

K. Mederholz

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In the Matter of the Accusation of) NO. H-28125 LA
WELFORD WAIFU WOO,)
Respondent.)

I have considered Respondent's petition and the evidence and arguments in support thereof including Respondents record as a restricted licensee. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real

1 estate broker license and that it would not be against the
2 public interest to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement is granted and that a real estate
5 broker license be issued to Respondent if Respondent satisfies
6 the following conditions within twelve (12) months from the
7 date of this Order:
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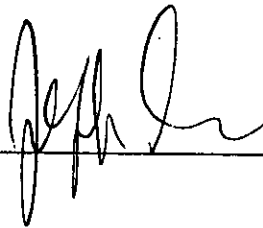
9 1. Submittal of a completed application and payment
10 of the fee for a real estate broker license.

11 2. Submittal of evidence of satisfactory to the Real
12 Estate Commissioner that Respondent has, since Respondent's
13 license was revoked, taken and passed the written examination
14 required to obtain a real estate broker license.
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16 This Order shall become effective immediately.

17 DATED: _____

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19 JEFF DAVI
Real Estate Commissioner

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FILED
SEP 27 1999
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By R. K. Liberator

* * * * *

In the Matter of the Accusation of)	No. H-28125 LA
WELFORD WAIFU WOO,)	
AKA "Wai Fu Wu",)	L-1999060036
Respondent.)	
_____)	

DECISION

The Proposed Decision dated September 7, 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 October 19, 1999.

IT IS SO ORDERED September 21, 1999

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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

In the Matter of the Accusation	)	
Against:	)	File No. : H-28125 LA
	)	
WELFORD WAIFU WOO,	)	
AKA: "Wai Fu Wu"	)	OAH No. : L1999060036
	)	
	)	
Respondent.	)	
_____	)	

PROPOSED DECISION

On July 20, 1999, in Los Angeles, California, Barbara Bailey Barnes, Administrative Law Judge Pro Tem, Office of Administrative Hearings, State of California, heard this matter.

Complainant, Thomas McCrady, was represented by Martha J. Rosett, Staff Counsel.

Respondent, Welford Waifu Woo, ("Respondent"), appeared and was represented by Dominic K. Alzali, Attorney at Law.

Oral and documentary evidence was received. The record remained open until 5:00 P.M. on August 10, 1999 for submission of documents from Respondent related to Respondent's Superior Court probation. Said documents¹ were received by the Office of Administrative Hearings (OAH) on August 6, 1999, with proof of service to Complainant's counsel. The matter was closed on August 10, 1999 and submitted for decision.

FACTUAL FINDINGS

The Administrative Law Judge makes the following Factual Findings:

1. The Accusation was made by Thomas McCrady, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in his official capacity.

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¹ Marked Respondent's Exhibit "A" and received into evidence.

2. At all times mentioned herein, Respondent was and still is licensed as a real estate broker by the Department of Real Estate of the State of California ("Department"). Respondent was initially licensed as a real estate salesperson by the Department in 1986. His salesperson's license, number 00929629, terminated on April 5, 1994. On that date, Respondent was issued a real estate broker's license which is due to expire on April 4, 2002.

3. On February 27, 1998, in the Superior Court, County of Los Angeles, State of California, in case number, BA1576937, Respondent was convicted, on his plea of guilty, of violating Section 550 (A) (1) of the California Penal Code, ("P.C."), *presenting a false and fraudulent insurance claim*. This is a felony crime which involves moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee.

4. The facts and circumstances underlying Respondent's conviction are as follows: On *September 8, 1994* Respondent falsely reported the theft of his 1994 leased Mercedes, claiming that he last saw his vehicle when he had parked and locked the vehicle at a shopping plaza on that date. An investigation, including a review of shipping documents, revealed that Respondent's vehicle was in a sealed shipping container on *September 6, 1994* and en route out of the country to Hong Kong on *September 7, 1994*. Respondent made a false insurance report and a false claim for the alleged theft. The insurance company paid \$71,291.19 as settlement for the theft claim. Respondent was charged with this crime, along with several codefendants, after an extensive investigation by authorities revealed that a "high-dollar" auto theft ring was operating out of the port of Long Beach. The vehicles involved were mostly Mercedes Benz, BMW's, Lexus and Hondas, insured by various insurance companies. Subsequent to their being shipped overseas, they were reported stolen by the registered owner/insured who then made fraudulent claims to the companies for the theft of the vehicles. Respondent was arrested after a warrant was issued in October, 1997.

5. As a result of Respondent's conviction, imposition of sentence was suspended and Respondent placed on formal probation for three (3) years on the conditions, inter alia, that he violate no law, pay restitution to 20th Century Insurance Company, pay a fine, use only his true name with government and police officials, perform 200 hours of community service, in lieu of time in custody, and cooperate with the investigating officer of the Department of Insurance by "giving a full and complete factual statement of what occurred and, and testifying as a witness, if necessary, in any prosecution of other suspects of participating (sic) in this scheme to ship automobiles out of the country."

