

FILED
MAY - 4 2007

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-29568 LA
)
CAROL CHUA-VIGUE,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 26, 2002, a Decision was rendered herein revoking Respondent's real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on October 23, 2002, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

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1 On March 27, 2006, Respondent petitioned for
2 reinstatement of said real estate salesperson license and
3 the Attorney General of the State of California has been
4 given notice of the filing of said petition.
5

6 I have considered the petition of Respondent and
7 the evidence and arguments in support thereof including
8 Respondent's record as a restricted licensee. Respondent
9 has demonstrated to my satisfaction that Respondent meets
10 the requirements of law for the issuance to Respondent of
11 an unrestricted real estate salesperson license and that
12 it would not be against the public interest to issue said
13 license to Respondent.

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

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

21 2. Submittal of evidence of having, in the last four
22 (4) years, taken and successfully completed the continuing
23 education requirements of Article 2.5 of Chapter 3 of the Real
24 Estate Law for renewal of a real estate license.

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1 This Order shall be effective immediately.

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3 Dated: _____

2-14-07

4 JEFF DAVI
5 Real Estate Commissioner

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cc: Carol Chua-Vigue
388 South Lake Avenue
Pasadena, CA 91101

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

3 (213) 576-6982
4 (213) 576-6914

FILED
OCT - 3 2002
DEPARTMENT OF REAL ESTATE

By

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) DRE No. H-29568 LA
13 CAROL CHUA-VIGUE,) OAH No. L-2002070354
14)
15) STIPULATION AND AGREEMENT
16)
17 Respondent.)
18)

17 It is hereby stipulated by and between CAROL CHUA-
18 VIGUE (sometimes referred to herein as "Respondent CHUA-
19 VIGUE"), acting on her own behalf, and the Complainant, acting
20 by and through Martha J. Rosett, Counsel for the Department of
21 Real Estate, as follows for the purpose of settling and
22 disposing of the Accusation filed on June 26, 2002 in this
23 matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and
26 Respondent at a formal hearing on the Accusation, which hearing
27 was to be held in accordance with the provisions of the

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement.

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA
6 and the Accusation filed by the Department of Real Estate in
7 this proceeding.

8 3. On July 3, 2002, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for
10 the purpose of requesting a hearing on the allegations in the
11 Accusation. In order to effectuate this settlement, Respondent
12 hereby freely and voluntarily withdraws said Notice of Defense.
13 Respondent acknowledges that she understands that by
14 withdrawing said Notice of Defense, she will thereby waive her
15 right to require the Commissioner to prove the allegations in
16 the Accusation at a contested hearing held in accordance with
17 the provisions of the APA and that she will waive other rights
18 afforded to her in connection with the hearing such as the
19 right to present evidence in defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

21 4. Respondent, pursuant to the limitations set forth
22 below, although not admitting or denying the truth of the
23 allegations, will not contest the factual allegations contained
24 in the Accusation filed in this proceeding and the Real Estate
25 Commissioner shall not be required to provide further evidence
26 of such allegations.

1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as
3 her Decision in this matter, thereby imposing the penalty and
4 sanctions on Respondent's real estate license and license
5 rights as set forth in the below "Order." In the event that
6 the Commissioner in her discretion does not adopt the
7 Stipulation and Agreement, it shall be void and of no effect,
8 and Respondent shall retain the right to a hearing and
9 proceeding on the Accusation under all the provisions of the
10 APA and shall not be bound by any stipulation or waiver made
11 herein.

12 6. The Order or any subsequent Order of the Real
13 Estate Commissioner made pursuant to this Stipulation and
14 Agreement shall not constitute an estoppel, merger or bar to
15 any further administrative proceedings by the Department of
16 Real Estate with respect to any matters which were not
17 specifically alleged to be causes for accusation in this
18 proceeding.

19 7. The Stipulation is entered into by each party
20 with the express understanding and agreement that it is to be
21 used for the purposes of settling these proceedings only and
22 that this stipulation shall not be deemed, used, or accepted as
23 an acknowledgment or stipulation in any other civil or
24 administrative proceeding to which this Department is not a
25 party. Said stipulation is expressly limited to these
26 proceedings and to any further proceeding initiated by or
27 brought before the Department of Real Estate, and shall have no

1 collateral estoppel or res judicata effect in any proceeding
2 other than a proceeding brought by the Department of Real
3 Estate.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations and waivers
6 and solely for the purpose of settlement of the pending
7 Accusation without a hearing, it is stipulated and agreed that
8 the following Determination of Issues shall be made:

9 The conduct, acts or omissions of Respondent CHUA-
10 VIGUE as set forth in the Accusation, constitute cause to
11 suspend or revoke the real estate license and license rights of
12 Respondent under the provisions of Business and Professions
13 Code Sections 10177(a), 10177(b), 490 and 498.

