



1                   2. Respondents BL and VON have received and read and understand the  
2 Statement to Respondent, the Discovery Provisions of the APA, and the First Amended  
3 Accusation filed by the Department of Real Estate in this proceeding.

4                   3. On or about December 27, 2019, Respondents BL and VON filed Notices of  
5 Defense pursuant to California Government Code section 11506 for the purpose of requesting a  
6 hearing on the allegations in the Accusation. Respondents BL and VON hereby freely and  
7 voluntarily withdraw said Notices of Defense. Respondents BL and VON acknowledge that they  
8 understand that by withdrawing said Notices of Defense, Respondents BL and VON will thereby  
9 waive their right to require the Commissioner to prove the allegations in the First Amended  
10 Accusation at a contested hearing held in accordance with the provisions of the APA and that  
11 they will waive other rights afforded to them in connection with the hearing, such as the right to  
12 present evidence in defense of the allegations in the First Amended Accusation and the right to  
13 cross-examine witnesses.

14                   4. This Stipulation is based on the factual allegations contained in the First  
15 Amended Accusation filed in this proceeding. In the interest of expedience and economy,  
16 Respondents BL and VON choose not to contest these factual allegations, but to remain silent  
17 and understand that, as a result thereof, these factual statements, will serve as a prima facie basis  
18 for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be  
19 required to provide further evidence to prove such factual allegations.

20                   5. This Stipulation is made for the purpose of reaching an agreed disposition of  
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
22 which the Department of Real Estate, or another licensing agency of this state or another state, or  
23 if the federal government is involved, and otherwise shall not be admissible in any other criminal  
24 or civil proceedings.

25                   6. It is understood by the parties that the Real Estate Commissioner may adopt  
26

1 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and  
2 sanctions on Respondents BL's and VON's real estate licenses and license rights as set forth in  
3 the below "Order." In the event that the Commissioner in his discretion does not adopt the  
4 Stipulation and Agreement, it shall be void and of no effect, and Respondents BL and VON shall  
5 retain the right to a hearing and proceeding on the First Amended Accusation under all the  
6 provisions of the APA and shall not be bound by any admission or waiver made herein.

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

11           8. Respondents BL and VON understand that by agreeing to this Stipulation and  
12 Agreement, Respondents BL and VON agree to pay, pursuant to California Business and  
13 Professions Code section 10106, the cost of the investigation and enforcement. The amount of  
14 total investigation and enforcement cost is \$2,875.00.

15           9. Respondents BL and VON understand that by agreeing to this Stipulation and  
16 Agreement, Respondents BL and VON agree to pay, pursuant to California Business and  
17 Professions Code section 10148, the cost of the audit which led to this disciplinary action. The  
18 amount of said cost for the original audit (LA170216) is \$3,662.26.

19           10. Respondents BL and VON understand that by agreeing to this Stipulation and  
20 Agreement, the findings set forth below in the Determination of Issues become final, and the  
21 Commissioner may charge Respondents BL and VON for the cost of any subsequent audit  
22 conducted pursuant to California Business and Professions Code section 10148. The maximum  
23 cost of the subsequent audit will not exceed \$4,577.83.

24 ///

25 ///

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions, and waivers, it is stipulated  
3 and agreed that the following determination of issues shall be made:

4 The conduct, acts, and/or omissions of Respondent BL, as set forth in the  
5 Accusation, violated California Business and Professions Code sections 10141.6, 10145, and  
6 10159.5, California Financial Code section 17006(a)(4), and California Code of Regulations,  
7 title 10, chapter 6, sections 2731, 2831.1, 2834, 2950(d), 2950(h), and 2951, and are grounds for  
8 the suspension or revocation of all of the real estate licenses and license rights of Respondent BL  
9 under the provisions of California Business and Professions Code sections 10177(d) and  
10 10177(g).

11 The conduct, acts, and/or omissions of Respondent VON, as set forth in the  
12 Accusation, violated California Business and Professions Code sections 10141.6, 10145,  
13 10159.2, and 10159.5, California Financial Code section 17006(a)(4), and California Code of  
14 Regulations, title 10, chapter 6, sections 2731, 2831.1, 2834, 2950(d), 2950(h), and 2951, and are  
15 grounds for the suspension or revocation of all of the real estate licenses and license rights of  
16 Respondent VON under the provisions of California Business and Professions Code sections  
17 10177(d), 10177(g), and 10177(h).

18  
19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21  
22 (BRIGHTEN LENDING: SUSPENSION)

23 I.

24 All licenses and licensing rights of Respondent BL under the Real Estate Law are  
25 suspended for a period of forty-five (45) days from the effective date of this Decision:

1           A. Provided, however, that the initial fifteen (15) days of said suspension shall be  
2 stayed upon condition that:

3           1. Respondent BL pays a monetary penalty pursuant to California Business and  
4 Professions Code section 10175.2 at the rate of \$100.00 per day for a monetary penalty of  
5 \$1,500.00 total.

6           2. Said payment shall be in the form of a cashier's check or certified check made  
7 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the  
8 Department of Real Estate prior to the effective date of the Decision in this matter.

