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FILED  
OCT 19 2007  
DEPARTMENT OF REAL ESTATE

By Juan Arredondo

BEFORE THE DEPARTMENT OF REAL ESTATE  
OF THE STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
MAY HAN, ) No. H-8115 SF  
Respondent. )

ORDER DENYING REINSTATEMENT OF LICENSE

On March 10, 2003, in Case No. H-8115 SF, a Decision was rendered revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license, subject to specified terms and conditions. A restricted real estate broker license was issued to Respondent on May 7, 2003, and Respondent has operated as a restricted licensee since that time.

On May 23, 2005, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered Respondent's petition and the  
2 evidence and arguments in support thereof. Respondent has failed  
3 to demonstrate to my satisfaction that Respondent has undergone  
4 sufficient rehabilitation to warrant the reinstatement of  
5 Respondent's unrestricted real estate broker license.

6 The burden of proving rehabilitation rests with the  
7 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541). A  
8 petitioner is required to show greater proof of honesty and  
9 integrity than an applicant for first time licensure. The proof  
10 must be sufficient to overcome the prior adverse judgment on the  
11 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d  
12 395).

13 The Department has developed criteria in Section 2911  
14 of Title 10, California Code of Regulations (herein  
15 "Regulations") to assist in evaluating the rehabilitation of an  
16 applicant for reinstatement of a license. Among the criteria  
17 relevant in this proceeding are:

18 Section 2911(k). Correction of business practices  
19 resulting in injury to others or with the potential to cause such  
20 injury.

21 On April 30, 2002, in Case No. H-8116 SF, the Real  
22 Estate Commissioner issued her Order To Desist And Refrain to  
23 Respondent determining that, during the preceding three year  
24 period, in course of Respondent's real estate resale brokerage  
25 activities, Respondent violated Section 10137 of the Business and  
26 Professions Code by employing and compensating an unlicensed  
27 person for activities requiring a real estate license.

1           The Decision of the Real Estate Commissioner of  
2 March 10, 2003 in Case No. H-8115 SF determined that Respondent  
3 violated Section 10177(h) of the Code by failing to properly  
4 supervise the licensed activities of a corporate licensee.

5           On July 26, 2007, in Case No. H-10101 SF, an Order To  
6 Desist and Refrain was issued to Respondent determining that, in  
7 the course of Respondent's real estate resale and mortgage loan  
8 brokerage activities:

9           (a) between October 15, 2004 and August 1, 2005,  
10 Respondent employed two licensed real estate salespersons without  
11 notifying the Commissioner thereof in violation of Section  
12 10168.8(a) of the Code and Section 2710 of Chapter 6, Title 10,  
13 California Code of Regulations; and

14           (b) between July 28, 2005 and October 7, 2005,  
15 Respondent violated Section 10240 of the Code.

16           Given the violations found and the fact that Respondent  
17 has failed to correct business practices with the potential to  
18 cause injury to others, Respondent has not established that  
19 Respondent has complied with Section 2911 (k), Chapter 6, Title  
20 10, California Code of Regulations. Consequently, I am not  
21 satisfied that Respondent is sufficiently rehabilitated to  
22 receive an unrestricted real estate broker license. Additional  
23 time and evidence of correction is necessary to establish that  
24 Respondent is rehabilitated.

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

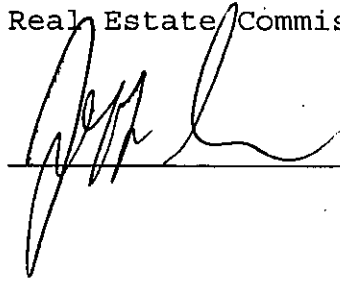
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This Order shall become effective at 12 o'clock

noon on NOV 09 2007, 2007.

DATED: 10/12, 2007.

