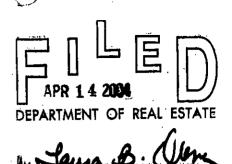
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Department of Real Estate 320 W. 4th Street, Suite 350 Los Angeles, CA 90013-1105

Telephone: (213) 576-6982



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of

JOON SHIK CHOI,

STIPULATION AND
WAIVER

Respondent

Respondent

It is hereby stipulated by and between JOON SHIK CHOI (hereinafter "Respondent") and Respondent's attorney, Wayne Yee, and the Complainant, acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on November 5, 2003 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meet all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

RE 511E (Rev. 12/03)

RE 511E (Rev. 12/03) entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance to Respondent of an unrestricted real estate salesperson license.

Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and Professions Code. Respondent understands that any such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions Code.

Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

Respondent further understands that the following conditions, limitations, and restrictions will attach to a restricted license issued by the Department of Real Estate pursuant hereto:

- 1. The license shall not confer any property right in the privileges to be exercised including the right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
  - a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
  - b. The receipt of evidence 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 this restricted license.
- 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted

RE 511E (Rev. 12/03) license until two years have elapsed from the date of issuance of the restricted license to Respondent.

- 3. With the application for license, or with the application for transfer to a new employing broker,
  Respondent shall submit a statement signed by the prospective employing broker on a form
  approved by the Department of Real Estate wherein the employing broker shall certify as
  follows:
  - a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and
  - b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.
  - Respondent's restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of a course in real estate practices and one of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If Respondent fails to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent has submitted the required evidence of course completion and the Commissioner has given written notice to Respondent of the lifting of the suspension.
- Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified license under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

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Dated
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Respondent can sign
Vaiver by faxing a copy
umber (213) 576-6917.
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CHRISCERONG Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

Dated

Dated

John Shik Choi, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

Dated WAYNE YEE, Attorney for Respondent

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RE 511E (Rev. 12/03) I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to

Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The

restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and

Waiver.

This Order is effective immediately.

IT IS SO ORDERED \_

2, 2004

JOHN K. LIBERATOR

Acting Real Estate Commissioner





## BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

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In the Matter of the Application of	)	Case	No.	H-30445 LA		
	)			L-2003110544		
JOON SHIK CHOI,	)			,		•
	)					•
Respondent(s)	_)				-	

## NOTICE OF HEARING ON APPLICATION

## 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 MARCH 8, 2004 at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 subpenss 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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: December 9, 2003

DEPARTMENT OF REAL ESTATE

By: CHRIS LEONG, Counsel

cc: Joon Shik Choi Sacto. OAH

Wayne Yee, Esq.

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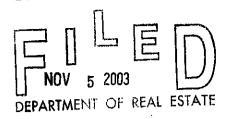
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CMRIS LEONG, Counsel (SBN 141079) Department of Real Estate 320 West Fourth Street, Suite 350 Los Angeles, California 90013-1105

Telephone: (213) 576-6982

(213) 576-6910 (Direct) -or-



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## BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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11 In the Matter of the Application of )

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JOON SHIK CHOI,

Respondent.

No. H-30445 LA

STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against JOON SHIK CHOI ("Respondent") alleges as follows:

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about April 16, 2003, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Section 10153.4 of the Business and Professions Code.

II

Complainant, Maria Suarez, a Deputy Real Estate

Commissioner of the State of California, makes this Statement

of Issues in her official capacity.

III

On or about February 6, 2001, in the Municipal Court of Southeast - H.P. Judicial District, County of Los Angeles, State of California, Case No. 0SE04287, Respondent was convicted of violating one count of Section 245(A)(1) of the California Penal Code (PC) (Assault with a deadly weapon/instrument) and two counts of Section 422 PC (Making terrorist threats), crimes involving moral turpitude which are substantially related to the qualifications, functions and duties of a real estate licensee.

IV

Respondent's convictions, as set forth in Paragraph III, are cause to deny Respondent's real estate license application pursuant to Code Sections 480(a)(1) and 10177(b)

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code.

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WHEREFORE, the Complainant prays that the aboveentitled matter be set for hearing and, upon proof of the
charges contained herein, that the Commissioner refuse to
authorize the issuance of, and deny the issuance of, a real
estate salesperson license to Respondent, JOON SHIK CHOI, and
for such other and further relief as may be proper in the
premises.

Dated at Los Angeles, California this 500 day of Moureule, 2003.

Deputy Real Estate Commissioner

cc: Joon Shik Choi Maria Suarez Sacto. RGD

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