

FILED

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DEPARTMENT OF REAL ESTATE

By RDW

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: )  
12 ) No. H-12407 SF  
13 BRIGHTEN LENDING and HUILING VON, )  
14 ) FIRST AMENDED  
15 Respondents. ) ACCUSATION

16 The Complainant, ROBIN S. TANNER, in her official capacity as a Supervising  
17 Special Investigator of the State of California, Department of Real Estate (“Department”), brings  
18 this First Amended Accusation against BRIGHTEN LENDING (“BRIGHTEN”) and HUILING  
19 VON, aka JESSICA VON, (“VON”), (collectively “Respondents”), and is informed and alleges as  
20 follows:

21 1

22 BRIGHTEN is presently licensed by the Department and/or has license rights under  
23 the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code  
24 (“Code”), as a corporate real estate broker, CREB No. 01453920.

25 2

26 BRIGHTEN is also licensed by the Department as a mortgage loan originator,  
27 Nationwide Mortgage Licensing System and Registry (“NMLS”), NMLS Id. No. 39160.

1 3

2 VON is presently licensed by the Department and/or has license rights under the  
3 Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker, REB No. 02024595.

4 4

5 VON is also licensed by the Department as a mortgage loan originator, NMLS Id.  
6 No. 1580228.

7 5

8 VON has been the designated broker officer of BRIGHTEN as of March 27, 2017.

9 6

10 At all relevant times herein, BRIGHTEN was doing business under the fictitious  
11 business name of "Brighten Lending – A Non-Independent Broker Escrow."

12 7

13 At all relevant times herein, Respondents engaged in the business of, acted in the  
14 capacity of, advertised or assumed to act as real estate licensees within the State of California within  
15 the meaning of Section 10131(a) of the Code including conducting residential real estate sales  
16 activities, wherein, on behalf of others, for compensation or in expectation of compensation,  
17 Respondents sold or offered to sell, bought or offered to buy, solicited prospective sellers or buyers  
18 of, solicited or obtained listings of, or negotiated the purchase, sale, or exchange of real property or  
19 a business opportunity.

20 8

21 On or about July 13, 2017, Respondents started offering broker escrow services to  
22 their clients. Neither BRIGHTEN nor VON is licensed with the Department of Business Oversight.

23 9

24 Beginning on May 29, 2018, and continuing through July 13, 2018, an audit was  
25 conducted into the real estate business activities of BRIGHTEN, located at 135 E. Huntington Dr.,  
26 Arcadia, CA 91006. Department auditor David Quek examined the business records of BRIGHTEN  
27 for the period of January 1, 2016, through April 30, 2018, ("audit period").

1 COUNT ONE

2 (Audit Violations as to Both Respondents)

3 10

4 Each and every allegation made above in Paragraphs 1 through 9, inclusive, is  
5 incorporated by reference as if fully set forth herein.

6 11

7 While engaging in the real estate activities described above in Paragraphs 5 and 6,  
8 and within the audit period, Respondents accepted or received funds in trust ("trust funds") and  
9 deposited or caused the trust funds to be deposited into the following trust account:

10 Trust Account #1

11 Bank Name: First Commercial Bank (USA)  
12 18725 E. Gale Ave. #150, City of Industry, CA 91748  
13 Account Name: Brighten Lending (Escrow Trust)  
14 Account No.: Last 4 Digits: 1138  
15 Signatories: Huiling Von (REB)  
16 Khanthaphixay Lee (RES)  
17 Yu Shan (Unlicensed)  
18 Sean Lee (Unlicensed)  
19 Description: Trust Account #1 was used for handling deposits and  
20 disbursements for escrow activities for multi-beneficiary  
21 accounts.

22 12

23 In the course of the real estate activities described above in Paragraph 7, and during  
24 the audit period, it was discovered as follows:

25 a. As of April 30, 2018, Trust Account #1 had a shortage of \$20.00, in violation  
26 of Section 10145 of the Code and Sections 2832.1 and 2951, Title 10, California Code of  
27 Regulations ("Regulations");

28 b. Respondents failed to obtain prior written consent from the owners of the  
29 trust funds in Trust Account #1 prior to reducing the balance of the funds to an amount less than the  
30 existing aggregate trust fund liabilities, in violation of Section 10145 of the Code and Sections  
31 2832.1 and 2951 of the Regulations;

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33 ///

1 c. Respondents failed to maintain accurate and/or complete separate beneficiary  
2 records in Trust Account #1, in violation of Section 10145 of the Code and Sections 2831.1,  
3 2950(d), and 2951 of the Regulations;

4 d. Respondents used the unlicensed and unregistered fictitious business name of  
5 "Brighten Lending – A Non-Independent Broker Escrow" to perform real estate license activities  
6 without first obtaining a license from the Department, in violation of Section 10159.5 of the Code  
7 and Section 2731 of the Regulations;

8 e. Respondents permitted unlicensed employees Yu Shan Ni and Sean Lee to be  
9 signatories on Trust Account #1, in violation of Section 10145 of the Code and Sections 2834,  
10 2650(d), and 2951 of the Regulations;

11 f. Respondents failed to advise all parties to a transaction, in writing, that as  
12 officer, partner, owner and/or stockholder of BRIGHTEN, VON had a financial interest in  
13 BRIGHTEN holding the escrow, in violation of Section 2950(h) of the Regulations;

14 g. Respondents failed to file with the Department an escrow activity report,  
15 Department form RE890, within 60 days after the end of calendar year 2017, in violation of Section  
16 10141.6 of the Code; and

17 h. Respondents performed broker escrow activities when Respondents were not  
18 agents or a party to the underlying real estate transaction, in violation of Financial Code Sections  
19 10086(a) and 17006(a)(4).

20 **GROUND FOR DISCIPLINE**

21 (As to both Respondents)

22 13

23 The acts and/or omissions of Respondents, as alleged above in Paragraph 12,  
24 constitute grounds for the suspension or revocation of all licenses and license rights of Respondents  
25 pursuant to the following provisions of the Code and Regulations:

26 a. As to Paragraph 12(a), under Sections 10145, 10177(d), and/or 10177(g) of  
27 the Code, in conjunction with Sections 2832.1 and 2951 of the Regulations;



1 revocation of the license(s) and license rights of VON under Sections 10159.2, 10177(d), 10177(g),  
2 and/or 10177(h) of the Code, in conjunction with Section 2725 of the Regulations.

3 **COST RECOVERY**

4 17

5 The acts and/or omissions of Respondents as alleged above in Count One and Count  
6 Two, entitle the Department to reimbursement of the costs of its audit pursuant to Section 10148(b)  
7 (audit costs for trust fund handling violation) of the Code.

8 18

9 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
10 resolution of a disciplinary proceeding before the Department, the Commissioner may request the  
11 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
12 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

13 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of  
14 this First Amended Accusation and that upon proof thereof, a decision be rendered imposing  
15 disciplinary action against all licenses and license rights of Respondent under the Code, for the cost  
16 of investigation and enforcement as permitted by law, for the cost of the audit, and for such other  
17 and further relief as may be proper under other provisions of law.

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19 \_\_\_\_\_  
20 ROBIN S. TANNER  
21 Supervising Special Investigator

22 Dated at Oakland, California,  
23 this 13<sup>th</sup> day of January, 2020.

24 **DISCOVERY DEMAND**

25 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
26 Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth  
27 in the *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate  
may result in the exclusion of witnesses and documents at the hearing or other sanctions that the  
Office of Administrative Hearings deems appropriate.