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and licensing rights of Respondent CAROL
17 CHUA-VIGUE under the Real Estate Law are revoked; provided,
18 however, a restricted real estate salesperson license shall be
19 issued to Respondent pursuant to Section 10156.5 of the
20 Business and Professions Code if Respondent makes application
21 therefor and pays to the Department of Real Estate the
22 appropriate fee for the restricted license within 90 days from
23 the effective date of this Decision. The restricted license
24 issued to Respondent shall be subject to all of the provisions
25 of Section 10156.7 of the Business and Professions Code and to
26 the following limitations, conditions and restrictions imposed
27 under authority of Section 10156.6 of that Code:

1 1. The restricted license issued to Respondent may
2 be suspended prior to hearing by Order of the Real Estate
3 Commissioner in the event of Respondent's conviction or plea of
4 nolo contendere to a crime which is substantially related to
5 Respondent's fitness or capacity as a real estate licensee.

6 2. The restricted license issued to Respondent may
7 be suspended prior to hearing by Order of the Real Estate
8 Commissioner on evidence satisfactory to the Commissioner that
9 Respondent has violated provisions of the California Real
10 Estate Law, the Subdivided Lands Law, Regulations of the Real
11 Estate Commissioner or conditions attaching to the restricted
12 license.

13 3. Respondent shall not be eligible to apply for the
14 issuance of an unrestricted real estate license nor for the
15 removal of any of the conditions, limitations or restrictions
16 of a restricted license until two (2) years have elapsed from
17 the effective date of this Decision.

18 4. Respondent shall submit with any application for
19 license under an employing broker, or any application for
20 transfer to a new employing broker, a statement signed by the
21 prospective employing real estate broker on a form approved by
22 the Department of Real Estate which shall certify:

23 (a) That the employing broker has read the Decision of
24 the Commissioner which granted the right to a restricted
25 license; and

26 (b) That the employing broker will exercise close
27 supervision over the performance by the restricted

1 licensee relating to the activities for which a real
2 estate license is required.

3 5. Respondent shall, within nine months from the
4 effective date of this Decision, present evidence satisfactory
5 to the Real Estate Commissioner that Respondent has, since the
6 most recent issuance of an original or renewal real estate
7 license, taken and successfully completed the continuing
8 education requirements of Article 2.5 of Chapter 3 of the Real
9 Estate Law for renewal of a real estate license. If Respondent
10 fails to satisfy this condition, the Commissioner may order the
11 suspension of the restricted license until the Respondent
12 presents such evidence. The Commissioner shall afford
13 Respondent the opportunity for a hearing pursuant to the
14 Administrative Procedure Act to present such evidence.

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1 6. Respondent shall, within six months from the
2 effective date of this Decision, take and pass the Professional
3 Responsibility Examination administered by the Department
4 including the payment of the appropriate examination fee. If
5 Respondent fails to satisfy this condition, the Commissioner
6 may order suspension of Respondent's license until Respondent
7 passes the examination.

8
9 DATED:

9/18/02



MARTHA J. ROSETT
Counsel for Complainant

11 * * *


12 I have read the Stipulation and Agreement and its
13 terms are understood by me and are agreeable and acceptable to
14 me. I understand that I am waiving rights given to me by the
15 California Administrative Procedure Act (including but not
16 limited to Sections 11506, 11508, 11509 and 11513 of the
17 Government Code), and I willingly, intelligently and
18 voluntarily waive those rights, including the right of
19 requiring the Commissioner to prove the allegations in the
20 Accusation at a hearing at which I would have the right to
21 cross-examine witnesses against me and to present evidence in
22 defense and mitigation of the charges.

23 Respondent can signify acceptance and approval of the
24 terms and conditions of this Stipulation and Agreement by faxing
25 a copy of its signature page, as actually signed by Respondent,
26 to the Department at the following fax number (213) 576-6917.
27

1 Respondent agrees, acknowledges and understands that by
2 electronically sending to the Department a fax copy of her actual
3 signature as it appears on the Stipulation, that receipt of the
4 faxed copy by the Department shall be as binding on Respondent as
5 if the Department had received the original signed Stipulation
6 and Agreement.