6. Respondent denies any and all involvement in a conspiracy to defraud the insurance company. In spite of his guilty plea, Respondent denies being familiar with any of the other codefendants and pleads complete innocence of the crime of which he was convicted. "I didn't do anything wrong." Faced with prison time of three to five years, Respondent entered into a plea agreement.

7. Respondent paid 20th Century Insurance company \$25,000 prior to entering his plea and \$5,000 in penalties. He has made full restitution to the company and has completed the 200 hours of court-ordered community service. He is required to meet with his probation officer every three or four months and the Court allows Respondent to travel out of the United States with the prior consent of the probation officer.

8. Respondent has incurred no prior or subsequent arrests. He has incurred no other complaints or actions by the Department. He is unmarried and assists with the support of his parents and younger siblings. Prior to entering the real estate business, Respondent was a programmer-analyst for Los Angeles City Hall and an engineer with the Department of Water and Power. He holds a bachelor's degree in electrical engineering and a master's in computer science.

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

1. Cause exists for the suspension or revocation of Respondent's real estate salesperson's license pursuant to Business and Professions Code Section 490 (a), as that section interacts with section 10177 (b), for conviction of a crime, as set forth in Findings 3, 4, 5 and 6.

The crime for which Respondent has been convicted is one involving moral turpitude and substantially related to the functions, qualifications and duties of a real estate licensee.

Respondent has been successful in his practice as a real estate broker and has received no complaints from clients or the Department. However, his incredulous claim of innocence after an extensive, three-year investigation resulting in his conviction causes great concern, given the potential threat to the public. As a real estate broker, Respondent has access to homes, vehicles and other possessions of his clients. Respondent committed a dishonest act in 1994. He reported his vehicle stolen when the vehicle could not have been and was not in his possession. His conviction stands. He displays no remorse because of his "innocence". Evidence of Respondent's rehabilitation is glaringly absent.

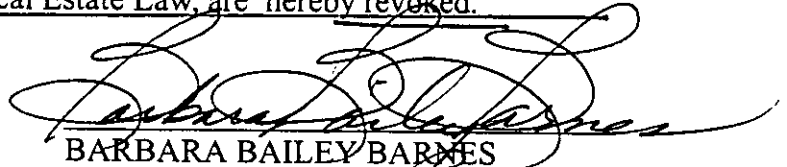
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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights appurtenant thereto of Respondent, WELFORD WAIFU WOO, aka Wai Fu Wu", under the Real Estate Law, are hereby revoked.

Dated: September 7, 1999



BARBARA BAILEY BARNES
Administrative Law Judge Pro Tem
Office of Administrative Hearings

Sacto gwy

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 15 1999
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

WELFORD WAI FU WOO,

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By *1. Hudechalo*
Case No. H-28125 LA

OAH No. L-1999060036

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, 320 W. Fourth St., Ste. 630,

Los Angeles, CA 90013

on July 20, 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 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: June 15, 1999

By *Martha J. Delf* Counsel

cc: Welford Wai Fu Woo
Sacto
OAH
BSV

RE 501 (Rev. 8/97)

kw

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth Street, #350
4 Los Angeles, CA 90013
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6
7 (213) 576-6914

FILED
MAY 18 1999
DEPARTMENT OF REAL ESTATE

By K. W. Underhill

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-28125 LA
12 WELFORD WAIFU WOO, aka, "Wai Fu Wu,") ACCUSATION
13 Respondent.)

14 The Complainant, Thomas McCrady, a Deputy Real
15 Estate Commissioner of the State of California, for cause of
16 accusation against WELFORD WAIFU WOO, Aka, "Wai Fu Wu,"
17 (hereinafter "Respondent"), is informed and alleges as
18 follows:

19 I

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

23 II

24 Respondent is licensed by the Department of
25 Real Estate of the State of California ("Department") as a
26 real estate broker.

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III

On or about February 27, 1998, in the Superior Court of California, County of Los Angeles, in Case No. BA156937, Respondent was convicted on his plea of guilty to one count of violating California Penal Code section 550(A)(1) (presenting a false and fraudulent insurance claim), a felony and a crime 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, ordered to make restitution of \$5,000 and to pay fines. (Pursuant to further terms of the plea bargain, Respondent agreed to pay restitution to the insurer, who paid out \$71,291.19 in reliance upon the false and fraudulent claim.)

IV

The facts set forth in Paragraph III 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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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of WELFORD
5 WAIFU WOO, aka, "WAI FU WU," under the Real Estate Law and
6 for such other and further relief as may be proper under
7 applicable provisions of law.

8 Dated at Los Angeles, California
9 this 18th day of May, 1999.

10 THOMAS MC CRADY

11 Deputy Real Estate Commissioner
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25 cc: WELFORD WAIFU WOO, aka, "Wai Fu Wu,"
26 Sacto.
27 BSV