

FILED

AUG 23 2016

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
JOE LAM,)
)
Respondent.)
_____)

CalBRE No. H-40291 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on July 21, 2016. The findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and/or, (3) other evidence.

This Decision revokes a real estate license on grounds of the procurement of a real estate license by fraud, misrepresentation, deceit, or making a false statement of material fact.

Pursuant to Government Code section 11521, the Bureau of Real Estate ("Bureau") may order reconsideration of this Decision on petition of any party. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On June 13, 2016, Maria Suarez made the Accusation in her official capacity as a Supervising Special Investigator of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed to Respondent's last known address of record by regular mail and by certified mail, return receipt requested, on June 21, 2016.

2.

On July 21, 2016, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

From November 25, 1997, through the present, Respondent has been licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code ("Code")) as a real estate broker, License ID 01169833.

4.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on June 21, 2016, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 498, and 10177(a).

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

3.

The Bureau of Real Estate incurred investigation costs of \$612.65 and enforcement costs of \$333.75 in this matter.

ORDER

The license and license rights of Respondent JOE LAM under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on SEP 12 2016.

DATED: 8/11/16.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: 
DAN SANDRI, Assistant Commissioner

1 Bureau of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013

4 (213) 576-6914

FILED

JUL 21 2016

BUREAU OF REAL ESTATE

By 

7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

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11 In the Matter of the Accusation of) CalBRE NO. H-40291 LA
12)
13 JOE LAM,) DEFAULT ORDER
14)
15 Respondent.)
16)

17 Respondent JOE LAM, having failed to file a Notice of Defense within the
18 time required by Section 11506 of the Government Code, is now in default. It is, therefore,
19 ordered that a default be entered on the record in this matter.

20 IT IS SO ORDERED 7-21-16

21 WAYNE BELL
22 REAL ESTATE COMMISSIONER


23 By: 
24 DOLORES RAMOS
25 Regional Manager
26
27

EXHIBIT A

1 LISSETE GARCIA, Counsel (SBN 211552)
Bureau of Real Estate
2 320 West 4th Street, Suite 350
Los Angeles, California 90013-1105
3 Telephone: (213) 576-6982
Direct: (213) 576-6914
4 Fax: (213) 576-6917

FILED

JUN 21 2016

BUREAU OF REAL ESTATE

By John Alvarez

5
6
7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA
9

10 In the Matter of the Accusation of) CalBRE No. H-40291 LA
11)
12 JOE LAM,) ACCUSATION
13 Respondent.)

14
15 The Complainant, Maria Suarez, a Supervising Special Investigator for the Bureau of
16 Real Estate ("Bureau") of the State of California, for cause of Accusation against JOE LAM aka
17 Chau Ngoc Lam and Chau N. Lam ("Respondent"), is informed and alleges as follows:

18 1.

19 The Complainant, Maria Suarez, a Supervising Special Investigator, makes this
20 Accusation in her official capacity.

21 2.

22 From November 25, 1997, through the present, Respondent has been licensed under the
23 Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code
24 ("Code")) as a real estate broker, License ID 01169833. Respondent was previously licensed as

1 a real estate salesperson from November 12, 1993 through November 24, 1997.

2 3.

3 On September 7, 2013, Respondent submitted a broker renewal application to the
4 Bureau. Respondent answered "no" in response to Question 6 of said application, to wit:
5 "WITHIN THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE YOU
6 HAD A DENIED, SUSPENDED, RESTRICTED OR REVOKED BUSINESS OR
7 PROFESSIONAL LICENSE (INCLUDING REAL ESTATE), IN CALIFORNIA OR ANY
8 OTHER STATE?" In reliance on this answer the Bureau renewed Respondent's real estate
9 broker license. Respondent obtained this license by knowingly making a false statement or
10 material fact or knowingly omitting to state a material fact in his application. Respondent
11 failed to disclose the disciplinary actions described below in Paragraphs 4, 5, and 6.

12 State of Washington License Revocation

13 4.

14 On January 10, 2013, the Director of the Department of Financial Institutions
15 (Department) for the State of Washington issued a Final Order in that Department's Case No.
16 C-12-0922-13-FO01 against Respondent and Respondent's corporation, Mortgageclose.com,
17 Inc. The Final Order revoked Mortgageclose.com, Inc.'s license to conduct business as a
18 Consumer Lender and prohibited both Respondent and Mortgageclose.com, Inc. from
19 participation in the affairs of any consumer loan company licensed by the Department for a
20 period of five (5) years. Respondent and Mortgageclose.com, Inc. were ordered to pay
21 restitution to a consumer in the amount of \$995.00, pay a fine of \$10,000 to the Department, and
22 pay the Department's investigation costs of \$4,561.56.

23 ///

24 ///

1 license denied or had a license issued by another agency of this state revoked or suspended for
2 acts that, if done by a real estate licensee, would be grounds for the suspension or revocation of a
3 California real estate license, if the action of denial, revocation, or suspension by the other
4 agency was taken only after giving the licensee or applicant fair notice of the charges, an
5 opportunity for a hearing, and other due process protections comparable to the Administrative
6 Procedure Act.

7 9.

8 The prior disciplinary actions set forth above in Paragraphs 4, 5, and 6, constitute cause
9 for the suspension or revocation of all licenses and license rights of Respondent under Code
10 Section 10177(f). Said acts, if done by a real estate licensee, would be grounds for the
11 suspension or revocation of a California real estate license pursuant to Code Sections 10148,
12 10176(i), 10177(d), 10166.051(b), and 10166.05(c).

13 COST RECOVERY

14 10.

15 Business and Professions Code Section 10106 provides, in pertinent part, that in any
16 order issued in resolution of a disciplinary proceeding before the Bureau of Real Estate, the
17 Commissioner may request the administrative law judge to direct a licensee found to have
18 committed a violation of this part to pay a sum not to exceed the reasonable costs of the
19 investigation and enforcement of the case.

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