

FILED

NOV 26 2024

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:

JAMES LING,

Respondent.

) DRE No. H-42677 LA

) OAH No. 2024050324

DECISION

The Proposed Decision dated October 14, 2024, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real estate licenses, but the right to a restricted broker license is granted to Respondent.

Pursuant to Government Code Section 11521, the Department of Real Estate (the Department) may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department'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.

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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.

This Decision shall become effective at 12 o'clock noon on DEC 26 2024.

IT IS SO ORDERED

Chika Sunquist
REAL ESTATE COMMISSIONER

By: 
Chief Deputy Real Estate Commissioner

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JAMES LING,

Respondent

Agency Case No. H-42677 LA

OAH No. 2024050324

PROPOSED DECISION

Nana Chin, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on August 27, 2024.

Jason Parson, Supervising Special Investigator (Complainant) was represented by Kevin Sun, Counsel for the Department of Real Estate (Department).

James Ling, Esq. (Respondent) appeared and represented himself.

Testimony and documents were received into evidence. The record was held open until September 13, 2024, for submission of specified documents and objections to the submissions. Respondent submitted several documents, the dispositions of which are addressed below.

The record closed and the matter was submitted for decision on September 13, 2024.

FACTUAL FINDINGS

Jurisdictional Matters

1. Respondent is licensed as a real estate broker under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code, sections 10000 through 11506. His real estate license, number 02028657, was initially issued on January 24, 2020. Respondent's application for an individual mortgage loan originator license endorsement (MLO) was approved on April 30, 2021. Respondent has not renewed the MLO endorsement and it was terminated as of January 17, 2024.

2. Complainant filed the Accusation on December 5, 2023, in his official capacity as a Supervising Special Investigator for the Department. The Accusation seeks to discipline Respondent's license based on the following allegations: (1) Respondent was convicted on July 22, 2021, of crimes substantially related to the qualifications, functions, or duties of a real estate licensee; and (2) Respondent violated his reporting requirements by failing to report to the Department, within 30 days, that a felony complaint had been filed against him and his July 22, 2021 convictions.

3. Respondent filed a timely Notice of Defense and this hearing ensued.

Documents Submitted after August 27, 2024 Hearing

4. During the hearing, Respondent presented testimony which indicated that: (1) there were additional statements by witnesses to the incident giving rise to

the convictions; and (2) Respondent submitted all the proper written reports to the Department. Parties were therefore provided until September 6, 2024, to submit any supplemental police reports, witness statements and Respondent's notifications to the Department. Parties had until September 13, 2024, to object to any submission by opposing party.

5. Respondent submitted the following documents: (1) a letter dated November 25, 2019, notifying the Department of his arrest, marked as Exhibit R1; (2) Respondent's written report to the State Bar of California dated November 25, 2019, notifying it of the criminal charges against him, marked as Exhibit R2; (3) a Court Appearance Information, marked as Exhibit R3; (4) a series of emails from Nicole Busse, a private investigator, documenting statements she received from witnesses that were forwarded to Respondent's criminal attorney, collectively marked as Exhibit R4; (5) character reference letters which appear to have been obtained as part of Respondent's criminal case, marked as Exhibit R5; (6) an unsigned letter from Paul A. Larsen, LMFT, dated January 9, 2021 to Respondent's criminal attorney, marked as Exhibit R6; (7) Anger Management Program Progress Report/Certificate dated January 26, 2022, marked as Exhibit R7; (8) a letter to the California State Bar dated February 16, 2022, marked as Exhibit R8; and (9) emails to attorney Arthur Margolis dated February 16, 2022, marked as Exhibit R9.

6. Complainant timely objected to Respondent's submissions. Complainant's letter of objections to Respondent's post-hearing submissions was marked as Exhibit 14. Complainant's objections were generally that all the submissions were hearsay and were not produced during discovery. In addition, Complainant objected to: (1) Exhibits R2 and R8 on the grounds that there documents were not relevant; (2) Exhibits R4, R5, R6, R7 and R9 on the grounds they lacked authentication;

and (3) Exhibits R6 and R7 on the grounds it exceeded the scope for which the record had been kept open.

7. Complainant's objection to Exhibit R1 did not include any objection that Exhibit R1 had not been received by the Department. Though this document was not produced in discovery, the Department already had Exhibit R1 in its possession should and it is therefore admitted over Complainant's objection. Complainant's objection to Exhibit R4 is sustained as the witness statements were not statements that were provided to law enforcement nor were they authored and signed by the witnesses. Instead, R4 is Investigator Busse's account of statements that were purportedly made to her and then emailed to Respondent's criminal attorney. Complainant's objections to R2,-R3 and R5-R9 are also sustained.