JEFF DAVI  
Real Estate Commissioner



---

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
APR 17 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 APEXWAY CORPORATION, ) NO. H-8115 SF  
14 individually and doing ) STIPULATION AND AGREEMENT  
15 business as IQ FINANCIAL; ) AS TO APEXWAY CORPORATION  
16 CALIFORNIA BETTER HOME & ) AND MAY HAN ONLY  
17 FINANCE, INC.; )  
18 MAY HAN; and ANN NGOC DO, )  
19 Respondents. )

19 It is hereby stipulated by and between APEXWAY  
20 CORPORATION, individually and doing business as IQ FINANCIAL,  
21 and MAY HAN (hereafter Respondents), and the Complainant, acting  
22 by and through Deidre L. Johnson, Counsel for the Department of  
23 Real Estate, as follows for the purpose of settling and disposing  
24 the Accusation as to them only, filed on May 10, 2002, in this  
25 matter:

26 1. All issues which were to be contested and all  
27 evidence which was to be presented by Complainant and Respondents

1 at a formal hearing on the Accusation, which hearing was to be  
2 held in accordance with the provisions of the Administrative  
3 Procedures Act (APA), shall instead and in place thereof be  
4 submitted solely on the basis of the provisions of this  
5 Stipulation and Agreement.

6           2. Respondents have received, read and understand the  
7 Statement to Respondents, and the Discovery Provisions of the APA  
8 filed by the Department of Real Estate in this proceeding.

9           3. On May 23, 2002, Respondents filed their Notice of  
10 Defense pursuant to Section 11505 of the Government Code for the  
11 purpose of requesting a hearing on the allegations in this  
12 matter. Respondents hereby freely and voluntarily withdraw said  
13 Notice of Defense. Respondents acknowledge that they each  
14 understand that by withdrawing said Notice of Defense they will  
15 thereby waive their rights to require the Commissioner to prove  
16 the allegations in the Accusation at a contested hearing held in  
17 accordance with the provisions of the APA, and that they will  
18 waive other rights afforded to them in connection with the  
19 hearing such as the right to present evidence in defense of the  
20 allegations in the Accusation and the right to cross-examine  
21 witnesses.

22           4. Respondents, pursuant to the limitations set forth  
23 below, hereby admit that the factual allegations pertaining to  
24 them in Paragraphs I through VIII of the Accusation filed in this  
25 proceeding are true and correct and the Real Estate Commissioner  
26 shall not be required to provide further evidence of such  
27 allegations.

1           5. Without admitting the truth of the allegations  
2 pertaining to them contained in the remaining paragraphs of the  
3 Accusation, and, as to MAY HAN, in the remaining paragraphs of  
4 the Accusation in conjunction with Paragraph XIX of the Fifth  
5 Cause of Action, Respondents stipulate that they will not  
6 interpose a defense thereto. This Stipulation is based on the  
7 factual allegations as to Respondents contained in the  
8 Accusation. In the interests of expedience and economy,  
9 Respondents choose not to contest these allegations, but to  
10 remain silent and understand that, as a result thereof, these  
11 factual allegations, without being admitted or denied, will  
12 serve as the basis for the disciplinary action stipulated to  
13 herein. The Real Estate Commissioner shall not be required to  
14 provide further evidence to prove said factual allegations.

15           6. It is understood by the parties that the Real  
16 Estate Commissioner may adopt the Stipulation and Agreement as  
17 her decision in this matter thereby imposing the penalty and  
18 sanctions on Respondents' real estate licenses and license  
19 rights as set forth in the below "Order". In the event that the  
20 Commissioner in her discretion does not adopt the Stipulation and  
21 Agreement, it shall be void and of no effect, and Respondents  
22 shall retain the rights to a hearing and proceeding on the  
23 Accusation under all the provisions of the APA and shall not be  
24 bound by any admission or waiver made herein.

25           7. The Order or any subsequent Order of the Real  
26 Estate Commissioner made pursuant to this Stipulation and  
27 Agreement shall not constitute an estoppel, merger, or bar to any

1 further administrative or civil proceedings by the Department  
2 of Real Estate with respect to any matters which were not  
3 specifically alleged to be causes for Accusation in this  
4 proceeding.

5  
6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations, admissions  
8 and waivers, and for the purpose of settlement of the pending  
9 Accusation as to Respondents without a hearing, it is stipulated  
10 and agreed that the following determination of issues shall be  
11 made:

12 I

13 The acts and/or omissions of Respondent APEXWAY  
14 CORPORATION, individually and doing business as IQ FINANCIAL, as  
15 stipulated above, violate Sections 10137 and 10240 of the Code,  
16 and constitute grounds for disciplinary action against the real  
17 estate broker license(s) and license rights of Respondent under  
18 the provisions of Sections 10137 and 10177(d) of the California  
19 Business and Professions Code.