7
8 DATED:

9-16-02

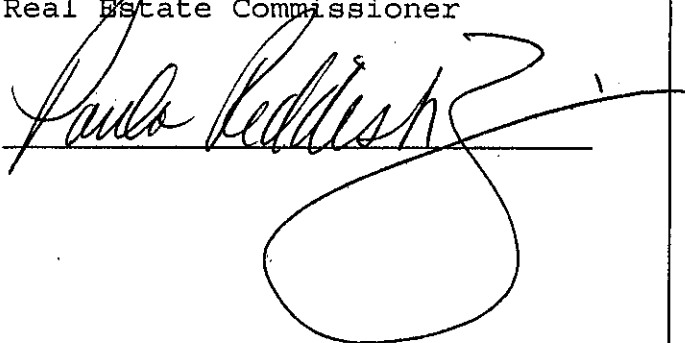

CAROL CHUA-VIGUE
Respondent

10 * * *

11 The foregoing Stipulation and Agreement is hereby
12 adopted as my Decision in this matter and shall become
13 effective at 12 o'clock noon on October 23, 2002 .

14 IT IS SO ORDERED

September 29, 2002
15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

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

In the Matter of the Accusation of)

CAROL CHUA-VIGUE,)

Respondent(s)

Case No. **H-29568 LA**

OAH No. L-2002070354

FILED
JUL 26 2002
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By 

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on **MONDAY, OCTOBER 21, 2002**, at the hour of **1:30 P.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: July 26, 2002

By


MARTHA J. ROSETT, Counsel

cc: Carol Chua-Vigue
Coldwell Banker Residential Brokerage Company
Sacto.
OAH

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St. #350
4 Los Angeles, CA 90013-1105

5 (213) 576-6982
6 (213) 576-6914
7

FILED
JUN 26 2002
DEPARTMENT OF REAL ESTATE
By CS

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-29568 LA
12)
13 CAROL CHUA-VIGUE,) A C C U S A T I O N
14)
15 Respondent.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against CAROL CHUA-VIGUE, aka Carolina Siewchua, Carolina Siew-
19 Kim, and Carol Kim Chua ("Respondent") alleges as follows:

20 1.

21 The Complainant, Maria Suarez, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 her official capacity.

24 2.

25 Respondent is presently licensed and has license
26 rights under the Real Estate Law (Part 1 of Division 4 of the
27 California Business and Professions Code, hereinafter "Code") as

1 a real estate salesperson. Respondent was originally licensed by
2 the Department of Real Estate as a real estate salesperson on
3 January 17, 1986.

4 3.

5 On or about November 9, 2001, Respondent made
6 application to the Department of Real Estate for renewal of
7 her salesperson application. In response to Question No. 3,
8 to wit, "Within the past four year period, have you been
9 convicted of any violation of law?", Respondent answered,
10 "No." No convictions were detailed in Section 15 of that
11 application, as required.

12 4.

13 On or about October 25, 2000, in the Los Angeles
14 County Municipal Court, Alhambra Judicial District, State of
15 California, in Case No. 0AL02783, Respondent was convicted of
16 one count of violating Penal Code Section 602(L) (trespass:
17 occupy property without consent). The circumstances leading
18 to Respondent's conviction were that she placed merchandise in
19 her bag and exited the store without paying for it. By its
20 circumstances, the crime of which Respondent convicted was one
21 of moral turpitude which is substantially related to the
22 qualifications, functions and duties of a real estate
23 licensee. Respondent was placed on one year summary
24 probation, including 10 days of community service, restitution
25 and an order to stay away from Costco.

26 5.

27 Respondent's conviction as set forth in Paragraph 4

1 above constitutes grounds to discipline Respondent's license
2 and license rights pursuant to Code Sections 490 and 10177(b).

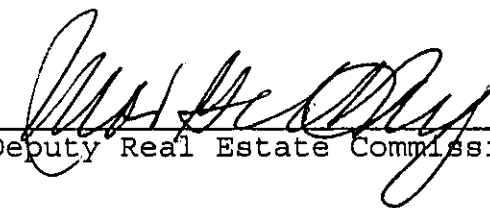
3 6.

4 Respondent's failure to reveal the conviction set
5 forth in Paragraph 4 in her Salesperson Renewal Application
6 constitutes an attempt to procure a real estate license by
7 misrepresentation or by making a material misstatement of fact
8 in an application for a real estate license, and is grounds to
9 discipline Respondent's real estate license pursuant to
10 Business and Professions Code Sections 498 and 10177(a).

11 WHEREFORE, Complainant prays that a hearing be
12 conducted on the allegations of this Accusation and that upon
13 proof thereof, a decision be rendered imposing disciplinary
14 action against all licenses and/or license rights of
15 Respondent CAROL CHUA-VIGUE under the Real Estate Law, and for
16 such other and further relief as may be proper under
17 applicable provisions of law.

18 Dated at Los Angeles, California

19 this 20th day of June, 2002.

20
21 
22 Deputy Real Estate Commissioner
23
24

25 cc: Carol Chua-Vigue
26 Coldwell Banker Residential Brokerage Company
27 Sacto.
Maria Suarez
CW