Criminal Conviction

8A. On April 13, 2020, in the Superior Court of California, Orange County, in Case No. 20CF1184, a felony complaint was brought against Respondent for violations of Penal Code section 245, subdivision (a)(1) (assault with a deadly weapon) (count 1), and Penal Code Section 243, subdivision (d) (battery with serious bodily injury) (count 2), both felonies.

B. The arraignment hearing in the matter was held on July 28, 2020.

C. On July 22, 2021, both counts were reduced to misdemeanors and Respondent was convicted, on his plea of guilty, of violating Penal Code section 245, subdivision (a)(1) (assault with a deadly weapon), and Penal Code Section 243, subdivision (d) (battery with serious bodily injury). Imposition of sentence was suspended, and Respondent was placed on informal probation for one year for count 1 and sentencing was stayed as to count 2.

D. As part of his plea bargain. Respondent declared under penalty of perjury "on 4/14/19 in Orange County[,] I did willfully and unlawfully commit an assault by one punch upon the person of [S.P.] by means of force likely to and did personally inflict serious bodily injury on the person of [S.P.]" (Exh. 3, p. A41.)

9A. The facts and circumstances underlying Respondent's convictions involved a basketball game that took place on November 14, 2019, and were established by the court records, the police report of the incident, which was admitted pursuant to the California Supreme Court's decision in *Lake v. Reed* (1997) 16 Cal.4th 448, the Public Reprimand by the State Bar Court of California (State Bar Decision) and Respondent's testimony. On that day, Respondent's team, "Team Labels," was playing against another team, "Team Cashouts." During the game, the members of both teams were verbally and physically aggressive during the game. During a time-out, Respondent punched S.P., a Team Cashouts player, in the face with a closed fist, causing him to fall to the ground unconscious.

B. Shortly thereafter, someone called the police. Tustin Police Officer G. Hollingshead responded to the scene. Upon arrival, Officer Hollingshead observed S.P. had a bruised, swollen cheek, a bloody mouth with lacerations to his gums, and crooked teeth. S.P. was subsequently transported by a friend to Orange County Global Medical Center (Orange County Global) for treatment.

C. Officer Hollingshead remained at the scene and interviewed S.P.'s teammates and a spectator who reported that both teams had been yelling at each other but, at a certain point, Respondent ran over to S.P. and punched him in the face.

D. Officer Hollingshead then interviewed S.P. at Orange County Global. S.P. told Officer Hollingshead he did not remember much from the incident other than

arguing with the other basketball team and then being hit by something and hearing his jaw "crack." (Exh. 4, p. A66.) The next thing S.P. remembered was sitting on the ground and spitting up blood. S.P. reported that he had been told that his jaw had been broken in two different areas and surgery was required. At the time Officer Hollingshead completed the report on November 23, 2019, he had not been able to confirm this information by obtaining a copy of S.P.'s medical records due to an issue with his medical release. The State Bar, however, found that as a result of Respondent's unlawful assault, S.P.'s jaw was broken in two places and S.P. had to have his jaw wired shut for approximately a month.

E. Officer Hollingshead attempted to contact Respondent by phone on November 15 and then again on November 20, 2019. When he could not reach him, Officer Hollingshead responded to Respondent's residence. An unidentified female answered the door at Respondent's residence and advised Officer Hollingshead that Respondent was not home. Officer Hollingshead left his business card with her and advised her to have Respondent contact the Tustin Police Department.

F. The following day, on November 21, 2019, Respondent's criminal attorney contacted Officer Hollingshead and arranged for Respondent to surrender himself at the police station later that day. Respondent reported with his attorney at the police station and was arrested.

Report to the Department

10. On November 25, 2019, Respondent reported to the Department that he had been arrested due to an altercation on a basketball court but that no charging document had been filed. The felony complaint was subsequently filed on April 13, 2020.

11. On July 24, 2020, the Department received an Indictment, Conviction, and Disciplinary Action Notification (RE 238) from Respondent. The RE 238, which was dated July 12, 2020, incorrectly stated that Respondent was convicted on July 28, 2020, and correctly stated that a complaint had been filed in Orange County Superior Court and that the arraignment was scheduled for July 28, 2020. The evidence did not establish that Respondent's report to the Department of the felony complaint was untimely in that there is no evidence that Respondent was aware that a felony complaint had been filed in connection with the November 14, 2019 assault before July 12, 2020.

