

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

DEC 27 2022

DEPT. OF REAL ESTATE

By 

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

DRE No. H-42087 LA

OAH No. 2022080714

12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
SUPERIOR REAL ESTATE GROUP, INC.;

THOMAS DAO, individually and as the
former Designated Officer of Superior Real
Estate Group Inc.;

MELANIE HIEU PHAM,

Respondents.

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

17 It is hereby stipulated by and between MELANIE HIEU PHAM (sometimes
18 referred to as "Respondent") and the Complainant, acting by and through Judith B. Vasan,
19 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
20 of the First Amended Accusation ("Accusation") filed on February 4, 2022, in this matter:

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

26 2. Respondent received, read and understands the Statement to Respondent, the
27 Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

1 (“Department”) in this proceeding.

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

10 4. Respondent hereby admits that the factual allegations of the Accusation filed
11 in this proceeding are true and correct and the Real Estate Commissioner shall not be required to
12 provide further evidence of such allegations.

13 5. This Stipulation is made for the purpose of reaching an agreed disposition of
14 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
15 in which the Department, or another licensing agency of this state, another state, or the federal
16 government is involved, and otherwise shall not be admissible in any criminal or civil
17 proceeding.

18 6. It is understood by the parties that the Real Estate Commissioner may adopt
19 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
20 Respondent’s real estate license and license rights as set forth in the below “Order”. In the event
21 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
22 void and of no effect and Respondent shall retain the right to a hearing and proceed on the
23 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
24 made herein.

25 7. The Order or any subsequent Order of the Real Estate Commissioner made
26 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
27 administrative or civil proceedings by the Department with respect to any matters which were

1 not specifically alleged to be causes for accusation in this proceeding.

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 or omissions of Respondent MELANIE HIEU PHAM, as set
6 forth in the Accusation, are in violation of the Real Estate Law, Part 1 of Division 4 of the
7 California Business and Professions Code ("Code") sections 10016, 10130, and 10131(a) and are
8 a basis for discipline of Respondent's real estate license pursuant to Code sections 10177(d)
9 and/or 10177(g).

10 ORDER

11 WHEREFORE, THE FOLLOWING ORDER is hereby made:

12 I.

13 All licenses and license rights of Respondent MELANIE HIEU PHAM under the
14 Real Estate Law are suspended for a period of thirty (30) days from the effective date of this
15 Decision; provided, however, that all thirty (30) days of said suspension shall be stayed for one
16 (1) year upon the following terms and conditions:

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

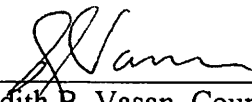
19 2. That no final subsequent determination be made, after hearing or upon
20 stipulation, that cause for disciplinary action occurred within one (1) year from the effective date
21 of this Decision and Order. Should such a determination be made, the Commissioner may, in his
22 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
23 suspension. Should no such determination be made, the stay imposed herein shall become
24 permanent.

25 II.

26 Respondent shall pay Respondent's pro rata share of the Commissioner's
27 reasonable costs of the investigation and enforcement which led to this disciplinary action. The

1 total amount of said investigation (\$4,176.10) and enforcement (\$720.00) costs is \$4,896.10.
2 Respondent's pro rata share is \$1,632.03 ($\$4,896.10 \div 3$ respondents). Said payment shall be in
3 the form of a cashier's check made payable to the Department of Real Estate. The payment for
4 the investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
5 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
6 Decision and Order. If Respondent fails to pay the costs of the investigation and enforcement in
7 accordance with the terms and conditions of the Decision and Order, all licenses and license
8 rights of Respondent shall be automatically suspended unless or until Respondent pays the costs
9 of the investigation and enforcement.

10 DATED: 11/22/2022


11 Judith B. Vasan, Counsel for
12 Department of Real Estate

13 EXECUTION OF THE STIPULATION

14 I have read the Stipulation and its terms are understood by me and are agreeable
15 and acceptable to me. I understand that I am waiving rights given to me by the California
16 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
17 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights,
18 including the right of requiring the Commissioner to prove the allegations in the Accusation at a
19 hearing at which I would have the right to cross-examine witnesses against me and to present
20 evidence in defense and mitigation of the charges.

21 Respondent shall mail the original signed signature page of the stipulation herein
22 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
23 Suite 350, Los Angeles, California 90013-1105.

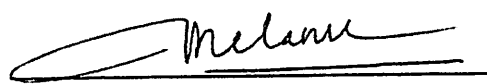
24 In the event of time constraints before an administrative hearing, Respondent can
25 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
26 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
27 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands

1 that by electronically sending the Department a scan of Respondent's actual signature as it
2 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
3 binding on Respondent as if the Department had received the original signed Stipulation and
4 Agreement.

5 Respondent's signature below constitutes acceptance and approval of the terms
6 and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by
7 signing this Stipulation, Respondent is bound by its terms as of the date of such signatures and
8 that this agreement is not subject to rescission or amendment at a later date except by a separate
9 Decision and Order of the Real Estate Commissioner.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DATED: 11 / 21 / 22


MELANIE HIEU PHAM
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent MELANIE HIEU PHAM and shall become effective at 12 o'clock noon on
JAN 31 2023

IT IS SO ORDERED 12.20.22

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

