

FILED

JUL 27 2017

BUREAU OF REAL ESTATE
By R. P. Sedg

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of

WONGUEN CHANG,

No. H-34909 LA

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On June 18, 2008, in Case No. H-34909 LA, an Order was executed which accepted the petition for the voluntary surrender of the real estate broker license of Respondent. The Order became effective on July 14, 2008.

On June 5, 2016, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

I have considered Respondent's petition and the evidence submitted in support

1 thereof.

2 The Bureau has developed criteria in Section 2911 of Title 10, California Code of
3 Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
4 reinstatement of a license. Among the criteria relevant in this proceeding are:

5 Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,
6 adjudicated debts or monetary obligations to others.

7 On May 26, 2004, in the Superior Court of California, County of Los Angeles,
8 Case No. 04K03488, a civil judgement was rendered, ordering Respondent to pay \$10,000 to
9 Palisades Collection. Respondent has offered no evidence of bona fide efforts towards
10 discharge of this adjudicated debt.

11 Regulation 2911(n) Change in attitude from that which existed at the time of the
12 conduct in question as evidenced by any or all of the following:

13 (2) Evidence from family members, friends or other persons familiar with
14 applicant's previous conduct and with his subsequent attitudes and behavioral
15 patterns.

16 Respondent submitted letters of recommendation. The authors of these letters did
17 not demonstrate any knowledge of the conduct which led to the surrender of his broker license.
18 Nor did they discuss any change in attitude or behavioral patterns since the time of the conduct
19 which led to the surrender of his license.

20 Respondent has failed to demonstrate to my satisfaction that Respondent has
21 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
22 estate broker license.

23 I am satisfied, however, that it will not be against the public interest to issue a
24 restricted real estate broker license to Respondent.

25 A restricted real estate broker license shall be issued to Respondent pursuant to
26 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
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1 conditions prior to and as a condition of obtaining a restricted real estate broker license within
2 twelve (12) months from the effective date of this Order:

3 1. Respondent shall qualify for, take and pass the real estate broker license
4 examination.

5 2. Submittal of a completed application and payment of the fee for a real
6 estate broker license.

7 The restricted license issued to Respondent shall be subject to all of the provisions
8 of Section 10156.7 of the Business and Professions Code and to the following limitations,
9 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

10 A. The restricted license issued to Respondent may be suspended prior to
11 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
12 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
13 capacity as a real estate licensee.

14 B. The restricted license issued to Respondent may be suspended prior to
15 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
16 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
17 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
18 the restricted license.

19 C. Respondent shall not be eligible to apply for the issuance of an
20 unrestricted real estate license nor the removal of any of the limitations, conditions or
21 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance
22 of the restricted license to Respondent.

23 D. Respondent shall notify the Commissioner in writing within 72 hours of
24 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
25 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
26 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
27 the arresting law enforcement agency. Respondent's failure to timely file written notice shall

1 constitute an independent violation of the terms of the restricted license and shall be grounds for
2 the suspension or revocation of that license.

3 If Respondent fails to meet the above requirements, and those of sections 10150.6,
4 10153 and 10153.2 of the California Business & Professions Code, to qualify for the issuance of
5 a real estate broker license, Respondent may be issued a restricted real estate salesperson license
6 if Respondent qualifies for, takes and passes the examination for a real estate salesperson license,
7 submits a completed application and pays the required fee for a salesperson license within the 12
8 month period following the date of this order, and meets all of the other requirements for
9 issuance of a real estate salesperson license, including but not limited to section 10151 of the
10 California Business & Professions Code. Respondent shall not be eligible to apply for the
11 issuance of an unrestricted real estate license nor the removal of any of the limitations,
12 conditions or restrictions of a restricted license until two (2) years have elapsed from the date of
13 the issuance of the restricted license to Respondent.

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15 This Order shall become effective at 12 o'clock noon on AUG 16 2017.

16 IT IS SO ORDERED 7/25/2017

17 WAYNE S. BELL
18 REAL ESTATE COMMISSIONER

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