12. On or about November 28, 2021, Respondent submitted the Interview Information Statement (RE 515) and Conviction Detail Report (RE 515D) notifying the Department of the conviction described in Factual Finding 8. Respondent's report to the Department was untimely as he was required to report the conviction within 30 days of his July 22, 2021, conviction.

Discipline by the California State Bar

13. As a member of the State Bar of California, Respondent's attorney license was subject to discipline by the State Bar. On November 24, 2021, the Review Department of the State Bar Court issued an order referring Respondent to the Hearing Department for a hearing and decision.

14. The State Bar Court determined that the events of November 14, 2019, did not constitute moral turpitude but did warrant discipline in that "Respondent willfully committed a violent act using force that was likely to result in great bodily injury, which did result in such injury to a victim, and he did not act in self-defense or defense of another. [Citation.]" (Exh. 13, p. A123.)

15. The State Bar also found that there were mitigating circumstances which included: (1) Respondent had no other discipline since being admitted to the State Bar on January 17, 2014; (2) evidence of "extraordinary good character" as established by letters Respondent provided from 11 individuals who had known Respondent in a personal or professional context for periods spanning four to 30 years and from a variety of backgrounds, all of whom were aware of the underlying assault/battery and criminal charges and all of whom attested to "[R]espondent's good moral work ethic, professionalism, compassion, level-headedness in face of adversity and stated that the assault incident was out of character for [R]espondent." (Exh. 13, p. A121); (3) Respondent's payment of restitution to S.P. without judicial intervention prior to his criminal conviction; (4) Respondent's treatment with Paul A. Larsen, LMFT regarding impulse control and emotion management; (5) Respondent's participation in a group anger management program at Wel-Mor Psychology Group, Inc. where he attended 10 weekly group sessions; (6) Respondent's attendance in continuing legal education classes regarding health, wellness, and mindfulness training, including Mindfulness in the Law with Judge Kessler; and (7) Respondent's regular participation as a volunteer at Anaheim Salvation Army, Santa Ana local foodbank, and children's charities which resulted in him receiving a Capital Commendation award for providing more than 150 hours of pro bono service.

16. The State Court Bar found that based on "the serious nature of the misconduct, the lack of aggravation, the substantial mitigation provided, and the fact that [R]espondent's misconduct involved a singular instance, a public reproof with one year of reproof conditions, the low level of the presumed sanction . . . is appropriate." (Exh. 13, p. A124.)

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Prior Criminal History

17. The Accusation alleges Respondent's prior criminal convictions on July 11, 2007, May 14, 2010, and December 29, 2010 "in aggravation." (Exh. 1, p. A3.)

18A. On July 11, 2007, in the Superior Court of California, San Bernardino County, in Case Number MWV703201, Respondent pled guilty and was convicted of violating Penal Code section 2020, subdivision (a)(1) (possession of a dangerous weapon), a misdemeanor. Imposition of sentencing was suspended, and Respondent was placed on 24 months of summary probation with various terms and conditions.

B. The facts and circumstances of the conviction are that on August 1, 2006, Respondent was flying on a commercial flight with a telescopic baton in his bag.

19A. On May 14, 2010, in the Superior Court of California, Los Angeles County, in Case No. 0EA00492, Respondent pled nolo contendere and was convicted of violating Vehicle Code Section 23103 (reckless driving), a misdemeanor. Imposition of sentencing was suspended, and Respondent was placed on 36 months of summary probation with various terms and conditions.

B. On August 5, 2013, the court reviewed Respondent's Petition for Dismissal pursuant to Penal Code section 1203.4 (Petition). After reviewing Respondent's rap sheet, Respondent's Petition was denied.

C. The facts and circumstances underlying this conviction are that on December 13, 2009, Respondent drove while intoxicated.

20A. On December 29, 2010, in the Superior Court of California, Los Angeles County, in Case No. 0JB07661, Respondent was convicted on his plea of nolo contendere of violating Vehicle Code section 14601.5 (driving on a suspended license

for refusal or high BAC), a misdemeanor. Imposition of sentencing was suspended, and Respondent was placed on three years of summary probation with various terms and conditions.

B. On November 13, 2013, the court reviewed Respondent's Petition and granted Respondent an early termination of probation and dismissed the charges pursuant to Penal Code section 1203.4.

C. The facts and circumstances underlying this conviction are that on July 4, 2010, Respondent drove a vehicle while his driver's license was suspended as a result of the conviction set forth in Factual Findings 19A-19C.

