

FILED
JUL 21 2010
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By _____

In the Matter of the Accusation of)
)
KI SUK JUN,)
)
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)
)
)
Respondent.)
_____)

No. H-36204 LA
L-2009121049

DECISION

The Proposed Decision dated June 22, 2010, 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 to the Proposed Decision:

Legal Conclusions, Page 4, line 2, "Respondent's Respondent's rehabilitation." is corrected to read "Respondent's rehabilitation".

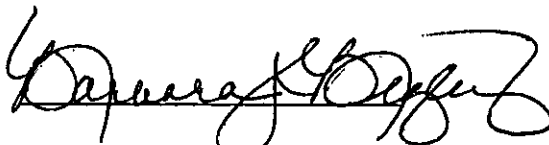
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

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 August 10, 2010.

IT IS SO ORDERED 7/19, 2010.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

KI SUK JUN

Respondent.

Case No. H-36204 LA

OAH No. 2009121049

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on June 2, 2010.

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

James Mortensen, Attorney at Law, represented Ki Suk Jun a.k.a. Kisuk Jun (Respondent) who was present throughout the hearing.

Oral and documentary evidence was received, and the matter argued.

The case was submitted for decision on June 2, 2010.

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding in her official capacity.
2. At all time herein mentioned, Respondent was and still is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code as a real estate broker. Respondent was originally licensed as a real estate salesperson on April 13, 1989. Respondent was first licensed as a real estate broker on October 28, 1992. Respondent's license expired on October 27, 2008. Respondent has renewal rights under Business and Professions Code section 10201. The

Department retains jurisdiction pursuant to Business and Professions Code section 10103.

3. On August 27, 2008, in the California Superior Court, County of Los Angeles, Respondent, upon his nolo contendere plea, was convicted of violating Penal Code 134, preparing false documentary evidence, a felony. The court suspended the imposition of sentence and placed Respondent on formal probation for a period of three years under certain terms and conditions including serving one day in county jail (with credit for time served), completing ninety days of Caltrans and payment of \$620 in fines and assessments. Respondent completed the community service and is paying \$25 a month on his fines and charges. He remains on probation. Respondent can end his probation if he pays all monetary assessments including the costs associated with probation.

4. The facts and circumstances surrounding Respondent's criminal conviction are as follows: Respondent owned and operated a Traffic School. Two undercover Sheriff's Deputies, acting undercover, purchased two certificates of completion of traffic school courses without attending any required course or completing required attendance. Respondent was paid \$150.00 for each certificate.

5. On April 3, 2010, Respondent and his wife entered into a Compromise Settlement Agreement with the Department of Motor Vehicles. (DMV Case No. TSA-08-0292A). In that agreement, the following licenses from the Department of Motor Vehicles to Respondent were revoked:

Hosanna Driving School Operator license no. O-3148A;
Hosanna Driving School Instructor license no. I-3148005;
Hosanna Traffic School Instructor license no. I-8000642.

Respondent's wife's licenses from the Department of Motor Vehicles were revoked but the revocations were stayed under certain terms and conditions to allow her to continue to operate the school.

6. Following his criminal conviction, Respondent surrendered licenses he had from the California Department of Insurance. He held fire and casualty agent and life agent licenses.

7. Due to harsh economic conditions, Respondent is not currently using his real estate license.

8. Respondent previously had a residential facility for the elderly license that expired and a Notary Public commission, the status of which is uncertain.

9. Respondent has no other criminal convictions or administrative actions filed against his licenses.

10. Respondent has lived in California for the past twenty eight years. Respondent is married. He and his wife have three children ages 23, 20, and 18. The eighteen year old lives with Respondent and his wife.

11. Respondent graduated from college with a major in Business Administration. He attended English classes in Korea before coming to the United States.

12. During the time of his criminal conviction, Respondent was having serious financial problems. These problems stemmed the loss of some real estate.

13. In the past, Respondent funded student scholarships at Crenshaw High School.

14. Respondent stated that he has learned from his criminal conviction and that such an occurrence will never happen again.

15. Respondent sought to re-litigate his criminal conviction in this proceeding. However, Respondent is bound by the criminal court determination and cannot re-litigate it in this forum. *Arneson v. Fox* (1980) 28 Cal.3d 440, 449.

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. Pursuant to the provisions of the California Code of Regulations, title 10, section 2910, subdivisions (2) and (8), Respondent's 2008 criminal conviction set forth in Factual Findings 3 and 4, bears a substantial relationship to the qualifications, functions or duties of a real estate licensee in that it involved the uttering of a false statement and the doing of an unlawful act with the intent of conferring a financial or economic benefit upon Respondent.

3. The 2008 crime of which Respondent was convicted, described in Factual Findings 3 and 4, constitutes cause for the suspension or revocation of all licenses and license rights of Respondent from the Department, pursuant to the provisions of Business and Professions Code sections 490 and 10177, subdivision (b).

4. The Department's Criteria of Rehabilitation, set forth in California Code of Regulations, title 10, section 2912 the 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 on account of a crime committed by the licensee. Under the criteria, two years are required to have elapsed since the latest criminal conviction. In this case, not quite two years have elapsed since Respondent's 2008 criminal conviction. Further, Respondent remains on probation for

his 2008 conviction. Under these circumstances more time is needed to evaluate Respondent's ~~Respondent's~~ rehabilitation.

ORDER

All licenses and licensing rights of Respondent Ki Suk Jun, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), are revoked.

Dated: June 22, 2010.



N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

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FILED
AUG. 27, 2009
DEPARTMENT OF REAL ESTATE

By C. _____

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-36204 LA
12 KI SUK JUN,) A C C U S A T I O N
13 Respondent.)
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15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against KI SUK JUN, aka Kisuk Jun ("Respondent"), is informed
18 and alleges as follows:

19 I

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

23 II

24 At all times herein mentioned, Respondent was and
25 still is licensed and/or has license rights under the Real
26 Estate Law (Part 1 of Division 4 of the California Business and
27 Professions Code ("Code") as a real estate broker. Respondent
28 was first licensed as a real estate broker on October 28, 1992.

1 Respondent's license expired on October 27, 2008. Respondent
2 has renewal rights under Code Section 10201. The Department
3 retains jurisdiction pursuant Code Section 10103.

4 III

5 On or about August 27, 2008, in the Superior Court of
6 California, Los Angeles County, in Case No. BA338697, Respondent
7 was convicted, on a plea of nolo contendere, of violating Penal
8 Code Section 134 (preparing false documentary evidence), a
9 felony. Said crime bears a substantial relationship to the
10 qualifications, functions or duties of a real estate licensee
11 under Section 2910, Title 10, Chapter 6, California Code of
12 Regulations.

13 IV

14 The crime of which Respondent was convicted, as
15 alleged in Paragraph III above, constitutes cause under Code
16 Sections 490 and 10177(b) for the suspension or revocation of
17 all licenses and license rights of Respondent under the Real
18 Estate Law.

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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 licenses and/or license rights of Respondent,
5 KI SUK JUN, under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and
7 further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 25th day of August, 2009.

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13 MARIA SUAREZ
14 Deputy Real Estate Commissioner
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24 cc: Ki Suk Jun
25 Maria Suarez
26 Sacto.
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