

**FILED**

SEP 25 2007

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

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In the Matter of the Accusation of )  
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 )  
 PAUL JAEHO LEE, )  
 )  
 )  
 Respondent. )  
\_\_\_\_\_ )

No. H-33483 LA  
L-2007050535

DECISION

The Proposed Decision dated August 17, 2007, 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.

Pursuant to Section 11517(c)(2) of the Government Code, the following correction is made:

Factual Findings, page 2, 1<sup>st</sup> paragraph, line 1, "United States Code 1324(a)(1)(A)(iv) is amended to read "Title 8 United States Code 1324(a)(1)(A)(iv)".


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 October 15, 2007

IT IS SO ORDERED September 21, 2007

JEFF DAVI  
Real Estate Commissioner

A handwritten signature in black ink, appearing to read "John R. Liberator", is written over a horizontal line.

BY: John R. Liberator  
Chief Deputy Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**

SEP 20 2007

In the Matter of the Accusation of:

DEPARTMENT OF REAL ESTATE

BY: 

PAUL JAEHO LEE,

Case No. H - 33483 LA

OAH No. L 2007050535

Respondent.

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on July 23, 2007.

Cheryl D. Keily, Staff Counsel, represented Maria Suarez (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Paul Jaeho Lee (Respondent) represented himself.

Oral and documentary evidence was received, and the matter was argued. The case was submitted for decision on July 23, 2007.

FACTUAL FINDINGS

1. Complainant filed the Statement of Issues in this proceeding in her official capacity.
2. At all times herein mentioned, Respondent was and, is presently, licensed by the Department as a real estate broker under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code. Respondent's broker license will expire January 30, 2009, unless renewed.
3. On December 22, 2003, in the United States District Court for the Southern District of California, Respondent, upon his plea of guilty, was convicted of violating

**Title 8** United States Code 1324(a)(1)(A)(iv); (v)(II), bringing an illegal alien into the United States for financial gain, a felony. The court sentenced Respondent to federal prison for a term of six months and, upon his release from imprisonment, to be on supervised release for a term of three years. Respondent served the prison sentence and completed the supervised release. He was discharged from supervised release on May 27, 2007.

4. The facts and circumstances surrounding Respondent's criminal conviction are as follows: Several months before his arrest, Respondent answered an ad in a Koreatown newspaper which solicited United States citizens able to drive long distances to respond. If interested a person was to telephone a given number. Respondent answered the ad and was told the deal would be for Respondent to drive to Mexico and meet a person in Tijuana, Mexico. Respondent would give the person false immigration documentation that Respondent had been provided before leaving the United States. Then Respondent was to drive the person into the United States. For this service Respondent would be paid \$500.00. Respondent agreed to the proposition. Pursuant to this arrangement, Respondent went to Tijuana, Mexico with false immigration documentation provided him. Respondent met the person who he had been told to meet, gave him the documentation and drove that person back to Los Angeles. Once there, Respondent took the rider to the person who had arranged the transaction, and Respondent was paid \$500.00. On July 7, 2003, Respondent again went to Tijuana, Mexico with false immigration documentation and met a woman whom he had been told to meet. Respondent gave her the false immigration documentation. They then proceeded to the United States border where they were stopped by U.S. Immigration Service officers and arrested. Respondent was to be paid \$500.00 if he successfully delivered the person to the person to Los Angeles to the individual who had placed the newspaper ad.<sup>1</sup>

5. Respondent states that, since his arrest, he has never seen the person who arranged the immigration transactions. Respondent states that these two events were the only times that he had been involved in such illegal transactions.

6. Respondent has no other criminal convictions or administrative actions filed against him.

7. Respondent was originally licensed by the Department as a real estate salesperson in 1988. He was licensed as a real estate broker in 2000.

8. From 2001 through 2005, Respondent owned a real estate business specializing in commercial properties and business opportunities. At the present time, Respondent is

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<sup>1</sup> It should also be noted that, on April 7, 2003, Respondent was similarly stopped by immigration officials crossing back into the United States from Mexico. At that time, Respondent had an individual with him who did not have required immigration papers. Respondent persuaded the immigration officials that Respondent did not know that the person in his automobile did not have the required papers. Prosecution of Respondent was declined, and he was released. According to Respondent, this event occurred prior to his answering the newspaper ad.

working for an investment company dealing in business and residential property and business opportunities.

9. Respondent's current employer is aware of Respondent's criminal conviction and would supervise Respondent's licensed activities if Respondent were issued a restricted license.