Respondent's Testimony

21. Respondent's testimony regarding the events that led to his conviction are consistent with the explanation he submitted to the Department in the RE 515D.

22. According to Respondent, his basketball team had been playing against a younger team whose members had been extremely aggressive, calling them names, throwing elbows and being very physical. After one of the opponents intentionally fouled him, a time-out was called. S.P., who was a player in the opposing team approached their bench and became very aggressive. In his statement to the Department, he claimed S.P. had swung at "one of their fans;" at hearing, however, Respondent stated it was one of his teammates. (Exh. 10, p. A94.) Respondent insisted that there were multiple witnesses who provided statements stating that S.P. was the aggressor and claimed that he was acting in defense of others. This was not supported by the evidence. Respondent presented no witnesses or signed witness statements supporting this claim. Respondent's assertion that he was acting in defense of another

was previously rejected by the State Bar Court when it reviewed the incident when disciplining Respondent's attorney license.(Exh. 13, p. A123.)

23. Respondent insisted in the RE 515D and at hearing that S.P. reported the incident to law enforcement "days later" after he found out Respondent was an attorney despite the fact that the police report states that Tustin Police were called to the scene shortly after S.P. had been hit.

24. Finally, Respondent asserted that S.P. admitted he had been the aggressor after the civil suit had been settled but provided no evidence to support this claim.

Costs

25. Complainant requested recovery of the costs of investigation and enforcement totaling \$2,716.10. In support of the request for costs, Complainant submitted a Certified Statement of Investigation Costs of \$1,052.90, and a Certified Statement of Enforcement Costs in the amount of \$1,663.20. These costs are reasonable.

LEGAL CONCLUSIONS

Standard and Burden of Proof

1. Complainant bears the burden of proving by clear and convincing evidence to a reasonable certainty that Respondent has engaged in conduct that warrants the discipline of Respondent's real estate license. (See *Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) Clear and convincing evidence means evidence "so clear as to leave no substantial doubt" and "sufficiently strong to

command the unhesitating assent of every reasonable mind." (*Mathieu v. Norrell Corp.* (2004) 115 Cal.App.4th 1174, 1190 (citing *Mock v. Michigan Millers Mutual Ins. Co.* (1992) 4 Cal.App.4th 306, 332-333).)

First Cause for Discipline-Substantially Related Crime

2. Pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), the Real Estate Commissioner may suspend or revoke a real estate license when the licensee has been convicted of a crime that is substantially related to the qualifications, functions, or duties of a real estate licensee. Pursuant to California Code of Regulations, title 10, section 2910, subdivision (a)(8), "... any unlawful act . . . with the intent or threat of doing substantial injury to the person or property of another" "substantially related to the qualifications, functions, or duties of a real estate salesperson's license

3. Cause exists to discipline Respondent's real estate license pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), in that Respondent was convicted on July 22, 2021 of violating Penal Code sections 245, subdivision (a)(1) (assault with a deadly weapon) and 243, subdivision (d) (battery with serious bodily injury), crimes that involve the intent or threat of doing substantial injury to another individual.

Second Cause for Discipline – Failure to Report

4. Pursuant to Business and Professions Code section 10186.2, subdivision (a)(1), real estate licensees are required to report to the Department, "(A) The bringing of a criminal complaint, information, or indictment charging a felony against the licensee. (B) The conviction of the licensee, including any verdict of guilty or plea of guilt or no contest, of any felony or misdemeanor. (C) Any disciplinary action taken by

another licensing entity or authority of this state or of another state or an agency of the federal government." The report must be in writing and made within 30 days of the felony indictment, conviction or disciplinary action. (Bus. & Prof. Code, §10186.2, subd. (a)(2).) "Failure to make a report required by this section shall constitute a cause for discipline." (Bus. & Prof. Code, § 10186.2, subd. (b).)

5. The Department established by clear and convincing evidence that Respondent did not report his July 22, 2021, until November 28, 2021. Respondent's report was therefore untimely, and cause exists to discipline Respondent's real estate license pursuant to Business and Professions Code section 10186.2, subdivision (b).

Rehabilitation

6. As it was established by clear and convincing evidence that cause exists to discipline his license, the onus is on Respondent to show that he is sufficiently rehabilitated from wrongful acts such that he is fit to hold the license. (Evid. Code, §§ 115 and 500.)