20 II

21 The acts and/or omissions of Respondent MAY HAN as  
22 stipulated above constitute grounds for disciplinary action  
23 against the real estate broker license(s) and license rights of  
24 Respondent under the provisions of Section 10177(h) of the  
25 California Business and Professions Code.

26 ///

27 \* \* \*



ORDER

1  
2 A. All real estate license(s) and license rights of Respondent  
3 APEXWAY CORPORATION and MAY HAN are hereby revoked.

4 B. A restricted real estate broker corporation license shall be  
5 issued to Respondent APEXWAY CORPORATION, and a restricted  
6 real estate broker license shall be issued to Respondent  
7 MAY HAN pursuant to Section 10156.6 of the Code if they  
8 each make application therefor and pay to the Department  
9 of Real Estate the appropriate fees for said licenses  
10 within ninety (90) days from the effective date of the  
11 Decision.

12 C. The restricted licenses issued to Respondents shall be  
13 subject to all of the provisions of Section 10156.7 of the  
14 Business and Professions Code and to the following  
15 limitations, conditions, and restrictions imposed under  
16 authority of Section 10156.6 of that Code:

- 17 (1) Any restricted license issued to Respondent MAY HAN  
18 pursuant to this Decision shall be suspended for  
19 thirty (30) days from the date of issuance of said  
20 restricted license; provided, however, that if  
21 Respondent MAY HAN petitions, said suspension (or a  
22 portion thereof) shall be stayed upon condition that:  
23 (a) Respondent MAY HAN pays a monetary penalty pursuant  
24 to Section 10175.2 of the Business and Professions  
25 Code at the rate of \$100 per day, for each day of  
26 the suspension, for a total maximum monetary  
27 penalty of \$3,000;

1           (b) Said payment shall be in the form of a cashier's  
2           check or certified check made payable to the  
3           Recovery Account of the Real Estate Fund. Said  
4           check must be received by the Department prior to  
5           the effective date of the Decision in this matter;

6           (c) No further cause for disciplinary action against  
7           the real estate license of Respondent MAY HAN  
8           occurs within one year from the effective date of  
9           the Decision in this matter;

10          (d) If Respondent MAY HAN fails to pay the monetary  
11          penalty in accordance with the terms and conditions  
12          of the Decision, the Commissioner may, without a  
13          hearing, order the immediate execution of all or  
14          any part of the stayed suspension in which event  
15          the Respondents shall not be entitled to any  
16          repayment nor credit, prorated or otherwise, for  
17          money paid to the Department under the terms of  
18          this Decision; and

19          (e) If Respondent MAY HAN pays the monetary penalty  
20          and if no further cause for disciplinary action  
21          against the real estate license of Respondent  
22          occurs within two (2) years from the effective  
23          date of the Decision, the stay hereby granted  
24          shall become permanent.

25          (2) The restricted licenses issued to Respondents APEXWAY  
26          CORPORATION and MAY HAN may each be suspended prior to  
27          hearing by Order of the Real Estate Commissioner in the

1 event of the respective Respondent's conviction or plea  
2 of nolo contendere to a crime which is substantially  
3 related to that Respondents' fitness or capacity as a  
4 real estate licensee.

5 (3) The restricted licenses issued to Respondents APEXWAY  
6 CORPORATION and MAY HAN may each be suspended prior to  
7 hearing by Order of the Real Estate Commissioner on  
8 evidence satisfactory to the Commissioner that the  
9 respective Respondent has violated provisions of the  
10 California Real Estate Law, the Subdivided Lands Law,  
11 Regulations of the Real Estate Commissioner or  
12 conditions attaching to the restricted license.

13 (4) Respondents APEXWAY CORPORATION and MAY HAN shall not be  
14 eligible to apply for the issuance of an unrestricted  
15 real estate license, nor the removal of any of the  
16 conditions of the respective restricted license, until  
17 two (2) years have elapsed from the effective date of  
18 this Decision.

