

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

FILED

JAN 31 2012

4 Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: [Signature]

8 **DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 *In the Matter of the Application of*

) No. H- 37783 LA

12)
13) **STIPULATION AND WAIVER**

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27)
ATTRY PAT,

Respondent.

16 I, ATTRY PAT, Respondent herein, do hereby affirm that I have applied to the Department of
17 Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied
18 all of the statutory requirements for the issuance of the license, including the payment of the fee
19 therefor.

20 I acknowledge that I have received and read the Statement of Issues and the Statement to
21 Respondent filed by the Department of Real Estate on January 12, 2012, in connection with my
22 application for a real estate salesperson license. I understand that the Real Estate Commissioner
23 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my
24 honesty and truthfulness and to prove other allegations therein, or that she may in her discretion
25 waive the hearing and grant me a restricted real estate salesperson license based upon this
26 Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the
27 Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet

1 all the requirements for issuance of a real estate salesperson license. I further understand that by
2 entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has
3 found that I have failed to make such a showing, thereby justifying the denial of the issuance to me
4 of an unrestricted real estate salesperson license.

5 I hereby admit that the allegations of the Statement of Issues filed against me are true and
6 correct and request that the Real Estate Commissioner in her discretion issue a restricted real estate
7 salesperson license to me under the authority of Section 10156.5 of the Business and Professions
8 Code.

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

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

- 17 1. The license shall not confer any property right in the privileges to be exercised including
18 the right of renewal, and the Real Estate Commissioner may by appropriate order suspend
19 the right to exercise any privileges granted under this restricted license in the event of:
 - 20 a. Respondent's conviction (including a plea of nolo contendere) of a crime which
21 bears a substantial relationship to Respondent's fitness or capacity as a real estate
22 licensee; or
 - 23 b. The receipt of evidence that Respondent has violated provisions of the California
24 Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
25 Commissioner or conditions attaching to this restricted license.

26 ///

1 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
2 removal of any of the conditions, limitations, or restrictions attaching to the restricted
3 license until two years have elapsed from the date of issuance of the restricted license to
4 Respondent.

5 3. With the application for license, or with the application for transfer to a new employing
6 broker, I shall submit a statement signed by the prospective employing broker on a form
7 approved by the Department of Real Estate wherein the employing broker shall certify as
8 follows:

9 a. That broker has read the Statement of Issues which is the basis for the issuance of
10 the restricted license; and

11 b. That broker will carefully review all transaction documents prepared by the
12 restricted licensee and otherwise exercise close supervision over the licensee's
13 performance of acts for which a license is required.

14 4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by
15 sending a certified letter to the Commissioner at the Department of Real Estate, Post
16 Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
17 Respondent's arrest, the crime for which Respondent was arrested and the name and
18 address of the arresting law enforcement agency. Respondent's failure to timely file
19 written notice shall constitute an independent violation of the terms of the restricted
20 license and shall be grounds for the suspension or revocation of that license.

21 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation
22 and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the
23 Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that
24 by electronically sending to the Department a fax copy of her actual signature as it appears on

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27

1 the Stipulation and Waiver, that receipt of the faxed copy by the Department shall be as binding on
2 Respondent as if the Department had received the original signed Stipulation and Waiver.

3
4 x 1/13/2012
5 Dated

x 
6 ATTRY PAT, Respondent

7 ***

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

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

16 This Order is effective immediately.

17 IT IS SO ORDERED 1/26/12

18 Barbara J. Bigby
19 Acting Real Estate Commissioner

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FILED

JAN 12 2012

DEPARTMENT OF REAL ESTATE
R. Medeiros

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	No. H- 37783 LA
ATTRY PAT,)	<u>STATEMENT OF ISSUES</u>
Respondent.)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity, for Statement of Issues against ATTRY PAT aka Ngan-Chu Attry Pat ("Respondent") alleges as follows:

1.

On or about May 3, 2011, Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license.

(CRIMINAL CONVICTION)

2.

On or about July 20, 1993, in the Municipal Court of Monrovia Courthouse Judicial District, County of Los Angeles,

1 California, Case No. 93M02673, Respondent was convicted of
2 violating California Penal Code Section 484(a) (petty theft), a
3 misdemeanor. Said crime bears a substantial relationship to the
4 qualifications, functions or duties of a real estate licensee
5 under Section 2910, Title 10, Chapter 6, California Code of
6 Regulations.

7 3.

8 The crime of which Respondent was convicted as alleged
9 herein constitutes cause for denial of Respondent's application
10 for a real estate license under California Business and
11 Professions Code Sections 475(a)(2), 480(a), and 10177(b).

12
13 (FAILURE TO REVEAL CONVICTION)

14 5.

15 In response to Question 23 of her license application,
16 to wit: "HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR
17 FELONY? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4
18 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC
19 CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY. IF
20 YES, COMPLETE ITEM 27," Respondent answered, "No," and failed to
21 reveal the conviction described in Paragraph 2, herein.

22 6.

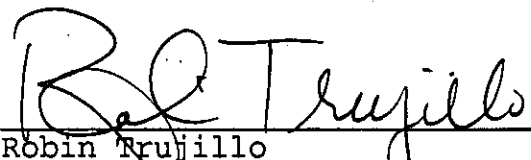
23 Respondent's failure to reveal this conviction in her
24 license application constitutes knowingly making a false
25 statement of material fact required to be revealed in said
26 application, which is grounds for denial of the issuance of a
27 license under California Business and Professions Code Sections

1 475(a)(1), 480(c), and 10177(a).

2 These proceedings are brought under the provisions of
3 Section 10100, Division 4 of the Business and Professions Code
4 of the State of California and Sections 11500 through 11528 of
5 the California Government Code.

6 WHEREFORE, the Complainant prays that the above-
7 entitled matter be set for hearing and, upon proof of the
8 charges contained herein, that the Commissioner refuse to
9 authorize the issuance of, and deny the issuance of, a real
10 estate salesperson license to Respondent, ATTRY PAT, and for
11 such other and further relief as may be proper under other
12 applicable provisions of law.

13 Dated at Los Angeles, California: January 11, 2012.

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18 Robin Trujillo
19 Deputy Real Estate Commissioner
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25 cc: ATTRY PAT
26 Robin Trujillo
27 Sacto