10. Respondent was born in Korea. He attended a university there but did not graduate. He was a member of the Korean army. He became a naturalized United States citizen in 1994.

11. Respondent lives with his mother and brother. Respondent was divorced in 1999. He has a son who is 18 years old and will begin attending the University of California at Riverside. Respondent sees his son two to four times a month and financially supports him.

12. Respondent is very active in his church and serves as a Deacon.

13. Respondent expressed great regret over his involvement in the illegal activity. He stated that while in prison he realized the importance of obeying the law. He gave assurances that he will not repeat such criminal activities again.

14. Respondent states that real estate is the only business he knows and he needs a license for his financial support.

### LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Respondent's felony criminal conviction involved moral turpitude in that Respondent intended to financially benefit from willful violations of the law and is substantially related to the qualifications, functions, or duties of a licensee of the Department, pursuant to California Code of Regulations, title 10, section 2910, subdivision (a) (8) for the same reason. (See *Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 399-403.)

4. Cause exists, under the provisions of Business and Profession Code sections 490 and/or 10177, subdivision (b), for the suspension or revocation of Respondent's license and license rights under the Real Estate Law.

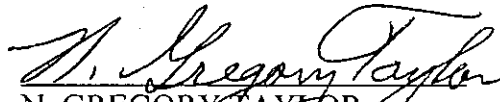
5. The Department's Criteria of Rehabilitation, set forth in California Code of Regulations, title 10, section 2912, provide factors to be considered in evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for

revocation or suspension of the license has been initiated. Although the passage of two years from the time of conviction is required to demonstrate rehabilitation, longer periods of time are appropriate in more serious situations. The present case falls into the later category. Respondent's activities in endeavoring to get persons into the United States without proper immigration papers is a most serious criminal violation not only in the harm that may come to the individuals seeking such entry but because of the effect of such immigration on those already in the United States. While Respondent has expressed regret for his actions, he has offered little information explaining the reasons he became involved in such a scheme and identifying steps he is taking to avoid a reoccurrence of similar conduct involvement. Respondent has only been discharged from supervised release of the federal probation department since May of this year. Under these circumstances, more time is required to evaluate Respondent's rehabilitation.

ORDER

All licenses and licensing rights of Respondent Paul Jaeho Lee under the Real Estate Law are revoked.

DATED: August 17, 2007.

  
N. GREGORY TAYLOR  
Administrative Law Judge  
Office of Administrative Hearings

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(Direct) (213) 576-5770

**FILED**

DEC - 4 2006

DEPARTMENT OF REAL ESTATE  
BY: Cheryl Keily

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-33483 LA
PAUL JAEHO LEE, )	<u>A C C U S A T I O N</u>
Respondent. )	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against PAUL JAEHO LEE, ("Respondent") alleges as follows:

1.

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

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a real estate broker.

(CRIMINAL CONVICTION)

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2  
3 On or about December 22, 2003, in the United States  
4 District Court for the Southern District of California, in Case  
5 No. 03CR1992-J, Respondent was convicted of violating Title 8  
6 U.S.C. Section 1324(a)(1)(A)(iv) (Inducing and Encouraging  
7 Illegal Aliens to Enter the United States), a felony, and 8  
8 U.S.C. 1324(a)(1)(A)(v)(II) (Aiding and Abetting), a felony.  
9 The underlying facts of this crime involve moral turpitude, and  
10 bear a substantial relationship under Section 2910, Title 10,  
11 Chapter 6, California Code of Regulations to the qualifications,  
12 functions or duties of a real estate licensee.

4.

13  
14 The crime of which Respondent was convicted, as  
15 described in Paragraph 3, above, constitutes cause under  
16 Sections 490 and 10177(b) of the Code for the suspension or  
17 revocation of the license and license rights of Respondent under  
18 the Real Estate Law.  
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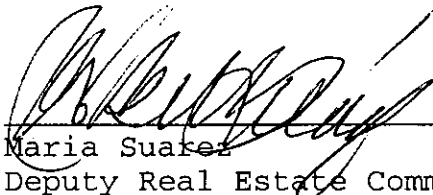
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent, PAUL JAEHO LEE, under the Real Estate Law (Part 1 of  
6 Division 4 of the Business and Professions Code) and for such  
7 other and further relief as may be proper under other applicable  
8 provisions of law.

9 Dated at Los Angeles, California  
10 this 30th day of November, 2006.

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15 Maria Suarez  
16 Deputy Real Estate Commissioner  
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25 cc: PAUL JAEHO LEE  
26 Maria Suarez  
27 Sacto.