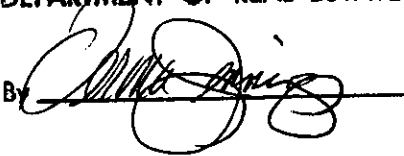


FILED
OCT 15 2003
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By 

* * * * *

In the Matter of the Accusation of)	No. H-30066 LA
)	
)	L-2003050585
SONYA C. CHANG,	)
)	
)	
Respondent.	)
_____	)

DECISION

The Proposed Decision dated September 4, 2003 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.

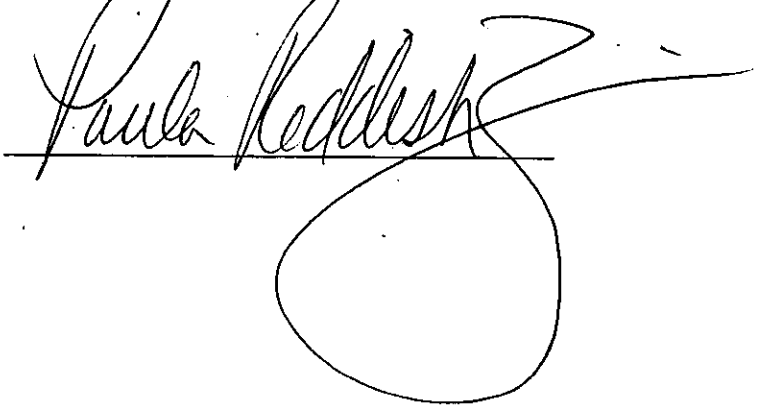
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

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 November 4, 2003

IT IS SO ORDERED October 8, 2003

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SONYA C. CHANG

Respondent.

Case No. H-30066 LA

OAH No. L2003050585

PROPOSED DECISION

Administrative Law Judge Michael A. Scarlett, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on August 1, 2003.

James R. Peel, Staff Counsel, represented the Department of Real Estate.

John J. Latzanich II, Esq., represented respondent Sonya C. Chang (hereinafter "Respondent").

Oral and documentary evidence was taken and the matter was submitted on August 1, 2003.

FACTUAL FINDINGS

1. Maria Suarez ("Complainant") made this accusation in her official capacity as a Deputy Real Estate Commissioner of the Department of Real Estate ("Department or "DRE"), State of California.

2. On May 6, 1988, Respondent was issued a real estate salesperson's license, license number 00989846. Respondent is presently licensed and has license rights until May 5, 2004, unless revoked pursuant to these proceedings.

3. On January 9, 2002, in the Municipal Court of Los Angeles, Van Nuys Judicial District, County of Los Angeles, Respondent was convicted on her plea of nolo contendere of one count of petty theft in violation of Penal Code section 484, subdivision (A), a misdemeanor and a crime involving moral turpitude that is substantially related to the qualifications, functions or duties of a real estate salesperson. Respondent was placed on 24 months' summary probation and ordered to pay fines, fees and restitution in the amount of

\$542.00. Respondent's probation terminated in January 2003, and on May 7, 2003, Respondent's conviction was expunged pursuant to Penal code section 1203.4.

4. The facts and circumstances surrounding Respondent's conviction are that on November 29, 2001, Respondent entered a T.J. Maxx retail store and attempted to remove merchandise without paying for it, to wit, shoplifting. Respondent attempted to shoplift a skirt, scarfs, a picture frame, and a purse. Respondent was apprehended as she attempted to leave the store.

5. Respondent is married and has two daughters. One daughter is 19 years old and attends University of California at Santa Cruz, and the other is 17 years old and will be attending college in 2004. Respondent has a Masters Degree in Computer Science and her husband has a Ph.D in Electrical Engineering.

6. In October 2001 Respondent's husband underwent a prostate examination that revealed he had an extremely high risk of being diagnosed with prostate cancer. Respondent believed that her husband was suffering from prostate cancer and became very depressed. Shortly thereafter, Respondent was diagnosed with lumps in her breast which caused her to become even more depressed and concerned. Respondent's mother also suffers from breast cancer and severe depression. Respondent testified that, towards the end of 2001, she became depressed because one of her daughters would be graduating from high school in May 2002 and leaving for college. Respondent's second daughter would be leaving for college as well within the next two years. The combination of these events contributed to Respondent becoming severely depressed towards the end of 2001.

