

FRAG

1 Bureau of Real Estate
320 West 4th Street, Ste. 350
2 Los Angeles, California 90013-1105

3 Telephone: (213) 576-6982

FILED

JAN 22 2015

BUREAU OF REAL ESTATE

By *Norma Quinn*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-39346 LA

12 JESSICA TRAN, doing business)
13 as Platinum Real Estate Group,)

STIPULATION
AND
AGREEMENT

14 Respondent,)
15

16 It is hereby stipulated by and between Respondent JESSICA TRAN (sometimes
17 referred to as "Respondent") represented by Edward O. Lear, Esq. and the Complainant, acting
18 by and through Elliott Mac Lennan, Counsel for the Bureau of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation ("Accusation") filed on March 3, 2014, in
20 this matter:

21
22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
24 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA")
25 shall instead and in place thereof be submitted solely on the basis of the provisions of this
26 Stipulation and Agreement ("Stipulation").
27

1 2. Respondent has received, read and understands the Statement to Respondent,
2 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in
3 this proceeding.

4 3. Respondent timely filed a Notice of Defense pursuant to Section 11506 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
7 acknowledges that she understands that by withdrawing said Notice of Defense she thereby
8 waives her right to require the Real Estate Commissioner ("Commissioner ") to prove the
9 allegations in the Accusation at a contested hearing held in accordance with the provisions of
10 the APA and that she will waive other rights afforded to her in connection with the hearing such
11 as the right to present evidence in her defense and the right to cross-examine witnesses.
12

13 4. This Stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expedience and economy, Respondent chooses not to contest
15 these allegations, but to remain silent and understands that, as a result thereof, these factual
16 allegations, without being admitted or denied, will serve as a prima facie basis for the
17 disciplinary action stipulated to herein. The Commissioner shall not be required to provide
18 further evidence to prove said factual allegations.
19

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 Bureau of Real Estate ("Bureau") the state or federal government, or any agency of
23 this state, another state or federal government is involved, and otherwise shall not be admissible
24 in any other criminal or civil proceedings.
25

26 6. It is understood by the parties that the Real Estate Commissioner may adopt
27

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

7
8 7. The Order or any subsequent Order of the Commissioner made pursuant to
9 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
10 civil proceedings by the Bureau of Real Estate with respect to any matters which were not
11 specifically alleged to be causes for Accusation in this proceeding but do constitute a bar,
12 estoppel and merger as to any allegations actually contained in the Accusation against
13 Respondent herein.
14

15 8. Respondent understands that by agreeing to this Stipulation, Respondent
16 agrees to pay, pursuant to Business and Professions Code Section 10148, the cost of the original
17 audit which led to this disciplinary action. The amount of said cost is \$8,204.93.

18 9. Respondent has received, read, and understands the "Notice Concerning
19 Costs of Subsequent Audit." Respondent further understands that by agreeing to this
20 Stipulation, the findings set forth below in the Determination of Issues become final, and the
21 Commissioner may charge Respondent for the cost of any subsequent audit conducted pursuant
22 to Business and Professions Code Section 10148 to determine if the violations have been
23 corrected. The maximum cost of the subsequent audit will not exceed \$8,204.93.
24

25 10. Respondent understands that by agreeing to this Stipulation, Respondent
26 agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the
27

1 investigation and enforcement of this matter. The amount of said cost is \$1,343.

2 DETERMINATION OF ISSUES

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

5 The conduct, acts and omissions of Respondent JESSICA TRAN, as described in
6 Paragraph 4, above, is in violation of Sections 10140.6(b)(1), 10145, 10159.5, and 10176(g) of
7 the Business and Professions Code ("Code") and Sections 2731, 2832.1, 2831, 2831.2, 2832(a),
8 2834, 2950(d), 2950(g), 2951 and 2773 of Title 10, Chapter 6 of the California Code of
9 Regulations ("Regulations") and is a basis for suspension or revocation of Respondent's broker
10 license and license rights as a violation of the Real Estate Law pursuant to Code Section
11 10177(d).

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I.

15 All licenses and licensing rights of Respondent JESSICA TRAN under the Real
16 Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision.

17 A. Provided, however, that if Respondent requests, the initial thirty (30) days of
18 said suspension (or a portion thereof) shall be stayed upon condition that:

19 1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the
20 Business and Professions Code at the rate of \$83.33 per day for each day of the suspension for a
21 total monetary penalty of \$2,500.

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

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

27

1 liable for the cost of the audit.

2 Respondent shall pay such cost within 60 days of receiving an invoice from the
3 Commissioner detailing the activities performed during the audit and the amount of time spent
4 performing those activities.

