

Sacto
May

FILED
DEC 4 2001
DEPARTMENT OF REAL ESTATE

by *Paul B. [Signature]*

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-26396 LA
)	H-27645 LA
PETER QUOC TRAN,)	
)	
Respondent.)	
)	

ORDER DENYING REINSTATEMENT OF LICENSE

On November 4, 1996, a Decision was rendered in Department of Real Estate ("Department") case no. H-26396 LA revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent or about February 12, 1997.

Among the conditions of said restricted license were the requirements that Respondent submit proof within a specified time period of completion of continuing educational requirements and passage of the Professional Responsibility

1 Exam.

2 Respondent failed to submit evidence of the
3 completion of said conditions, which resulted in the filing
4 of an Accusation and Order Suspending Restricted Real Estate
5 License in Department case no. H-27645 LA for violation of
6 Business and Professions Code ("Code") Section 10177(k).
7

8 On December 8, 1998, a Decision was rendered in
9 case no. H-27645 LA revoking the real estate broker license
10 of Respondent.
11

12 On September 18, 2000, Respondent petitioned for
13 reinstatement of said license and the Attorney General of the
14 State of California has been given notice of the filing of the
15 petition.

16 I have considered Respondent's petition and the
17 evidence and arguments in support thereof. Respondent has
18 failed to demonstrate to my satisfaction that Respondent has
19 undergone sufficient rehabilitation to warrant the
20 reinstatement of Respondent's real estate broker license, in
21 that:
22

23 ///

24 ///

25 ///

26 ///

27

1 I

2 In the Decision case no. H-26396 LA which revoked
3 Respondent's real estate license, there was a Determination of
4 Issues made that there was cause to revoke Respondent's real
5 estate license pursuant to Code Section 10177(d) for violations
6 of Code Sections 10137, 10145, 10161.8(a) and (b) 10232 and
7 10240, and Sections 2725, 2831 and 2840, of Title 10, Chapter
8 6, California Code of Regulations ("Regulations"). Said
9 violations were found during a Department audit of Respondent's
10 books and records in 1995.
11

12 The Decision also revoked the license of the
13 corporation for which Respondent was the designated officer.
14 A Determination of Issues was made that there was cause to
15 revoke the corporation license under the provisions of Code
16 Section 10137.
17

18 II

19 Respondent has not submitted proof of completion of,
20 or enrollment in educational or vocational training. In
21 addition Respondent has not completed any continuing education
22 courses or submitted proof of passage of the Professional
23 Responsibility Examination. This evidences lack of
24 rehabilitation and is cause to deny Respondent's application
25 pursuant to Regulation 2911(h).
26

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

III

Respondent is not involved in community or social programs. This evidences lack of rehabilitation and is cause to deny Respondent's application pursuant to Regulation 2911(k).

IV

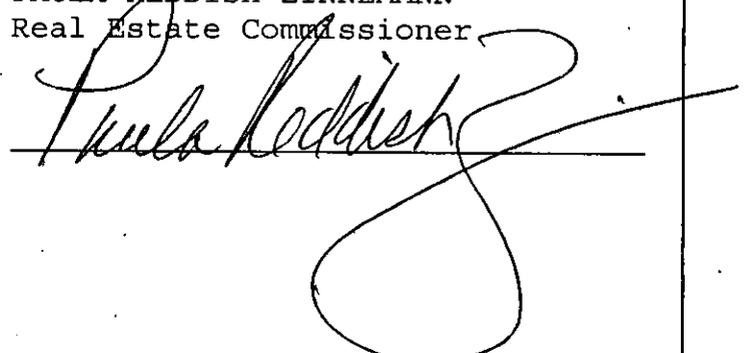
Respondent has not submitted proof from others of a change in attitude. This is cause to deny Respondent's petition pursuant to Regulation 2911(m)(2).

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon on December 24, 2001.

DATED: November 29, 2001.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Peter Quoc Tran
26 Blue Jay Drive
Aliso Viejo, CA 92656

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 PETER QUOC TRAN)
)
 Respondent)
_____)

No. H-27645 LA
L-1998070275

PROPOSED DECISION

This matter came on regularly for hearing before W.F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on November 16, 1998.

Robert E. Baker, Attorney in Charge, represented the complainant. No appearance was made by or on behalf of the respondent.

Evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Thomas McCrady made the accusation in his official capacity as a Deputy Real Estate Commissioner.

II

A. Respondent is presently licensed and/or has license rights under the Real Estate law (Part 1 of Division 4 of the California Business and Professions Code, hereinafter the "Code") as a restricted real estate broker.

B. By order of the Real Estate Commissioner effective May 27, 1998, respondent's restricted real estate broker license was suspended pending a final determination made after the hearing on this accusation.

III

On or about February 12, 1997, the aforesaid restricted real estate broker license was issued by the Department to respondent on the terms, conditions, and restrictions set forth in the Real Estate Commissioner's Order of November 4, 1996, effective December 3, 1996, in Case No. H-26396 LA.

Included in said terms, conditions, and restrictions were the following conditions:

"7. Respondent shall, within 12 months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that he 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 Real Estate Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence."

"9. Respondent shall, within one year from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department, including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination."

IV

The requirements set forth above Finding III should have been met by respondent by on or about February 12, 1998. To date, respondent has failed to submit evidence that he has met either of these conditions.

* * * * *

Pursuant to the foregoing Findings of facts, the following is the legal basis for the decision:

Cause exists for license discipline against respondent pursuant to Business and Professions Code section 10177 (k), by reason of Finding IV.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The license and license rights of respondent Peter Quoc Tran are revoked.