7. Respondent admitted that she was wrong when she attempted to shoplift merchandise from T.J. Maxx in November 2001. Respondent testified that, although there was no justification for her conduct, her depression and stress significantly contributed to her committing the shoplifting offense. She sincerely testified that she was under a great deal of stress because of her husband's medical condition and she became severely depressed as a result of the prospect of losing her husband to cancer and her daughters when they left home to attend college. Respondent's testimony at hearing was emotional and sincere. She expressed remorse for her unlawful conduct and admitted that what she did was "stupid." Respondent's testimony was very credible.

8. Respondent has been a real estate agent for 15 years. She currently works for Whitehouse Properties and real estate broker Marty Williams in Woodland Hills and Westlake Village, California. Respondent sells single-family homes and townhouses and does not process loans or perform property management duties. Respondent has never had any complaints or allegations regarding her employment as a real estate agent or salesperson. Respondent submitted several letters of recommendation from clients with whom she's worked in the past.

9. Susan Park, the Whitehouse Properties Regional Sales Manager, testified on Respondent's behalf. Parks has worked with Whitehouse Properties for 13 years and has

been in the real estate business for over 26 years. Parks manages three offices for Whitehouse Properties and has supervised Respondent for five years. Parks testified that she has never had any complaints or allegations of theft regarding Respondent. She stated that Respondent is competent and well respected at Whitehouse Properties. In Park's opinion, Respondent has never exhibited any propensity for dishonesty while performing her duties at Whitehouse Properties. Parks also testified that Whitehouse Properties has a procedure for receiving and logging customer checks which every salesperson is required to follow that minimizes the possibility of a salesperson misappropriating funds.

10. Respondent is very involved in her community church, the Mandarin Chinese Church. Through the church, she helps low income families get free clinical services and she has taught Sunday school.

11. Respondent has no other convictions on her record and has no other license disciplinary actions on her record either before or after the November 2001 offense.

12. Under the Department of Real Estate regulations, California Code of Regulations, Title 10, Chapter 6, Article 18.5, section 2912, when considering whether to revoke or suspend a licensee, the following criteria for rehabilitation, in pertinent part, should be considered:

(a) Whether there has been a passage of not less than two years from the most recent criminal conviction that is substantially related to the qualifications, functions or duties of a licensee. Respondent's conviction occurred in January 2002, over one and one-half years ago. Thus, two full years has not elapsed since Respondent's conviction.

(b) Payment of restitution to any person who has suffered monetary losses through acts or omissions of the licensee. Respondent paid the restitution ordered by the court and returned the stolen merchandise to T.J. Maxx.

(c) Expungement of the conviction which culminated in the administrative proceeding to take disciplinary action. Respondent's conviction was expunged in May 2003.

(e) Successful completion or early discharge from probation or parole. Respondent's probation was terminated early in January 2003.

(g) Payment of any fine imposed in connection with the criminal conviction that is the basis for revocation or suspension of the licensee. Respondent paid all fines ordered by the Court on January 9, 2002.

(j) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the criminal conviction. Although the source of Respondent's depression is intricately tied to her concerns about the health and welfare of her husband and the departure of her daughters from her home, there is no evidence that Respondent has failed to perform her familial duties or that her husband and daughters are not supportive of

Respondent. However, the evidence suggests that Respondent is not coping very well with the changes that are occurring within her family and this is cause for concern because the subject offense for petty theft arose out of Respondent's inability to handle stress family issues.

(k) Completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement. Respondent has completed her Masters Degree in Computer Science and has worked for 15 years as a licensed real estate salesperson.

(l) Significant and conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems. Respondent is active in her community church and participates in programs to help low income families receive clinical services through her church.

(m) Change in attitude from that which existed at the time of the commission of the criminal acts in questions. Respondent testified honestly and sincerely about the "stupid mistake" she made when she committed the shoplifting offense. Respondent appeared genuinely remorseful for her prior unlawful conduct. There is insufficient evidence to conclude that Respondent is likely to repeat such an offense or any other unlawful or dishonest act or omission. In fact, Respondent's supervisor at Whitehouse Properties, as well as letters from several past clients and friends, attested to Respondent's good character and honesty. There is cause for concern that Respondent may still be vulnerable to succumbing to stress and depression, as the evidence did not establish that her husband's or her own medical condition had improved. However, Respondent appears to have coped with these issues and changes in her life and seems to be ready to continue what has been a successful career as a real estate salesperson.