9           3. No further cause for disciplinary action against the real estate license of  
10 Respondent BL occurs within two (2) years from the effective date of the Decision in this matter.

11           4. If Respondent BL fails to pay the monetary penalty in accordance with the  
12 terms of the Decision, the Commissioner may, without a hearing, order the immediate execution  
13 of all or any part of the stayed suspension, in which event Respondent BL shall not be entitled to  
14 any repayment nor credit, prorated or otherwise, for money paid to the Department of Real  
15 Estate under the terms of this Decision.

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

19           B. The remaining thirty (30) days of the forty-five (45) day suspension shall be  
20 stayed for two (2) years upon the following terms and conditions:

21           1. Respondent BL shall obey all laws, rules, and regulations governing the rights,  
22 duties, and responsibilities of a real estate licensee in the State of California; and

23           2. That no final subsequent determination be made after hearing or upon  
24 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
25 date of this Decision. Should such a determination be made, the Commissioner may, in his  
26

1 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed  
2 suspension. Should no such determination be made, the stay imposed herein shall become  
3 permanent.

4  
5 (VON: SUSPENSION)

6 II.

7 All licenses and licensing rights of Respondent VON under the Real Estate Law  
8 are suspended for a period of forty-five (45) days from the effective date of this Decision:

9 A. Provided, however, that the initial fifteen (15) days of said suspension shall be  
10 stayed upon condition that:

11 1. Respondent VON pays a monetary penalty pursuant to California Business and  
12 Professions Code section 10175.2 at the rate of \$100.00 per day for a monetary penalty of  
13 \$1,500.00 total.

14 2. Said payment shall be in the form of a cashier's check or certified check made  
15 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the  
16 Department of Real Estate prior to the effective date of the Decision in this matter.

17 3. No further cause for disciplinary action against the real estate license of  
18 Respondent VON occurs within two (2) years from the effective date of the Decision in this  
19 matter.

20 4. If Respondent VON fails to pay the monetary penalty in accordance with the  
21 terms of the Decision, the Commissioner may, without a hearing, order the immediate execution  
22 of all or any part of the stayed suspension, in which event Respondent VON shall not be entitled  
23 to any repayment nor credit, prorated or otherwise, for money paid to the Department of Real  
24 Estate under the terms of this Decision.

25 5. If Respondent VON pays the monetary penalty and if no further cause for  
26

1 disciplinary action against the real estate license of Respondent VON occurs within two (2) years  
2 from the effective date of the Decision, the stay hereby granted shall become permanent.

3 B. The remaining thirty (30) days of the forty-five (45) day suspension shall be  
4 stayed for two (2) years upon the following terms and conditions:

5 1. Respondent VON shall obey all laws, rules, and regulations governing the  
6 rights, duties, and responsibilities of a real estate licensee in the State of California; and

7 2. That no final subsequent determination be made after hearing or upon  
8 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
9 date of this Decision. Should such a determination be made, the Commissioner may, in his  
10 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed  
11 suspension. Should no such determination be made, the stay imposed herein shall become  
12 permanent.

13 3. Respondent VON shall notify the Commissioner in writing within 72 hours of  
14 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
15 P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent  
16 VON's arrest, the crime for which Respondent VON was arrested, and the name and address of  
17 the arresting law enforcement agency. Respondent VON's failure to timely file written notice  
18 shall constitute an independent violation of the terms of the restricted license and shall be  
19 grounds for the suspension or revocation of that license.

20  
21 (BRIGHTEN LENDING AND VON: INVESTIGATION AND ENFORCEMENT COSTS)

22 III.

23 All licenses and licensing rights of Respondents BL and VON are indefinitely  
24 suspended unless or until Respondents BL and VON pay the sum of \$2,875.00 with joint and  
25 several liability for the Commissioner's reasonable cost of the investigation and enforcement

1 which led to this disciplinary action. Said payment shall be in the form of a cashier's check  
2 made payable to the Department of Real Estate. The investigative and enforcement costs must  
3 be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento,  
4 CA 95813-7013, prior to the effective date of this Decision and Order. If Respondents BL and  
5 VON fail to satisfy this condition, the Commissioner shall order suspension of Respondents BL's  
6 and VON's licenses and license rights until Respondents BL and VON pay restitution and  
7 provides proof thereof.

8  
9 (BRIGHTEN LENDING AND VON: AUDIT COSTS)

10 IV.

11 Pursuant to California Business and Professions Code section 10148, Respondents  
12 BL and VON shall pay \$3,662.26 for the Commissioner's cost of the audit which led to this  
13 disciplinary action. Respondents BL and VON shall pay this \$3,662.26 within sixty (60) days of  
14 receiving an invoice therefore from the Commissioner. Payment of audit costs should not be  
15 made until Respondents BL and/or VON receives the invoice. If Respondents BL and VON fail  
16 to satisfy this condition in a timely manner as provided for herein, the real estate licenses of  
17 Respondents BL and VON shall automatically be suspended until payment is made in full, or  
18 until a decision providing otherwise is adopted following a hearing held pursuant to this  
19 condition.