5 The Commissioner may suspend the license of Respondent pending a hearing
6 held in accordance with Section 11500, et seq., of the Government Code, if payment is not
7 timely made as provided for herein, or as provided for in a subsequent agreement between the
8 Respondent and the Commissioner. The suspension shall remain in effect until payment is
9 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to
10 provide for payment, or until a decision providing otherwise is adopted following a hearing held
11 pursuant to this condition.

12 III.

13 All licenses and licensing rights of Respondent are indefinitely suspended unless
14 or until Respondent pays the sum of \$1,343 for the Commissioner's reasonable cost of the
15 investigation and enforcement which led to this disciplinary action prior to the effective date of
16 the Decision herein. Said payment shall be in the form of a cashier's check made payable to the
17 Bureau of Real Estate. The investigative costs shall be sent to Elliott Mac Lennan, Counsel,
18 Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California
19 90013-1105, prior to the effective date of this Order.

20 IV.

21 All licenses and licensing rights of JESSICA TRAN are indefinitely suspended
22 unless or until Respondent provides proof satisfactory to the Commissioner of having taken and
23 successfully completed the continuing education course on trust fund accounting and handling
24 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
25 Code. Proof of satisfaction of this requirement includes evidence that Respondent has
26 successfully completed the trust fund account and handling continuing education course within
27

1 120 days prior to the effective date of the Decision in this matter.

2 V.

3 Respondent shall, within nine (9) months from the effective date of this Decision,
4 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
5 most recent issuance of an original or renewal real estate license, taken and successfully
6 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
7 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
8 Commissioner may order the suspension of Respondent's license until the Respondent presents
9 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
10 pursuant to the Administrative Procedure Act to present such evidence.

11 VI.

12 All licenses and licensing rights of Respondent are indefinitely suspended unless
13 or until Respondent provides proof satisfactory to the Commissioner that the trust fund shortage
14 of \$969 has been restored, including the identification of the source of funds used to restore it.

15 VII.

16 As a further condition for the Commissioner to enter into this Stipulation,
17 Respondent shall provide evidence satisfactory to the Real Estate Commissioner that all
18 violations cited in the Determination of Issues have been corrected prior to the effective date of
19 the Decision.

20 VIII.

21 All proof required by this Decision, shall be sent to the attention of Elliott Mac
22 Lennan, Counsel, Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los
23 Angeles, California 90013-1105.

24
25 DATED: 12.22.14

26 E Lennan
ELLIOTT MAC LENNAN, Counsel for
27 Bureau of Real Estate

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

EXECUTION OF THE STIPULATION

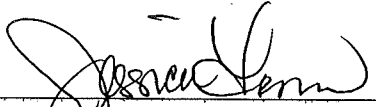
I have read the Stipulation and discussed it with my attorney. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code). I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

MAILING/FACSIMILE

Respondent (1) shall mail the original signed signature page of the Stipulation herein to Elliott Mac Lennan: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. Respondent (2) shall also facsimile a copy of signed signature page, to the Bureau at the following fax number: (213) 576-6917, Attention: Elliott Mac Lennan.

A facsimile constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a facsimile copy of Respondent's actual signature as it appears on the Stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.

DATED: 9.10.2014



JESSICA TRAN,
Respondent

DATED: _____

EDWARD O. LEAR, ESQ.
Attorney for Respondent

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

EXECUTION OF THE STIPULATION

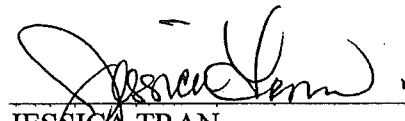
I have read the Stipulation and discussed it with my attorney. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code). I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

MAILING/FACSIMILE

Respondent (1) shall mail the original signed signature page of the Stipulation herein to Elliott Mac Lennan: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. Respondent (2) shall also facsimile a copy of signed signature page, to the Bureau at the following fax number: (213) 576-6917, Attention: Elliott Mac Lennan.

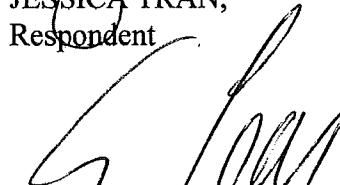
A facsimile constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a facsimile copy of Respondent's actual signature as it appears on the Stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.

DATED: 9.10.2014



JESSICA TRAN,
Respondent

DATED: 10/3/14




EDWARD O. LEAR, ESQ.
Attorney for Respondent

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

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent JESSICA TRAN and shall become effective at 12 o'clock noon on
FEB 11 2015,

IT IS SO ORDERED JAN 09 2015,

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner