

FILED  
JUL 25 2008  
DEPARTMENT OF REAL ESTATE

K. Wederholt

***In the Matter of the Application of***

ADAM LUONG,

## STIPULATION AND WAIVER

Respondent

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on May 27, 2008, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 Professions Code.

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

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

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

3 06/11/2008  
4 Dated

5 Adam Luong  
6 ADAM LUONG, Respondent

7 \* \* \*

8 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
9 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
10 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a  
11 restricted real estate salesperson license to respondent.

12 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
13 respondent ADAM LUONG if respondent has otherwise fulfilled all of the statutory requirements for  
14 licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing  
15 Stipulation and Waiver.

16 This Order is effective immediately.

17 IT IS SO ORDERED 7-18-08

18 Jeff Davi  
19 Real Estate Commissioner

20 Jeff Davi  
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**FILED**  
MAY 27 2008  
DEPARTMENT OF REAL ESTATE

*K. Medeiros*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-34970 LA  
)  
)  
ADAM LUONG, )  
) STATEMENT OF ISSUES  
)  
)  
Respondent. )

The Complainant, Maria Suarez, a Deputy Real Estate  
Commissioner of the State of California, for cause of Statement  
of Issues against ADAM LUONG, ("Respondent"), is informed and  
alleges as follows:

1.

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.

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2.

On or about November 27, 2006, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Business and Professions Code Section 10153.4.

3.

(CONVICTION)

On or about July 1, 1996, in the Superior Court of California, County of Los Angeles, Case No. BA128233, Respondent was convicted of violating Penal Code 502(c)(1) (Unauthorized Access to Computer System and Computer Data), a felony. The underlying facts of this crime involves moral turpitude and are substantially related under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

4.

(LICENSE DISCIPLINE)

On or about March 6, 1996, the Bureau of Automotive Repair, Department of Consumer Affairs, of the State of California, in case no. 79/96-110, sought the revocation or suspension of Respondent's Automotive Repair Dealer Registration Number AE 178607 and Respondent's Smog Check Station License Number RE 178607. As more fully set forth in the Accusation for

1 case 79/96-110, the Bureau of Automotive Repair alleged that a  
2 Registered Smog Check Technician working at an auto repair shop  
3 owned by Respondent issued Certificates of Compliance to certain  
4 automobiles that stated the automobile was in compliance with  
5 applicable laws and regulations, when in fact none of the  
6 automobiles had been tested.

7 On or about November 12, 1996, in a Default Decision,  
8 the Deputy Director of the Department of Consumer Affairs  
9 ordered that Respondent's Automotive Repair Dealer Registration  
10 Number AE 178607 and Respondent's Smog Check Station License  
11 Number RE 178607 be revoked. The Order became effective December  
12 23, 1996.

13  
14 5.

15 The crime of which Respondent was convicted, as  
16 alleged herein above in Paragraph 3, and the allegations  
17 contained in Paragraph 4 above, constitute cause for denial of  
18 Respondent's application for a real estate license under  
19 Business and Professions Code Sections 475(a)(2); 480(a)(1);  
20 10177(b); and/or 10177(f).

21  
22 These proceedings are brought under the provisions of  
23 Section 10100, Division 4 of the Business and Professions Code  
24 of the State of California and Sections 11500 through 11528 of  
25 the California Government Code.

26 //

27 WHEREFORE, the Complainant prays that the above-

1 entitled matter be set for hearing and, upon proof of the  
2 charges contained herein, that the Commissioner refuse to  
3 authorize the issuance of, and deny the issuance of, a real  
4 estate salesperson license to Respondent, ADAM LUONG, and for  
5 such other and further relief as may be proper in the premises.  
6

7 Dated at Los Angeles, California

8 this 15th day of May, 2008.  
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12 Maria Suarez  
13 Deputy Real Estate Commissioner  
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24 cc: ADAM LUONG  
25 Maria Saurez  
26 Sacto.  
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