13. On balance, Respondent has satisfied most of the criteria for rehabilitation under the Department's regulations, and there is insufficient evidence to conclude that Respondent would pose a threat to the public's interest if allowed to retain her real estate salesperson's license. However, because Respondent's conviction occurred within the last two years, she has just recently terminated her probation, and Respondent may still be vulnerable to stress and depression, Respondent is not entitled to an unrestricted salesperson's license.

LEGAL CONCLUSIONS

1. Cause exist to revoke Respondent's real estate salesperson's license pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), in that she was convicted of a crime involving moral turpitude that is substantially related to the qualifications, functions or duties of a licensee, as set forth in Factual Findings 3, 4 and 12.

2. Although cause does exist to suspend or revoke Respondent's license, in view of the matters set forth in Findings 2, 5, 6, 7, 8, 9, 10, 11, 12 and 13, this is an appropriate

case in which to stay the disciplinary action and allow the respondent to have a restricted license, in accordance with certain specified terms, conditions and restrictions, as set forth hereinafter.

ORDER

All licenses and licensing rights of Respondent, Sonya C. Chang, under the Real Estate Law, are revoked, provided, however, that a restricted real estate salesperson 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 said 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 the 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 attaching to the restricted license, until the period of two (2) years has elapsed from the effective date of this Decision.

5. 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 real estate 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.

6. 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 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.

DATED: September 4, 2003



MICHAEL A. SCARLETT
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

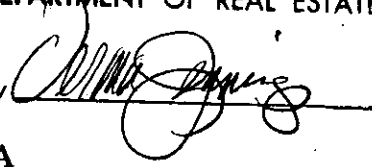
FILED
JUN 11 2003
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

SONYA C. CHANG,)

Respondent.)

Case No. H-30066 LA
OAH No. L-2003050585

By 

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 West Fourth Street, Suite 630, Los Angeles, California, on August 1, 2003, 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.

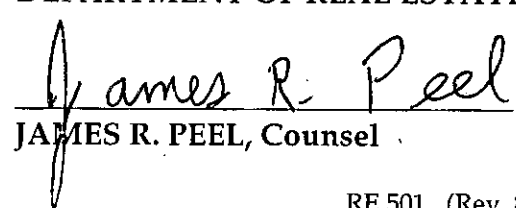
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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.

Dated: June 11, 2003

cc: Sonya C. Chang
John J. Latzanich II, Esq.
Martin Parker Williams II
Sacto.
OAH

DEPARTMENT OF REAL ESTATE

By: 

JAMES R. PEEL, Counsel

SACB.
Play

JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

FILED
APR 16 2003
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-30066 LA
	)	
SONYA C. CHANG,	)	<u>ACCUSATION</u>
	)	
Respondent.	)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against SONYA C. CHANG alleges as follows:

I

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

II

SONYA C. CHANG (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).

1 III

2 At all times herein mentioned, Respondent was licensed
3 by the Department of Real Estate of the State of California as a
4 real estate salesperson.

5 IV

6 On or about January 9, 2002, in the Municipal Court of
7 Los Angeles, Van Nuys Judicial District, County of Los Angeles,
8 State of California, Respondent was convicted of violating Penal
9 Code Section 484(a) (Petty Theft), a crime involving moral
10 turpitude.

11 V

12 The crime of which Respondent was convicted bears a
13 substantial relationship to the qualifications, functions or
14 duties of a real estate licensee.

15 VI

16 Respondent's criminal conviction is cause under
17 Sections 490 and 10177(b) of the Code for suspension or
18 revocation of all licenses and license rights of Respondent under
19 the Real Estate Law.

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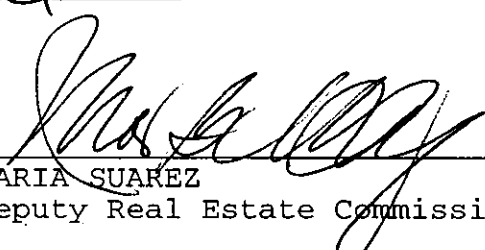
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the licenses and license rights of Respondent
5 SONYA C. CHANG under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.

8 Dated at Los Angeles, California,

9 this 16~~th~~ day of April, 2003.

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12 
13 MARIA SUAREZ
14 Deputy Real Estate Commissioner
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24 cc: Sonya C. Chang
25 Martin Parker Williams II
26 Maria Suarez
27 Sacto.
AE