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FILED

NOV 20 2012

DEPARTMENT OF REAL ESTATE
BY: 

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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11
12 In the Matter of the Accusation of) No. H- 38567 LA
13 MILTON YING CHOW,) A C C U S A T I O N
14 Respondent.)
15)
16)

17 The Complainant, Howard Alston, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against MILTON YING CHOW ("Respondent") alleges as follows:

20 1.

21 The Complainant, Howard Alston, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 in his official capacity.

24 2.

25 Respondent is presently licensed and/or has license
26 rights under the Real Estate Law (Part 1 of Division 4 of the
27 Business and Professions Code ("Code") as a real estate broker.

1 3.

2 (CRIMINAL CONVICTION)

3 On or about August 31, 1995, in the California
4 Superior Court, County of Los Angeles, in Case No. BA 082728,
5 Respondent plead guilty to violating California Corporations
6 Code Section 25540 subsections (a) and (b) [Securities Fraud], a
7 felony. Thereafter, on or about June 8, 2000, Respondent was
8 sentenced pursuant to his guilty plea to a six-month period of
9 summary probation. By virtue of the foregoing sentence imposed
10 by the court Respondent's conviction constitutes a misdemeanor
11 violation. On or about August 14, 2007, Respondent's conviction
12 was expunged pursuant to an order of dismissal made under the
13 provisions of California Penal Code Section 1203.4. The
14 underlying facts of Respondent's conviction bear a substantial
15 relationship under Section 2910, Title 10, Chapter 6, California
16 Code of Regulations to the qualifications, functions or duties
17 of a real estate licensee.

18 (FAILURE TO REVEAL CONVICTION ON BROKER RENEWAL APPLICATIONS)

19 4.

20 Respondent has at all times failed to disclose to the
21 Department the existence of the criminal conviction alleged in
22 Paragraph 3, above. On or about November 10, 2003, Respondent
23 answered "No" in response to Question 3 of Respondent's broker
24 license renewal application, which provided: "WITHIN THE PAST
25 FOUR YEAR PERIOD, HAVE YOU BEEN CONVICTED OF ANY VIOLATION OF
26 LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST
27 BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC CITATIONS

1 WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE."

2 Additionally, on or about May 8, 1999, Respondent answered "No"
3 in response to Question 3 of Respondent's broker license renewal
4 application, which provided: "WITHIN THE PAST FOUR YEAR PERIOD,
5 HAVE YOU BEEN CONVICTED OF ANY VIOLATION OF LAW? (YOU MAY OMIT
6 CONVICTIONS FOR DRUNK DRIVING, RECKLESS DRIVING, AND MINOR
7 TRAFFIC CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR OR
8 FELONY OFFENSE.)"

9 5.

10 Respondent's failure to reveal the conviction set
11 forth in Paragraph 3, above, in the broker license renewal
12 applications referred to in Paragraph 4, above, constitutes
13 knowingly making a false statement of material fact required to
14 be revealed in said applications, which would have been grounds
15 for the denial of the issuance of a real estate license under
16 Code Sections 475(a)(2), 480(a)(1) and/or 10177(b).

17 6.

18 Respondent's failure to reveal the conviction set
19 forth in Paragraph 3, above, in his broker license renewal
20 applications as is alleged in Paragraph 4, above, is cause to
21 suspend or revoke the real estate broker license and license
22 rights of Respondent pursuant to Code Sections 498 and/or
23 10177(a).

24 ///

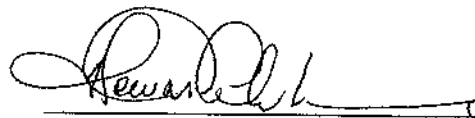
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights under the Real
5 Estate Law (Part 1 of Division 4 of the California Business and
6 Professions Code) of Respondent MILTON YING CHOW, for the cost
7 of investigation and enforcement as permitted by law, and for
8 such other and further relief as may be proper under other
9 provisions of law.

10 Dated at Los Angeles, California
11 this 20th day of November, 2012.

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16 Howard Alston
17 Deputy Real Estate Commissioner
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26 cc: MILTON YING CHOW
27 Howard Alston
 Sacramento