19 (5) Respondent MAY HAN shall, within nine (9) months from  
20 the effective date of this Decision, present evidence  
21 satisfactory to the Real Estate Commissioner that  
22 Respondent has, since the most recent issuance of an  
23 original or renewal real estate license, taken and  
24 successfully completed the continuing education  
25 requirements of Article 2.5 of Chapter 3 of the Real  
26 Estate Law for renewal of a real estate license. If  
27 Respondent MAY HAN fails to satisfy this condition, the

1 Commissioner may order the suspension of the restricted  
2 license until Respondent presents such evidence. The  
3 Commissioner shall afford Respondent the opportunity for  
4 hearing pursuant to the Administrative Procedure Act to  
5 present such evidence.

6 (6) Respondent MAY HAN shall, within six (6) months from  
7 the effective date of this Decision, take and pass the  
8 Professional Responsibility Examination administered by  
9 the Department including the payment of the appropriate  
10 examination fee. If Respondent fails to satisfy this  
11 condition, the Commissioner may order suspension of the  
12 restricted license until Respondent passes the  
13 examination.

14  
15  
16  
17 January 30, 2003  
18 DATED

16  
17 Deidre L. Johnson  
18 DEIDRE L. JOHNSON  
19 Counsel for the Complainant

20 \* \* \*

21 I have read the Stipulation and Agreement, understand  
22 that I have the right to discuss it with counsel of my choice,  
23 and its terms are understood by me and are agreeable and  
24 acceptable to me. I understand that I am waiving rights given  
25 to me by the California Administrative Procedure Act, and I  
26 willingly, intelligently and voluntarily waive those rights,  
27 including the right of requiring the Commissioner to prove the

1 allegations as to me in the Accusation at a hearing at which I  
2 would have the right to cross-examine witnesses against me and to  
3 present evidence in defense and mitigation of the charges.

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01/24/2003  
DATED

  
APEXWAY CORPORATION, Respondent  
By: MAY HAN

01/24/2003  
DATED

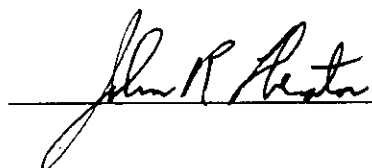
  
MAY HAN Respondent

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and shall become effective at 12 o'clock  
noon on May 7, 2003.

IT IS SO ORDERED March 10, 2003.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner



BY: John R. Liberator  
Chief Deputy Commissioner

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
APR 17 2003

DEPARTMENT OF REAL ESTATE

By *Kathleen Centreas*

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 APEXWAY CORPORATION, )  
14 individually and doing ) NO. H-8115 SF  
15 business as IQ FINANCIAL; )  
16 CALIFORNIA BETTER HOME & ) STIPULATION AND AGREEMENT  
17 FINANCE, INC.; ) AS TO ANN NGOC DO ONLY  
18 MAY HAN; and ANN NGOC DO, )  
19 Respondents. )

19 It is hereby stipulated by and between ANN NGOC DO  
20 (hereafter Respondent), represented by Thomas Salciccia,  
21 Attorney at Law, and the Complainant, acting by and through  
22 Deidre L. Johnson, Counsel for the Department of Real Estate, as  
23 follows for the purpose of settling and disposing the Accusation  
24 as to her only, filed on May 10, 2002, in this matter:

25 1. All issues which were to be contested and all  
26 evidence which was to be presented by Complainant and Respondent  
27 at a formal hearing on the Accusation, which hearing was to be

1 held in accordance with the provisions of the Administrative  
2 Procedures Act (APA), shall instead and in place thereof be  
3 submitted solely on the basis of the provisions of this  
4 Stipulation and Agreement.

5           2. Respondent has received, read and understands the  
6 Statement to Respondent, and the Discovery Provisions of the APA  
7 filed by the Department of Real Estate in this proceeding.

8           3. On May 28, 2002, Respondent filed her Notice of  
9 Defense pursuant to Section 11505 of the Government Code for the  
10 purpose of requesting a hearing on the allegations in this  
11 matter. Respondent hereby freely and voluntarily withdraws said  
12 Notice of Defense. Respondent acknowledges that she understands  
13 that by withdrawing said Notice of Defense she will thereby waive  
14 her right to require the Commissioner to prove the allegations in  
15 the Accusation at a contested hearing held in accordance with the  
16 provisions of the APA, and that she will waive other rights  
17 afforded to her in connection with the hearing such as the right  
18 to present evidence in defense of the allegations in the  
19 Accusation and the right to cross-examine witnesses.

