

FILED

APR 18 2010

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Application of	)	No. H-31468 LA
	)	
JACQUELENE LI-SHEN KAN,	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING UNRESTRICTED LICENSE

On March 1, 2005, a Decision was rendered herein denying the real estate salesperson license of Respondent, 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 April 20, 2005 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about January 20 2009, Respondent petitioned for removal of restrictions of said real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

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

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal  
4 of restrictions is granted and that a real estate salesperson license be issued to Respondent, if  
5 Respondent satisfies the following conditions within twelve (12) months from the date of this  
6 Order:

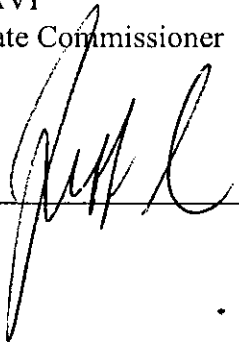
7  
8 1. Submittal of a completed application and payment of the fee for a real estate  
9 salesperson license.

10 2. Submittal of evidence of having, since the most recent issuance of an original  
11 or renewal real estate license, taken and successfully completed the continuing education  
12 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a license.

13  
14 This Order shall be effective immediately.

15 Dated: 3/31/2016

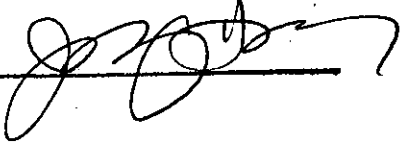
16 JEFF DAVI  
17 Real Estate Commissioner

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1 Department of Real Estate  
2 320 W. 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

**FILED**  
MAR 10 2005  
DEPARTMENT OF REAL ESTATE

By 

7 **DEPARTMENT OF REAL ESTATE**  
8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of*  
11 JACQUELENE LI-SHEN KAN,

)  
) No. H- 31468 LA  
) L-2004120137

) **STIPULATION AND**  
) **WAIVER**

12  
13  
14 Respondent )  
)

15 It is hereby stipulated by and between JACQUELENE LI-SHEN KAN (hereinafter "Respondent") and  
16 Respondent's attorney, Jason D. Cohn, and the Complainant, acting by and through Darlene Averetta,  
17 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the  
18 Statement of Issues filed on November 10, 2004 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the  
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's  
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner  
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's  
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the  
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and  
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate  
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets  
27 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. Respondent understands that any such restricted license will be issued subject to and be  
8 limited by Section 10153.4 of the Business and Professions Code.

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

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

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

1 license until two years have elapsed from the date of issuance of the restricted license to  
2 Respondent.

3 3. With the application for license, or with the application for transfer to a new employing broker,

4 Respondent shall submit a statement signed by the prospective employing broker on a form  
5 approved by the Department of Real Estate wherein the employing broker shall certify as  
6 follows:

7 a. That broker has read the Statement of Issues which is the basis for the issuance of the  
8 restricted license; and

9 b. That broker will carefully review all transaction documents prepared by the restricted  
10 licensee and otherwise exercise close supervision over the licensee's performance of acts  
11 for which a license is required.

12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of

13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within  
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to  
15 the Commissioner of successful completion, at an accredited institution, of

16 a course in real estate practices and one of the courses listed in Section 10153.2, other than real  
17 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced  
18 real estate appraisal. If Respondent fails to timely present to the Department satisfactory  
19 evidence of successful completion of the two required courses, the restricted license shall be  
20 automatically suspended effective eighteen (18) months after the date of its issuance. Said  
21 suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent  
22 has submitted the required evidence of course completion and the Commissioner has given  
23 written notice to Respondent of the lifting of the suspension.

24 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified

25 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,  
26 and shall not be entitled to the issuance of another license which is subject to Section 10153.4  
27 until four years after the date of the issuance of the preceding restricted license.

FEB-10-05 THU 11:32 AM

FAX NO. 213 766917

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2/10/05

Dated



DARLENE AVERETTA, Counsel, Department of Real Estate

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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 her 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.