7. The Real Estate Commissioner "has full power to regulate and control the issuance and revocation . . . of all licenses" (Bus. & Prof. Code, § 10071.) In determining the appropriate discipline of a licensee who has engaged in misconduct, the central question is what level of discipline is necessary to protect the public. (*Small v. Smith* (1971) 16 Cal.App.3d 450, 457.) "Protection of the public shall be the highest priority for the Department of Real Estate in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." (Bus. & Prof. Code, § 10050.1.)

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8. The Department has developed criteria to evaluate the rehabilitation of a licensee following the licensee's conviction for a substantially related crime. The criteria are set forth in Code of Regulations, title 10, section 2912. The relevant criteria include: (a) the passage of not less than two years from the most recent criminal conviction that is "substantially related to the qualifications, functions, or duties of a licensee; (b) restitution to any person who has suffered monetary losses through the licensee's substantially related act; (c) expungement of the conviction which culminated in the administrative proceeding to take disciplinary action; (d) successful completion or early discharge from probation; (e) payment of any fine imposed in connection with the criminal conviction that is the basis for discipline; (f) new and different social and business relationships from those which existed at the time of the commission of the acts that led to the criminal conviction in question; (g) stability of family life and fulfillment of parental and familial responsibilities subsequent to the criminal conviction; (h) significant and conscientious involvement in community, church, or privately-sponsored programs designed to provide social benefits or to ameliorate social problems; and (i) a change in attitude from that which existed at the time of the commission of the criminal acts, as demonstrated by the licensee's testimony or other applicable evidence.

9. More than two years have elapsed from Respondent's conviction, and he is no longer on criminal probation. In addition, Respondent has paid S.P. restitution, received treatment for impulse control and emotion management, has had significant and conscientious involvement in charitable programs, and enjoys the support of family and friends who consider his conduct on November 14, 2019, to be an aberration. The convictions alleged by Complainant in the Accusation to be "in aggravation" occurred more than 10 years ago and are wholly unrelated to the conduct for which discipline is being sought and were not considered as aggravating factors.

10. The conduct at issue, however, is serious and Respondent's failure to take responsibility for his actions that day are also of concern and it was clearly and convincingly established that significant discipline of Respondent's licensing rights is warranted. Revocation, however, would be unduly punitive. Respondent's conviction, while substantially related to his license, did not involve Respondent's use of his licensing rights or involve a real estate consumer. In fact, Respondent has no prior record of discipline relating to real estate license. Under the circumstances, imposing restrictions on Respondent's license as set out in the order below is consistent with the Department's responsibility to protect the public while still affording Respondent the opportunity to practice his chosen profession.

Costs

11. Business and Professions Code section 10106, subdivision (a), provides that in any order issued in resolution of a disciplinary proceeding, "the commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case." Recovery of costs of investigation and enforcement must be assessed not only against the language of Business and Professions Code section 10106, but also the standards enunciated in *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, which directs the administrative law judge and the licensing agency to evaluate several factors to ensure that the cost recovery provision does not deter individuals from exercising their right to a hearing including, a licensee's ability to pay, the licensee's subjective good faith in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline. (*Id.* at 45.) Finally, a licensing agency may not assess disproportionately large investigation and prosecution costs when it has conducted a

disproportionately large investigation to prove that a licensee engaged in relatively innocuous misconduct. (*Ibid.*)

12. Here, the Department's investigation was proportional to the violation, and Respondent did not present any evidence that he is unable to pay the costs incurred by the Department, especially pursuant to a reasonable payment plan. Thus, Respondent shall pay the full amount of the Department's reasonable costs of \$2,716.10.

ORDER

All licenses and licensing rights of respondent James Ling under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to Section 10156.6 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. 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:

1. 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.

2. 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.

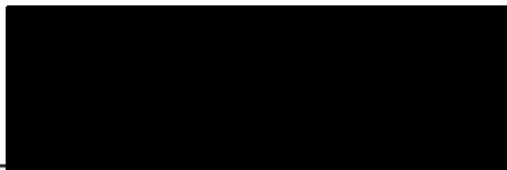
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until five years have elapsed from the effective date of this Decision.

4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

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

6. Respondent shall reimburse the Department its costs of investigation and enforcement in the amount of \$2,716.10, within 90 days of the effective date of this Decision. Respondent shall be permitted to pay the costs in a payment plan approved by the Department, with payments to be completed no later than three months prior to the end of the restricted term.

DATE: 10/14/2024


Nana Chin (Oct 14, 2024 12:10 PDT)

NANA CHIN

Administrative Law Judge

Office of Administrative Hearings