20           4. Respondent, pursuant to the limitations set forth  
21 below, hereby admits that the factual allegations pertaining to  
22 her in Paragraphs I through VIII of the Accusation filed in this  
23 proceeding are true and correct and the Real Estate Commissioner  
24 shall not be required to provide further evidence of such  
25 allegations.

26           5. Without admitting the truth of the allegations  
27 pertaining to her contained in the remaining paragraphs of the

1 Accusation, in conjunction with Paragraph XX of the Fifth Cause  
2 of Action, Respondent stipulates that she will not interpose a  
3 defense thereto. This Stipulation is based on the factual  
4 allegations as to Respondent contained in the Accusation. In the  
5 interests of expedience and economy, Respondent chooses not to  
6 contest these allegations, but to remain silent and understands  
7 that, as a result thereof, these factual allegations, without  
8 being admitted or denied, will serve as the basis for the  
9 disciplinary action stipulated to herein. The Real Estate  
10 Commissioner shall not be required to provide further evidence  
11 to prove said factual allegations.

12           6. It is understood by the parties that the Real  
13 Estate Commissioner may adopt the Stipulation and Agreement as  
14 her decision in this matter thereby imposing the penalty and  
15 sanctions on Respondent's real estate license and license rights  
16 as set forth in the below "Order". In the event that the  
17 Commissioner in her discretion does not adopt the Stipulation  
18 and Agreement, it shall be void and of no effect, and Respondent  
19 shall retain the right to a hearing and proceeding on the  
20 Accusation under all the provisions of the APA and shall not be  
21 bound by any admission or waiver made herein.

22           7. The Order or any subsequent Order of the Real  
23 Estate Commissioner made pursuant to this Stipulation and  
24 Agreement shall not constitute an estoppel, merger or bar to any  
25 further administrative or civil proceedings by the Department of  
26 Real Estate with respect to any matters which were not specifically  
27 alleged to be causes for Accusation in this proceeding.



1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions  
3 and waivers, and for the purpose of settlement of the pending  
4 Accusation as to Respondent without a hearing, it is stipulated  
5 and agreed that the following determination of issues shall be  
6 made:

7 The acts and/or omissions of Respondent ANN NGOC DO as  
8 stipulated above constitute grounds for disciplinary action  
9 against the real estate broker license(s) and license rights of  
10 Respondent under the provisions of Section 10177(h) of the  
11 California Business and Professions Code.

12 \* \* \*

13 ORDER

14 A. All real estate license(s) and license rights of Respondent  
15 ANN NGOC DO are hereby revoked.

16 B. A restricted real estate broker license shall be issued to  
17 Respondent pursuant to Section 10156.6 of the Code if she  
18 makes application therefor and pays to the Department of  
19 Real Estate the appropriate fee for said license within  
20 ninety (90) days from the effective date of the Decision.

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

26 (1) Any restricted license issued to Respondent pursuant to  
27 this Decision shall be suspended for thirty (30) days

1 from the date of issuance of said restricted license;  
2 provided, however, that if Respondent petitions, said  
3 suspension (or a portion thereof) shall be stayed upon  
4 condition that:

5 (a) Respondent pays a monetary penalty pursuant to  
6 Section 10175.2 of the Business and Professions  
7 Code at the rate of \$100 per day, for each day of  
8 the suspension, for a total maximum monetary  
9 penalty of \$3,000;

10 (b) Said payment shall be in the form of a cashier's  
11 check or certified check made payable to the  
12 Recovery Account of the Real Estate Fund. Said  
13 check must be received by the Department prior  
14 to the effective date of the Decision in this  
15 matter;

16 (c) No further cause for disciplinary action against  
17 the real estate license of Respondent occurs within  
18 one year from the effective date of the Decision in  
19 this matter;

20 (d) If Respondent fails to pay the monetary penalty in  
21 accordance with the terms and conditions of the  
22 Decision, the Commissioner may, without a hearing,  
23 order the immediate execution of all or any part of  
24 the stayed suspension in which event the Respondent  
25 shall not be entitled to any repayment nor credit,  
26 prorated or otherwise, for money paid to the  
27 Department under the terms of this Decision; and

1 (e) If Respondent pays the monetary penalty and if no  
2 further cause for disciplinary action against the  
3 real estate license of Respondent occurs within two  
4 (2) years from the effective date of the Decision,  
5 the stay hereby granted shall become permanent.

