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FILED

JAN 18 2018

BUREAU OF REAL ESTATE

By R. Posada

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ALEXANDER NGOC NGO,

No. H-39981 LA

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On December 16, 2015, in Case No. H-39981 LA, a Decision was rendered revoking the real estate broker license of Respondent effective January 13, 2016.

On February 13, 2017, Respondent petitioned for reinstatement of said real broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

I have considered Respondent's petition and the evidence submitted in support thereof.

1 The Bureau has developed criteria in Section 2911 of Title 10, California Code of
2 Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
3 reinstatement of a license. Among the criteria relevant in this proceeding are:

4 Regulation 2911(a) The passage of not less than two years since the most recent
5 criminal conviction or act of the applicant that is a basis to deny the Bureau action sought. (A
6 longer period will be required if there is a history of acts or conduct substantially related to the
7 qualifications, functions or duties of a licensee of the Bureau.)

8 Less than two years have passed since the January 13, 2016 revocation of
9 Respondent's broker license, in Case No. H-39981 LA. Furthermore, a longer period is
10 required, since Respondent's license was previously suspended for 60 days, effective July 6,
11 2009, for violations of the real estate law in Case No. H-35167 LA.

12 Regulation 2911(l) Significant or conscientious involvement in community,
13 church or privately-sponsored programs designed to provide social benefits or to ameliorate
14 social problems.

15 In response to question 12 of his Petition Application, to wit: "Are you or have
16 you been active in social, civic, or community groups?", Respondent answered "no".

17 Respondent has failed to demonstrate to my satisfaction that Respondent has
18 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
19 estate broker license.

20 I am satisfied, however, that it will not be against the public interest to issue a
21 restricted real estate broker license to Respondent.

22 A restricted real estate broker license shall be issued to Respondent pursuant to
23 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
24 conditions prior to and as a condition of obtaining a restricted real estate broker license within
25 twelve (12) months from the effective date of this Order:

26 1. Submits a completed application and pays the fee for a real estate broker
27 license within the 12 month period following the effective date of this Order; and

2. Submits proof that Respondent has completed the continuing education
requirements for renewal of the license sought. The continuing education courses must be completed either (i) within the 12 month period preceding the filing of the completed application, or (ii) within the 12 month period following the effective date of this Order.

The restricted license issued to Respondent shall be subject to all of the provisions
of Section 10156.7 of the Business and Professions Code and to the following limitations,
conditions and restrictions imposed under authority of Section 10156.6 of that Code:

A. The restricted license issued to Respondent may be suspended prior to
hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
capacity as a real estate licensee.

B. The restricted license issued to Respondent may be suspended prior to
hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
license.

C. Respondent shall not be eligible to apply for the issuance of an
unrestricted real estate license nor the removal of any of the limitations, conditions or restrictions
of a restricted license until two (2) years have elapsed from the date of the issuance of the
restricted license to Respondent.

FEB'07 2018
This Order shall become effective at 12 o'clock noon on

IT IS SO ORDERED 1/8/18

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: DANIEL J. SANDRI
Chief Deputy Commissioner