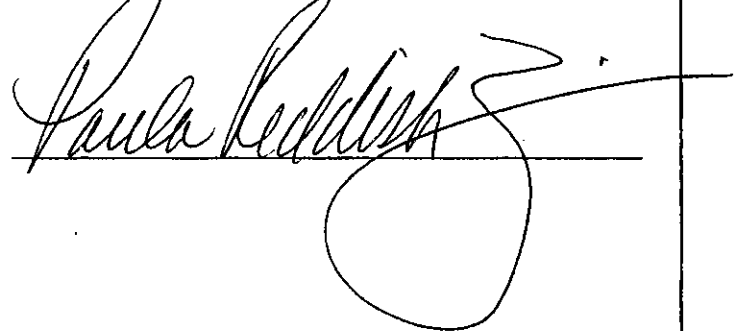
10 NOW, THEREFORE, IT IS ORDERED that Respondent's
11 petition for reinstatement is granted and that a real estate
12 broker license be issued to Respondent if Respondent satisfies
13 the following condition within nine (9) months from the date
14 of this Order:

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

17 This Order shall become effective immediately.

18 DATED: December 1, 2003.

19 PAULA REDDISH ZINNEMANN
20 Real Estate Commissioner

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26 cc: James L. Hou
27 12843 Sunburst Trail
Chino Hills, CA 91709

Sachs

FILED
AUG 10 1999
DEPARTMENT OF REAL ESTATE

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By *[Signature]*

* * *

In the Matter of the Accusation of)
JAMES L. HOU,)
Respondent.)
_____)

NO. H-27822 LA
L-1999 060 141

DECISION

The Proposed Decision dated July 16, 1999, 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 AUG 30 1999, 1999.

IT IS SO ORDERED August 2, 1999.

JOHN R. LIBERATOR
Acting Commissioner

John R. Liberator

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	Case No. H-27822 LA
)	OAH No. L1999060141
)	
JAMES L. HOU,)	
)	
Respondent.)	
_____)	

PROPOSED DECISION

This matter came on regularly for hearing before W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on June 16, 1999. James R. Peel, Counsel, represented the complainant. The respondent represented himself. Evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Thomas McCrady made the Accusation in his official capacity as a Deputy Real Estate commissioner.

II

At all times relevant hereto, respondent James L. Hou has been licensed by the Department of Real Estate as a real estate broker.

III

On or about June 8, 1998, in the United States District Court for the Central District of California, respondent was convicted on his plea of guilty of violating 8 USC 1324 (a)(1)(A)(iii)(v)(I) (conspiracy to conceal, harbor, and shield aliens) and 8USC 1324 (a)(1)(A)(iii)(v)(II) (harboring and concealing illegal aliens), felonies which bear a substantial relationship to the qualifications, functions, and duties of a real estate licensee.

Respondent was sentenced to twelve months imprisonment (the court had no objection to a community correction center designation) and placed on supervised probation for three years. The court waived all fines, including the costs of imprisonment and supervision, as it found that respondent did not have the ability to pay further costs.

IV

A. Respondent was born in China, and emigrated here from Taiwan in 1962, his wife following him two years later. He worked his way through the University of Utah to a Ph.D. in Electrical Engineering, and was subsequently always employed in the aerospace industry in Washington from 1974 to 1978 and in California from 1978 to 1989, when he was laid off in the industry collapse. He then bought a gas station which he operated until he sold it in 1997.

B. In 1981, respondent bought a very small chicken ranch in Ontario; his wife ran the chicken ranch and the family lived in the home at the front of the property, while respondent continued working in aerospace and then at his gas station. They continued the previous owner's practice of employing itinerant ranch workers, some of whom were undocumented, and they sometimes allowed the workers to temporarily stay at living quarters on the ranch. In November, 1997, there was a midnight fire at the chicken ranch in which one worker died and another was injured. The ensuing investigations culminated in the federal charges against respondent and his wife for conspiring to harbor and conceal aliens.

C. Respondent was licensed as a real estate broker in 1976 in Washington, where he worked for Century 21 for about one year while employed in aerospace. He was licensed as a real estate broker in California in 1981, and for several years used his license for personal investments and family transactions. Starting in 1995, he employed one part-time salesperson and handled five to seven residential real estate transactions per year, and he joined the Tri-City Board of Realtors. After he sold the gas station in 1997, he intended to sell the chicken ranch and practice in real estate full-time, but all of his plans were disrupted by the fire at the chicken ranch.

V

Respondent and his wife are honest, extremely hard-working people who lived frugally to provide their two sons with a good education; one son is a physician, and the other son is a corporate officer with Merrill Lynch. They have never in their lives been in any trouble with the law, until the fall-out from the fire which destroyed their chicken ranch. Nothing appears in respondent's background or in the circumstances of his conviction to indicate that he would not be a knowledgeable, conscientious, and trustworthy real estate broker.

* * * * *

Pursuant to the foregoing findings of fact, the following is the legal basis of the decision:

I

Cause exists for license discipline against respondent pursuant to Business and Professions Code sections 490 and 10177(b), by reason of Finding III.

II

Based upon all of the facts and circumstances herein, including respondent's comportment and demeanor at the hearing, it would not be contrary to the public interest to allow him to retain an appropriately restricted license.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of respondent James L. Hou under the Real Estate Law are revoked; provided, however, a restricted real estate broker 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.
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 two (2) years have elapsed from the effective date of this Decision.

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 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: 7-16-99



W. F. BYRNES
Administrative Law Judge
Office of Administrative Hearings

WFB:sp

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)

Case No. H-27822 LA

JAMES L. HOU,

) OAH No. L-1999060141
)
)
)
)

Respondent.

FILE
JUN 14 1999
DEPARTMENT OF REAL ESTATE

By Laura B. Drow

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California, on JUNE 16, 1999, 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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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.

Dated: JUN 14 1999

DEPARTMENT OF REAL ESTATE

By:

James R. Peel
JAMES R. PEEL, Counsel

cc: James L. Hou
Sacto.
OAH

SACTO

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012
State Bar 47055

(213) 897-3937

FILED
September 01, 1998
DEPARTMENT OF REAL ESTATE
By [Signature]

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-27822 LA
JAMES L. HOU,) A C C U S A T I O N
Respondents.)

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JAMES L. HOU, alleges as follows:

I

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

II

JAMES L. HOU (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).



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III

At all times herein mentioned respondent was licensed by the Department of Real Estate of the State of California as a real estate broker.

IV

On or about June 8, 1998, in the US District Court for the Central District of California, respondent was convicted of violating 8 USC 1324(a) (1) (A) (iii) (V)(I) (conspiracy to conceal, harbor, and shield Aliens), and 8 USC 1324(a) (1) (A) (iii) (v) (II) (Harboring and concealing illegal aliens), felonies involving moral turpitude.

V

The crimes of which respondent was convicted bear a substantial relationship to the qualifications, functions or duties of a real estate licensee.

VI

Respondent's criminal conviction is 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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