Dated 11-25-98


W.F. BYRNES
Administrative Law Judge
Office of Administrative Hearings

WFB:sp

SACTO

197-1217-001
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT 07 1998
DEPARTMENT OF REAL ESTATE
[Signature]

* * *

In the Matter of the Accusation of)
)
PETER Q. TRAN,)
)
)
)
Respondent.)

Case No. H-27645 LA

By *[Signature]*

NOTICE OF HEARING ON ACCUSATION

L- 1998 070-275

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 107 South Broadway, 2nd. Floor, Los Angeles, California 90012 on NOVEMBER 16, 1998 at 1:30 p.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: October 6, 1998

DEPARTMENT OF REAL ESTATE

By: *Robert E. Baker*
ROBERT E. BAKER
Attorney-in-Charge

cc: PETER A. TRAN,
RW, OAH & SACTO

SACTO

197-1217-001
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUL 21 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of) Case No. H-27645 LA
PETER QUOC TRAN,)
Respondent.)
NOTICE OF HEARING ON ACCUSATION
L-1998 070 275

By [Signature]

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 West First Street, Los Angeles, California 90012 on September 16, 1998. at 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

Dated: July 21, 1998

DEPARTMENT OF REAL ESTATE

By: [Signature]
ROBERT E. BAKER
Attorney-in-Charge

cc: Peter Quoc Tran
RW, OAH & SACTO

SAC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
JUN 26 1998
DEPARTMENT OF REAL ESTATE

By CB

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-27645 LA
PETER QUOC TRAN)	
Respondent.)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

TO: PETER QUOC TRAN, Respondent
23502 White Dove
Lake Forest, California 92630

On or about February 12, 1997, a restricted real estate broker license was issued by the Department of Real Estate to respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of November 4, 1996, in Case No.H-26396 LA. This Order granted the right to a restricted real estate broker license subject to the provisions of Section 10156.6 of said Code.

/
/

1 On April 28, 1998 , in Case No. H-27645 LA , an
2 Accusation by a Deputy Real Estate Commissioner of the State of
3 California was filed charging Respondent with a violation of
4 Section 10177(k) of the Business and Professions Code of the State
5 of California.

6 NOW, THEREFORE, IT IS ORDERED under authority of Section
7 10156.7 of the Business and Professions Code of the State of
8 California that the restricted real estate broker license
9 heretofore issued to Respondent and the exercise of any privileges
10 thereunder is hereby suspended pending a final determination made
11 after the hearing on the aforesaid Accusation.

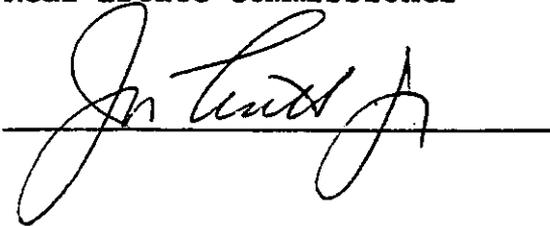
12 IT IS FURTHER ORDERED that all license certificates and
13 identification cards issued by the Department of Real Estate which
14 are in possession of Respondent be immediately surrendered by
15 personal delivery or by mailing in the enclosed self-addressed
16 envelope to:

17 Department of Real Estate
18 107 South Broadway, Room 8107
19 Los Angeles, California 90012

20 This Order is effective immediately.

21 DATED: 5/27/98

22
23
24 JIM ANTT, JR.
Real Estate Commissioner

25
26 
27



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Robert E. Baker, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
APR 28 1998

DEPARTMENT OF REAL ESTATE

By *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H- 27645 LA
PETER QUOC TRAN)	
Respondent)	<u>ACCUSATION</u>

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against PETER QUOC TRAN (hereinafter "Respondent"), is informed and alleges in his official capacity as follows:

I

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

/
/
/

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

On or about February 12, 1997, the aforesaid restricted real estate broker license was issued by the Department to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Order of November 4, 1996, effective December 3, 1996, in Case No. H-26396 LA.

Included in said terms, conditions and restrictions were the following conditions:

1. "Respondent PETER QUOC TRAN shall, within one year of the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department, including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until Respondent passes the examination".

2. "Respondent PETER QUOC TRAN shall, within 12 months from the effective date of the 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 Real Estate Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence."

III

The requirements set forth above, in Paragraph II, should have been met by Respondent by on or about February 12, 1998. To date, Respondent has failed to submit evidence that he has met either of these conditions.

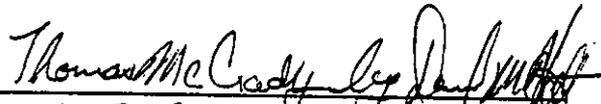


IV

1
2
3 The facts set forth above are grounds for the suspension
4 or revocation of Respondent's restricted real estate broker
5 license and license rights under Section 10177 (k) of the Code.
6

7 WHEREFORE, Complainant prays that a hearing be conducted
8 on the allegations of this Accusation and that upon proof thereof,
9 a decision be rendered imposing disciplinary action against the
10 license and license rights of Respondent PETER QUOC TRAN
11 may be proper under other applicable provisions of law.

12 Dated at Los Angeles, California
13 this 28th day of April 1998.

14 
15 Deputy Real Estate Commissioner

16
17
18 cc: PETER QUOC TRAN
19 SAC
20 RW
21
22
23
24
25
26
27