20 Pursuant to California Business and Professions Code section 10148, Respondents  
21 BL and VON shall pay the Commissioner's reasonable cost, not to exceed \$4,577.83, for an  
22 audit to determine if Respondents BL and/or VON have corrected the violations found in the  
23 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the  
24 Commissioner may use the estimated average hourly salary for all persons performing audits of  
25 real estate broker(s), and shall include an allocation for travel time to and from the auditor's  
26




1 place of work. Respondents BL and VON shall pay such cost within sixty (60) days of receiving  
2 an invoice therefor from the Commissioner. Payment of the audit costs should not be made until  
3 Respondents BL and/or VON receive the invoice. If Respondents BL and VON fail to satisfy  
4 this condition in a timely manner as provided for herein, the real estate licenses of Respondents  
5 BL and VON shall automatically be suspended until payment is made in full, or until a decision  
6 providing otherwise is adopted following a hearing held pursuant to this condition.

7  
8 (VON: TRUST FUND COURSE)

9 V.

10 All licenses and licensing rights of Respondent VON are indefinitely suspended  
11 unless or until Respondent VON provides proof satisfactory to the Commissioner, of having  
12 taken and successfully completed the continuing education course on trust fund accounting and  
13 handling specified in California Business and Professions Code section 10170.5(a)(3). Proof of  
14 satisfaction of these requirements includes evidence that Respondent VON has successfully  
15 completed the trust fund account and handling continuing education courses, no earlier than 120  
16 days prior to the effective date of the Decision and Order in this matter. Proof of completion of  
17 the trust fund accounting and handling course must be delivered to the Department of Real  
18 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at (916) 263-  
19 8758, prior to the effective date of this Decision and Order.

20  
21 DATED: 06/18/2020

  
\_\_\_\_\_  
DIANE LEE  
Counsel for Complainant

22  
23 \* \* \*

24  
25 We, Respondents BL and VON, have read the Stipulation and Agreement, and its

1 terms are understood by us and are agreeable and acceptable to us. We understand that we are  
2 waiving rights given to us by the California Administrative Procedure Act (including but not  
3 limited to California Government Code sections 11506, 11508, 11509, and 11513), and we  
4 willingly, intelligently, and voluntarily waive those rights, including the right of requiring the  
5 Commissioner to prove the allegations in the First Amended Accusation at a hearing at which we  
6 would have the right to cross-examine witnesses against me and to present evidence in defense  
7 and mitigation of the charges.


8            Respondents BL and VON shall mail the original signed signature page of the  
9 stipulation herein to Department of Real Estate, 320 W. 4th St., Suite 350, Los Angeles,  
10 California 90013-1105, Attention: Diane Lee (Legal Section).

11            Respondents BL's and VON's signatures below constitute acceptance and  
12 approval of the terms and conditions of this Stipulation and Agreement. Respondents BL and  
13 VON agree, acknowledge, and understand that by signing this Stipulation and Agreement,  
14 Respondents BL and VON are bound by its terms as of the date of such signatures and that this  
15 agreement is not subject to rescission or amendment at a later date except by a separate  
16 Decision and Order of the Real Estate Commissioner.


17            In the event of time constraints before an administrative hearing, Respondents  
18 BL and VON can signify acceptance and approval of the terms and conditions of this  
19 Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed  
20 by Respondents BL and VON, to the Department counsel assigned to this case. Respondents  
21 BL and VON agree, acknowledge, and understand that by electronically sending the  
22 Department of Real Estate a scan of Respondents BL's and VON's actual signatures as they  
23 appear on the Stipulation and Agreement, that receipt of the scan by the Department of Real  
24 Estate shall be binding on Respondents BL and VON as if the Department of Real Estate had  
25 received the original signed Stipulation and Agreement.

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

DATED: 6/15/2020


  
BRIGHTEN LENDING, Respondent  
By: Huling Von, Designated Officer

DATED: 6/15/2020

  
HUILING VON, Respondent

I have reviewed the Stipulation and Agreement as to form and content, and have advised my clients accordingly.

DATED: 6-15-20

  
FRANK BUDA, ESQ.  
Counsel for BRIGHTEN LENDING and  
HUILING VON

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents BRIGHTEN LENDING and HUILING VON in this matter and shall become effective at 12 o'clock noon on September 4, 2020.

IT IS SO ORDERED 7/30, 2020.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

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

DATED: \_\_\_\_\_

\_\_\_\_\_  
BRIGHTEN LENDING, Respondent  
By: Hailing Von, Designated Officer

DATED: \_\_\_\_\_

\_\_\_\_\_  
HUILING VON, Respondent

I have reviewed the Stipulation and Agreement as to form and content, and have advised my clients accordingly.

DATED: \_\_\_\_\_

\_\_\_\_\_  
FRANK BUDA, ESQ.  
Counsel for BRIGHTEN LENDING and  
HUILING VON

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents BRIGHTEN LENDING and HUILING VON in this matter and shall become effective at 12 o'clock noon on September 4, 2020.

IT IS SO ORDERED 7.30.20, 2020.

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

Douglas R. McCauley