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

12 (3) The restricted license issued to Respondent may be  
13 suspended prior to hearing by Order of the Real Estate  
14 Commissioner on evidence satisfactory to the  
15 Commissioner that Respondent has violated provisions of  
16 the California Real Estate Law, the Subdivided Lands  
17 Law, Regulations of the Real Estate Commissioner or  
18 conditions attaching to the restricted license.

19 (4) Respondent shall not be eligible to apply for the  
20 issuance of an unrestricted real estate license, nor the  
21 removal of any of the conditions of the restricted  
22 license, until two (2) years have elapsed from the  
23 effective date of this Decision.

24 (5) Respondent shall, within nine (9) months from the  
25 effective date of this Decision, present evidence  
26 satisfactory to the Real Estate Commissioner that  
27 Respondent has, since the most recent issuance of an

1           original or renewal real estate license, taken and  
2           successfully completed the continuing education  
3           requirements of Article 2.5 of Chapter 3 of the Real  
4           Estate Law for renewal of a real estate license. If  
5           Respondent fails to satisfy this condition, the  
6           Commissioner may order the suspension of the restricted  
7           license until the Respondent presents such evidence.  
8           The Commissioner shall afford Respondent the opportunity  
9           for hearing pursuant to the Administrative Procedure Act  
10          to present such evidence.

11          (6) Respondent shall, within six (6) months from the  
12          effective date of this Decision, take and pass the  
13          Professional Responsibility Examination administered by  
14          the Department including the payment of the appropriate  
15          examination fee. If Respondent fails to satisfy this  
16          condition, the Commissioner may order suspension of the  
17          restricted license until Respondent passes the  
18          examination.

19  
20          February 5, 2003  
21          DATED

20          Deidre L. Johnson  
21          DEIDRE L. JOHNSON  
22          Counsel for the Complainant

23                                  \* \* \*

24          I have read the Stipulation and Agreement, have  
25          discussed it with my counsel, and its terms are understood by me  
26          and are agreeable and acceptable to me. I understand that I am  
27          waiving rights given to me by the California Administrative

1 Procedure Act, and I willingly, intelligently and voluntarily  
2 waive those rights, including the right of requiring the  
3 Commissioner to prove the allegations as to me in the Accusation  
4 at a hearing at which I would have the right to cross-examine  
5 witnesses against me and to present evidence in defense and  
6 mitigation of the charges.

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Jan 31 03  
DATED

*Ann Ngoc Do*  
ANN NGOC DO, Respondent

Approved as to form:

Jan 31 03  
DATED

*Thomas Salciccia*  
THOMAS SALCICCIA  
Attorney for Respondent

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision and shall become effective at 12 o'clock  
noon on May 7, 2003.

IT IS SO ORDERED March 6, 2003.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

*Paula Reddish Zinnemann*

FILED  
NOV - 7 2002

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

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

*In the Matter of the Accusation of*

APEXWAY CORPORATION, Individually and  
Doing Business as IQ FINANCIAL;  
CALIFORNIA BETTER HOME & FINANCE, INC.;  
MAY HAN; and ANN NGOC DO,

Case No. H-8115 SF

OAH No. N-2002100385

---

*Respondents*

**NOTICE OF HEARING ON ACCUSATION**

**To the above named respondents:**

**You are hereby notified** that a hearing will be held before the Department of Real Estate at

**OFFICE OF ADMINISTRATIVE HEARING, THE ELIHU HARRIS STATE BUILDING,  
1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612**

on **FEBRUARY 4, 2003, and FEBRUARY 5, 2003**, at the hour of **9:00 AM**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: NOVEMBER 6, 2002

