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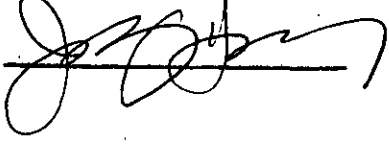
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Department of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

FILED
MAY 19 2004

DEPARTMENT OF REAL ESTATE

By 

**DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Application of

KIM P. HOANG,

)
) No. H- 30735 LA
) L-2004030763
)
) **STIPULATION AND**
) **WAIVER**
)
)
) Respondent)
)

It is hereby stipulated by and between KIM P. HOANG (hereinafter "Respondent") and Respondent's attorney, Dale E. Washington, and the Complainant, acting by and through Darlene Averetta, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on February 27, 2004 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 meets all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

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

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

- 16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:
 - 19 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
20 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
 - 21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
23 conditions attaching to this restricted license.
- 24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

- 1 3. With the application for license, or with the application for transfer to a new employing broker,
2 Respondent shall submit a statement signed by the prospective employing broker on a form
3 approved by the Department of Real Estate wherein the employing broker shall certify as
4 follows:
5 a. That broker has read the Statement of Issues which is the basis for the issuance of the
6 restricted license; and
7 b. That broker will carefully review all transaction documents prepared by the restricted
8 licensee and otherwise exercise close supervision over the licensee's performance of acts
9 for which a license is required.

10 May 10, 2004
11 Dated

10 

11 DARLENE AVERETTA, Counsel, Department of Real Estate

12 ***

13
14 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
15 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me
16 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,
17 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
18 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine
19 witnesses against me and to present evidence in defense and mitigation of the charges.

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


26 May 06-04
27 Dated

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27 KIM P. HOANG, Respondent

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

5/6/04
Dated


DALE E. WASHINGTON, Attorney for Respondent


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 May 17, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



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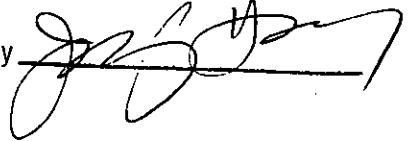
BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-30735 LA
)
 KIM P. HOANG,) OAH No. L-2004030763
)
 _____)
 Respondent

FILED
APR 2 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

By 

To the above-named Respondent(s):

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 FRIDAY, MAY 7, 2004, at the hour of 11:00 A.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 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: April 2, 2004

By

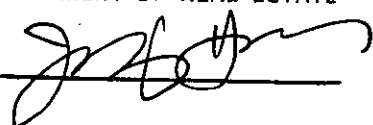

DARLENE AVERETTA
Assistant Chief Counsel

cc: Kim P. Hoang
Sacto.
OAH

Thomas Dao
RE 500 (Rev. 8/97)

30010

1 MARY E. WORK, Counsel
State Bar No. 175887
2 Department of Real Estate
320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982
-Direct- (213) 576-6916

FILED
FEB 27 2004
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Application of)
12 KIM P. HOANG,) NO. H-30735 LA
13 Respondent.) STATEMENT OF ISSUES

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against KIM P. HOANG (hereinafter "Respondent") is informed and
18 alleges in her official capacity as follows:

I

20 On or about August 8, 2003, Respondent applied to the
21 Department of Real Estate of the State of California for a real
22 estate salesperson license.

II

24 In response to Question 25 of said application, to wit:
25 "HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF LAW?
26 Convictions expunged under Penal Code Section 1203.4 must be

1 disclosed. However, you may omit minor traffic citations which
2 do not constitute a misdemeanor or felony offense." Respondent
3 answered "No."

4 III

5 On or about December 9, 1998, in the Superior Court of
6 California, Central Orange County Judicial District, in case
7 number SA98CM10316, Respondent was convicted of a violating
8 Section 487.1 of the Penal Code (Grand Theft - Personal
9 Property), a misdemeanor crime involving moral turpitude which is
10 substantially related under Section 2910, Title 10, Chapter 6,
11 California Code of Regulations to the qualifications, functions
12 or duties of a real estate licensee.

13
14 IV

15 Respondent's failure to disclose the conviction set
16 forth herein, above, in said application, constitutes the
17 attempted procurement of a real estate license by
18 misrepresentation, fraud or deceit or by making a material
19 misstatement of fact in said application which is cause for
20 denial of issuance of a license to an applicant under Sections
21 475(a)(1), 480(c) and 10177(a) of the California Business and
22 Professions Code.

23
24 V

25 Further, the crimes for which Respondent was
26 convicted, as described above, constitute cause for denial of
27 his application for a real estate license under Sections

1 475(a)(2), 480(a)(1) and 10177(b) of the California Business and
2 Professions Code.

3 The Statement of Issues is brought under the
4 provisions of Section 10100, Division 4 of the Business and
5 Professions Code of the State of California and Sections 11500
6 through 11528 of the Government Code.

7 WHEREFORE, the Complainant prays that the above-
8 entitled matter be set for hearing and, upon proof of the
9 charges contained herein, that the Commissioner refuse to
10 authorize the issuance of, and deny the issuance of a real
11 estate license to Respondent, KIM P. HOANG, and for such other
12 and further relief as may be proper in the premises.

13 Dated at Los Angeles, California

14 this 20th day of February, 2004

15 
16 MARIA SUAREZ
17 DEPUTY REAL ESTATE COMMISSIONER

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19
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24
25 cc: Kim P. Hoang
26 Thomas Dao
27 Maria Suarez
SACTO
MA