2/10/2005

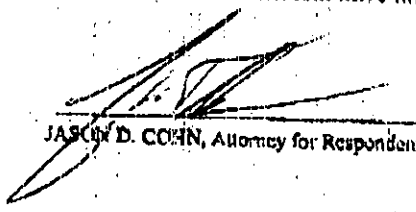
Dated

  
JACQUELINE L. SHINN KAN, Respondent

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

2/10/05

Dated

  
JASON D. COHN, Attorney for Respondent

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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 3-1-05

  
\_\_\_\_\_  
Jeff Davis  
Real Estate Commissioner

58570

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

In the Matter of the Application of ) Case No. H-31468 LA  
 )  
JACQUELENE LI-SHEN KAN, ) OAH No. L-2004120137  
 )  
 )  
\_\_\_\_\_) Respondent(s)

**FILED**  
JAN - 7 2005  
DEPARTMENT OF REAL ESTATE

**NOTICE OF HEARING ON APPLICATION**

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 **TUESDAY, FEBRUARY 15, 2005**, 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.

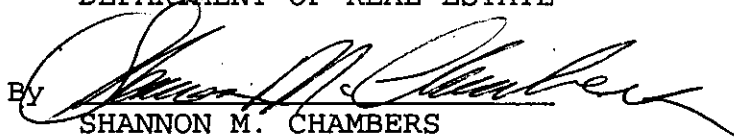
The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 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: January 7, 2005

By   
SHANNON M. CHAMBERS  
Counsel

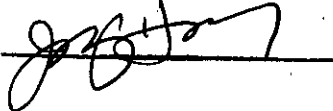
cc: Jacqueline Li-Shen Kan  
Beachside Realtors  
Jason D. Cohen, Esq.  
Sacto.  
OAH



1 SHANNON M. CHAMBERS, Real Estate Counsel (SBN 212459)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-6916

7 **FILED**  
8 NOV 10 2004  
9 DEPARTMENT OF REAL ESTATE

10 By 

11 BEFORE THE DEPARTMENT OF REAL ESTATE

12 STATE OF CALIFORNIA

13 \* \* \*

14 In the Matter of the Application of ) NO. H-31468 LA  
15 JACQUELENE LI-SHEN KAN, ) STATEMENT OF ISSUES  
16 Respondent. )  
17 )  
18 )  
19 )  
20 )

21 The Complainant, Maria Suarez, a Deputy Real Estate  
22 Commissioner of the State of California, for cause of Statement  
23 of Issues against JACQUELENE LI-SHEN KAN aka, Jacqueline Kan,  
24 aka, Jackie Li-Shen Kan, aka, Jackie Kan, aka, Li-Shen Kan,  
25 ("Respondent"), is informed and alleges as follows:

26 1.

27 The Complainant, Maria Suarez, a Deputy Real Estate  
Commissioner of the State of California, makes this Statement  
of Issues against Respondent in her official capacity.

///

///

2.

1  
2 Respondent made application to the Department of Real  
3 Estate of the State of California for a real estate salesperson  
4 license on or about May 17, 2004, with the knowledge and  
5 understanding that any license issued as a result of said  
6 application would be subject to the conditions of Business and  
7 Professions Code ("Code") Section 10153.4.

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3.

(CRIMINAL CONVICTION)

On or about February 4, 2002, in the Superior Court of California, Citrus Division, County of Los Angeles, State of California, in Case No. 2JM00367, Respondent JACQUELENE LI-SHEN KAN aka, Jacqueline Kan, aka, Jackie Li-Shen Kan, aka, Jackie Kan, aka, Li-Shen Kan, was convicted of violating California Penal Code Section 459 (Burglary). This is a crime involving moral turpitude which bears a substantial relationship under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

4.

The crime of which Respondent was convicted, as alleged herein above in Paragraph 3, constitutes cause for denial of Respondent's application for a real estate license under Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

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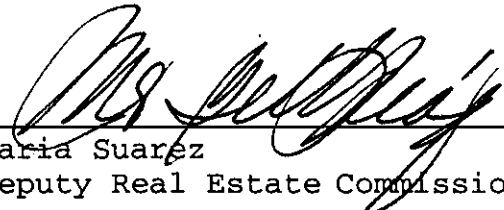
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The Statement of Issues is brought under the provisions of Section 10100, Division 4 of the Business and Profession Code of the State of California and Sections 11500 through 11528 of the Government Code.

WHEREFORE, Complainant prays that the above entitled 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, JACQUELENE LI-SHEN KAN, and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California

this 9<sup>th</sup> day of November, 2004.

  
\_\_\_\_\_  
Maria Suarez  
Deputy Real Estate Commissioner

cc: JACQUELENE LI-SHEN KAN  
Richard Hedman - Beachside Realtors  
Maria Suarez  
Sacto.  
CW