By

Deidre L. Johnson  
DEIDRE L. JOHNSON, Counsel

1 DEIDRE L. JOHNSON, Counsel  
State Bar No. 66322  
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5  
6  
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FILED  
MAY 10 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 APEXWAY CORPORATION, ) NO. H-8115 SF  
14 individually and doing )  
15 business as IQ FINANCIAL; )  
16 CALIFORNIA BETTER HOME & ) ACCUSATION  
FINANCE, INC.; )  
MAY HAN; and ANN NGOC DO, )  
Respondents. )

17 The Complainant, Les R. Bettencourt, a Deputy Real  
18 Estate Commissioner of the State of California, for causes of  
19 Accusation against APEXWAY CORPORATION, individually and doing  
20 business as IQ FINANCIAL; CALIFORNIA BETTER HOME & FINANCE, INC.;  
21 MAY HAN; and ANN NGOC DO, is informed and alleges as follows:

22 PRELIMINARY ALLEGATIONS

23 I

24 The Complainant, Les R. Bettencourt, a Deputy Real  
25 Estate Commissioner of the State of California, makes this  
26 Accusation against Respondents in his official capacity and not  
27 otherwise.

1 II

2 Respondents APEXWAY CORPORATION, CALIFORNIA BETTER  
3 HOME & FINANCE, INC., MAY HAN, and ANN NGOC DO are presently  
4 licensed and/or have license rights under the Real Estate Law,  
5 Part 1 of Division 4 of the California Business and Professions  
6 Code (hereafter the Code).

7 III

8 At all times herein mentioned, Respondent APEXWAY  
9 CORPORATION was and is licensed by the Department of Real Estate  
10 (hereafter the Department) as a real estate broker corporation,  
11 individually and doing business as IQ FINANCIAL (hereafter  
12 APEXWAY), with MAY HAN as its designated broker officer.

13 IV

14 At all times herein mentioned, Respondent MAY HAN  
15 (hereafter HAN) was and is licensed by the Department of Real  
16 Estate (hereafter the Department) as an individual real estate  
17 broker, and as the designated broker officer of APEXWAY.

18 V

19 At all times herein mentioned, Respondent CALIFORNIA  
20 BETTER HOME & FINANCE, INC. (hereafter BETTER HOME) was and  
21 is licensed by the Department of Real Estate (hereafter the  
22 Department) as a real estate broker corporation, with ANN NGOC DO  
23 as its designated broker officer until the designated officer  
24 license was cancelled on or about January 16, 2001.

25 VI

26 At all times herein mentioned, Respondent ANN NGOC DO  
27 (hereafter DO) was and is licensed by the Department of Real



1 Estate (hereafter the Department) as an individual real estate  
2 broker, and as the designated broker officer of BETTER HOME until  
3 on or about January 16, 2001.

4 VII

5 At no time herein was KIEU LY TRUONG LE, also known as  
6 MIMI LE (hereafter LE), licensed by the Department as either a  
7 real estate broker or salesperson.

8 VIII

9 At all times herein mentioned, Respondents APEXWAY and  
10 BETTER HOME engaged in the business of; acted in the capacity of,  
11 advertised or assumed to act as a real estate broker within the  
12 State of California, for or in expectation of compensation,  
13 including:

14 (a) The operation and conduct of a real property sales  
15 business with the public, and sold or offered to sell, bought or  
16 offered to buy, solicited prospective sellers or purchasers of,  
17 obtained listings of, and/or negotiated the purchase, sale or  
18 exchange of real property in California under Section 10131(a) of  
19 the Code; and/or,

20 (b) the operation and conduct of a mortgage loan  
21 brokerage business with the public wherein lenders and/or  
22 borrowers were solicited for loans secured directly or  
23 collaterally by liens on real property, and wherein such loans  
24 were arranged, negotiated, processed, and consummated on behalf  
25 of others, under Section 10131(d) of the Code.

