

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

FILED
JUL 19 2023
DEPT. OF REAL ESTATE
By _____

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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 **HUNG QUANG TRAN,**
13 Respondent.

No. H-42395-LA

**STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER**

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15 It is hereby stipulated and agreed by and between Respondent HUNG QUANG TRAN
16 (“Respondent” or “TRAN”) and his attorney of record, Rizza Gonzales, Esq., and the Complainant,
17 acting by and through Laurence D. Haveson, Counsel for the Department of Real Estate
18 (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on
19 August 16, 2022 (“Accusation”) in this matter:

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

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

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1 The conduct, acts or omissions of Respondent TRAN, as set forth in the Accusation, are a
2 basis for discipline of Respondent's real estate license, mortgage loan originator ("MLO") license
3 endorsement, and license rights pursuant to the Real Estate Law, Part 1 of Division 4 of the
4 California Business and Professions Code ("Code") sections 10166.05(c), 10166.051(a),
5 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

6 ORDER

7 WHEREFORE, THE FOLLOWING ORDER is hereby made:

8 I. DISCIPLINE IN THE EVENT OF REAPPLICATION FOR MLO LICENSE

9 ENDORSEMENT

10 1. Respondent TRAN's prior MLO license endorsements, National Mortgage
11 Licensing System and Registry ("NMLS") identification numbers 323444 and 322613 have
12 expired. In the event that Respondent TRAN reapplies for a MLO license endorsement or petitions
13 to have either, or both, of his MLO license endorsements reinstated, any new or reinstated MLO
14 license endorsement shall be subject to the following limitations, conditions and restrictions
15 imposed under authority of Code section 10166.051:

16 a. Respondent understands that he may be required to submit a new MLO
17 license endorsement application through NMLS, and may be subject to payment of filing
18 fees, background and credit checks, fingerprinting, and other NMLS requirements.

19 b. Respondent further agrees that Respondent must satisfy the Education and
20 Administrative Penalty provisions prior to reinstatement of his MLO license endorsement
21 or issuance of a new MLO license endorsement.

22 c. No reinstated or new MLO license endorsement shall be issued to
23 Respondent unless or until Respondent pays an Administrative Penalty of \$1,500.00. Said
24 payment shall be in the form of a cashier's check made payable to the Department of Real
25 Estate. The payment must be delivered to the Department of Real Estate, Flag Section, at
26 P.O. Box 137013, Sacramento, CA 95813-7013.

27 d. No reinstated or new MLO license endorsement shall be issued to
28 Respondent unless or until Respondent takes and completes, prior to the reinstatement of

1 his MLO license endorsement or the issuance of a new MLO license endorsement, the
2 following mortgage loan originator education requirements:

3 (1) Twenty (20) hours of NMLS approved pre-licensure education
4 ("PE"), which shall consist of fourteen (14) hours of federal law curriculum, three
5 (3) hours of ethics curriculum, and three (3) hours of non-traditional mortgage
6 lending curriculum. None of these twenty (20) hours of PE may be state-specific
7 curriculum;

8 (2) Eight (8) hours of continuing education ("CE"), which shall consist
9 of four (4) hours of federal law curriculum, two (2) hours of ethics curriculum, and
10 two (2) hours of non-traditional mortgage lending curriculum. None of these eight
11 (8) hours of CE may be state-specific curriculum.

12 e. Respondent may not take any of the PE provided for in Paragraph 2(d)(1) of
13 this Section in an online self-study format ("OSS"). Respondent may take the CE provided
14 for in Paragraph 2(d)(2) in any format.

15 f. For a period of three (3) years from the Effective Date of the reinstatement
16 of an MLO license endorsement or the issuance of a new MLO license endorsement,
17 Respondent shall be required to complete any additional PE and/or CE required under the
18 SAFE Act in a format other than OSS. If Respondent fails to comply with this condition,
19 the renewal application or new application of Respondent will be deemed incomplete by
20 the Department.

21 g. If Respondent fails to satisfy the education requirements provided for in
22 Paragraphs 2(d)(1) and 2(d)(2) of this section, Respondent's MLO license endorsement
23 shall not be reinstated or issued until Respondent presents evidence satisfactory to the
24 Commissioner of having taken and successfully completed the education requirements.

25 h. Respondent agrees that the CE provided for in Paragraph 2(d)(2) of this
26 section is in addition to any NMLS education required for licensure under the SAFE Act.
27 The CE provided for in Paragraph 2(d)(2) will not count toward satisfying standard SAFE
28 Act CE requirements.

1 i. Respondent further agrees that the Department may exercise its examination
2 or investigative authority pursuant to the normal process for such authorized under the
3 Real Estate Law and Commissioner's Regulations in the event a determination is made
4 finding Respondent to be in violation of the education requirements under this section.

5 II. STAYED SUSPENSION OF REAL ESTATE LICENSE

6 All licenses and licensing rights of Respondent under the Real Estate Law, with the
7 exception of the MLO license endorsements (NMLS ID Nos. 323444 and 322613) referenced in
8 Section I above, are suspended for a period of ninety (90) days from the Effective Date of this
9 Decision; provided, however, that all ninety (90) days of said suspension shall be stayed for one (1)
10 year upon the following terms and conditions:

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

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

18 III. INVESTIGATION AND ENFORCEMENT COSTS

19 All licenses and licensing rights of Respondent are indefinitely suspended unless or until
20 Respondent pays the sum of \$541.75 for the Commissioner's reasonable costs of the investigation
21 (\$330.55) and enforcement (\$211.20), which led to this disciplinary action. Said payment shall be
22 in the form of a cashier's check made payable to the Department of Real Estate. The payment of the
23 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag
24 Section, at P.O. Box 137013, Sacramento, CA 95813-7013, **prior to the Effective Date of this**
25 **Decision and Order.**

26 June 9, 2023
27 DATED

Laurence D. Haveson Digitally signed by Laurence Haveson
Date: 2023.06.09 11:12:48 -07'00'
28 Laurence D. Haveson,
Counsel for Complainant

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EXECUTION OF THE STIPULATION

I have read the Stipulation and Agreement. I understand its terms and they 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), and 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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands that by electronically sending to the Department an electronic copy of Respondent's actual signature, as it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation. By signing this Stipulation, Respondent understands and agrees that Respondent may not withdraw her agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to the effective date of the Stipulation and Order.

MAILING

Respondent and her counsel shall, within five (5) business days from signing the Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los Angeles, California 90013-1105.

Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges, and understands that by signing this Stipulation Respondent is bound by its terms as of the date of such signature and that this

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1 agreement is not subject to rescission or amendment at a later date except by a separate Decision
2 and Order of the Real Estate Commissioner.

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4 DATED: June 13, 2023

Hung Tran
Hung Tran (Jun 13, 2023 17:40 PDT)

Respondent HUNG QUANG TRAN

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7 DATED: June 9, 2023



Rizza Gonzales, Esq.
Attorney for Respondent
Approved as to Form

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12 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me
13 as my Decision in this matter and shall become effective at 12 o'clock noon on

14 Aug. 8, 2023.

7. 12. 23

15 IT IS SO ORDERED _____.

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17 DOUGLAS R. McCAULEY
18 REAL ESTATE COMMISSIONER

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