

**FILED**

JUL -9 2010

DEPARTMENT OF REAL ESTATE  
BY: Fuma B. Dean

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

Telephone: (213) 576-6982

**DEPARTMENT OF REAL ESTATE**

**STATE OF CALIFORNIA**

*In the Matter of the Application of*

RUEY G. LIN

Respondent

No. H- 36478 LA

**STIPULATION AND  
WAIVER**

It is hereby stipulated by and between RUEY G. LIN (hereinafter "Respondent") and Respondent's attorney, RODNEY J. ESPINOZA, and the Complainant, acting by and through JAMES A. DEMUS, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on February 27, 2010 in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate broker license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant Respondent a restricted real estate broker license based upon this Stipulation and Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets all the requirements for issuance of a real estate broker 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 broker 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 broker license to Respondent under the authority of Section 10156.5 of the Business and Professions  
7 Code.

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

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

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

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2 4/29/10

3 Dated

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James A. Demus

JAMES A. DEMUS, 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 his 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.

4-23-10

Dated

Ruey G. Lin

RUEY G. LIN, Respondent

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

7/23/10

Dated

Rodney J. Espinoza

RODNEY J. ESPINOZA, 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 broker license to Respondent.

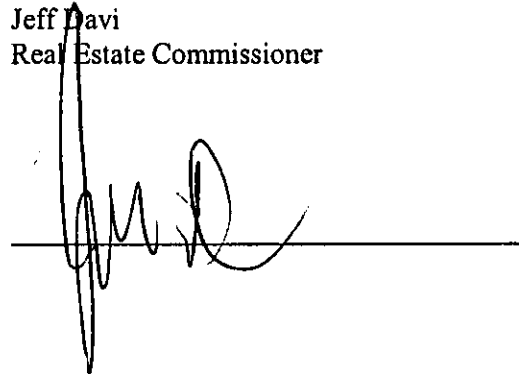
Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED

5/10/2010

Jeff Davi  
Real Estate Commissioner



JAMES DEMUS, Counsel (SBN 225005)  
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-6910

FILED

FEB 27 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of )	NO. H-36478 LA
RUEY G. LIN,	)
Respondent.	)
	)
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	)

STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against RUEY G. LIN, a.k.a. Ruey Gong Lin ("Respondent"), is informed and alleges in her official capacity as follows:

1.

On or about April 1, 2009, Respondent made application to the Department of Real Estate of the State of California for a real estate broker license.

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1 FIRST CAUSE FOR DENIAL

2 (CRIMINAL CONVICTION)

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4 2.

5 On or about March 3, 1989, Respondent was convicted in  
6 the State of California, Riverside Municipal Court, Case No.  
7 218430, for violating California Penal Code Section 490.5  
8 (shoplifting), a misdemeanor. This crime bears a substantial  
9 relationship under Section 2910, Title 10, Chapter 6, California  
10 Code of Regulations, to the qualifications, functions or duties  
11 of a real estate licensee.

12 3.

13 The crime of which Respondent was convicted, as  
14 alleged in Paragraph 2 above, constitutes cause for denial of  
15 Respondent's application for a real estate license under  
16 Business and Professions Code Sections 475(a)(2), 480(a) and  
17 10177(b).

18 SECOND CAUSE FOR DENIAL

19 (FAILURE TO REVEAL CONVICTION)

20 4.

21 In response to Question 19 of the license application,  
22 to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR  
23 FELONY? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4  
24 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC  
25 CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY.",  
26 Respondent failed to reveal the conviction described in  
27 Paragraph 2 above.

1 5.

2 Respondent's failure to disclose the conviction, as  
3 set forth in Paragraph 2 above, in his license application,  
4 constitutes an attempt to procure a real estate license by  
5 fraud, misrepresentation, or deceit, or by making a false  
6 statement of material fact required to be revealed in said  
7 application, which is grounds for denial of the issuance of a  
8 license under Business and Professions Code Sections 475(a)(1),  
9 480(c) and 10177(a).

10 These proceedings are brought under the provisions of  
11 Section 10100, Division 4 of the Business and Professions Code  
12 of the State of California and Sections 11500 through 11528 of  
13 the California Government Code.

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1           WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of, a real  
5 estate broker license to Respondent, RUEY G. LIN, and for such  
6 other and further relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this 3rd day of February, 2010.

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12 Maria Suarez  
13 Deputy Real Estate Commissioner  
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25 cc: Ruey G. Lin  
26 Maria Suarez  
27 Sacto.