26 ///

27 ///

1 FIRST CAUSE OF ACTION

2 IX

3 During the three-year period immediately preceding the  
4 filing of this Accusation, LE was employed or associated with  
5 APEXWAY and HAN, and performed activities for APEXWAY and HAN for  
6 which a real estate license is required, for or in expectation of  
7 compensation. LE solicited and/or negotiated sales and purchases  
8 of real property and loans secured by real property, for or in  
9 expectation of compensation from APEXWAY and HAN, in various  
10 transactions, including but not limited to the following:

11

CLOSE OF ESCROW	CLIENT	PROPERTY	COMMISSION TO TO FINANCIAL
March 10, 2000	Andrew Phan & Giselle Tran	2762 Aqua Vista Drive, Santa Clara	Loan: \$5,052.00

12  
13  
14

15 X

16 The above acts and/or omissions of APEXWAY and HAN, in  
17 employing and/or compensating LE, when LE was not duly licensed  
18 by the Department, violate Section 10137 of the Code, and  
19 constitute grounds for disciplinary action against APEXWAY and  
20 HAN pursuant to Sections 10137 and 10177(d) of the Code.

21 SECOND CAUSE OF ACTION

22 XI

23 In or about March of 1999, APEXWAY and HAN entered into  
24 an agreement with LE to open a "branch" of APEXWAY at a different  
25 location on Berryessa Road in San Jose, California. For tax or  
26 other purposes, the parties agreed to form a separate  
27 corporation, BETTER HOME.

XII

In November of 1999, BETTER HOME and DO filed a corporate real estate broker license and designated broker officer application with the Department, that showed the initial directors of BETTER HOME to be LE and her husband, Bao Nguyen.

XIII

During the three-year period immediately preceding the filing of this Accusation, LE was employed or associated with BETTER HOME and DO, individually and/or as a "branch" of APEXWAY, and performed activities for BETTER HOME for which a real estate license is required, for or in expectation of compensation. LE solicited and/or negotiated sales and purchases of real property and/or loans secured by real property, for or in expectation of compensation from BETTER HOME, in various transactions, including but not limited to the following:

CLOSE OF ESCROW	CLIENT	PROPERTY	COMMISSION TO BETTER HOME
October 27, 2000	Trang Phung	17725 Granada Drive, Victorville	Sale: \$11,394 Loan: \$ 6,250
January 26, 2001	Lisa Buckley	1216 San Juan Avenue, San Jose	Loan: \$5,673

XIV

The above acts and/or omissions of BETTER HOME and DO, in employing and/or compensating LE, when LE was not duly licensed by the Department, violate Section 10137 of the Code, and constitute grounds for disciplinary action against BETTER HOME and DO pursuant to Sections 10137 and 10177(d) of the Code.



1 XVIII

2 The acts and/or omissions of BETTER HOME as alleged in  
3 Paragraph XVII above constitute grounds for disciplinary action  
4 under the provisions of Section 10176(a) and/or 10176(i) of the  
5 Code.

6 FIFTH CAUSE OF ACTION

7 XIX

8 As the designated officer of APEXWAY, HAN failed to  
9 supervise the activities conducted on behalf of APEXWAY by its  
10 officers, employees, and/or agents as necessary to secure full  
11 compliance with the provisions of the Real Estate Law, and in  
12 particular failed to establish policies, rules, and systems for  
13 proper licensing of agents including but not limited to LE,  
14 preparation, execution, and delivery of mortgage loan disclosure  
15 statements, and the accurate disclosure of loan terms and  
16 charges, and to monitor compliance, such that the above  
17 violations occurred.

18 XX


19 As the designated officer of BETTER HOME, DO failed to  
20 supervise the activities conducted on behalf of BETTER HOME by  
21 its officers and employees as necessary to secure full compliance  
22 with the provisions of the Real Estate Law, and in particular  
23 failed to establish policies, rules, and systems for proper  
24 licensing of agents including but not limited to LE, preparation,  
25 execution, and delivery of mortgage loan disclosure statements,  
26 and the accurate disclosure of loan terms and charges, and to  
27 monitor compliance, such that the above violations occurred.

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XXI

The acts and/or omissions of HAN and DO as alleged in Paragraphs XIX and XX above, respectively, constitute grounds for disciplinary action under the provisions of Section 10177(h) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all license(s) and license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.

  
LES R. BETTENCOURT  
Deputy Real Estate Commissioner

Dated at Oakland, California,  
this 24<sup>th</sup> day of April, 2002.