

JUL 26 2022

DEPT. OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE
 STATE OF CALIFORNIA

* * *

In the Matter of the Accusation Against)	DRE No. H-05316 SD
)	
)	
NGA THI NGUYEN,)	
)	<u>ACCUSATION</u>
Respondent.)	
_____)	

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against NGA THI NGUYEN aka Angie Nguyen ("Respondent") alleges as follows:

1.

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

All references to the "Code" are to the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code, unless otherwise specified.

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12.

During all times relevant herein, REES had its primary place of business located at 3643 Adams Street, Carlsbad, California.

REES Investigation

13.

The Mortgage Testing and Education Board (“MTEB”), which was created by SRR, has approved “Administrative Action Procedures for S.A.F.E. Testing and Education Requirements” (“AAP”), which extends administrative authority to the MTEB to investigate alleged violations of the NMLS student Rules of Conduct (“ROC”).

14.

The AAP also extends administrative authority to the MTEB and SRR to investigate alleged violations of the NMLS Standards of Conduct (“SOC”), which apply to all NMLS–Approved course providers.

15.

In late 2020, SRR obtained information concerning suspicious activity and that that information identified a possible MLO education cheating scheme coordinated by and implemented through REES and its owners and operators, including Danny Yen. Based on that information, and pursuant to the AAP, SRR initiated an investigation into the matter.

Findings of SRR and Department Investigation

16.

On or about December 15, 2020, SRR staff were informed of suspected individuals completing online NMLS–approved education courses on behalf of another.

17.

Additional investigation revealed evidence that REES fraudulently provided course credit to MLOs who had never attended and completed REES’ 8-hour in-person CE course in Westminster, California in the in-person fraud scheme.

18.

Respondent was identified in NMLS records as receiving course credit for REES' 8-hour in-person CE course in 2017, 2018, 2019, and 2020. It was determined that none of these in-person courses ever took place, and Respondent never attended an in-person course corresponding to the course credits Respondent received. Consequently, Respondent never took a knowledge examination required for course credit. It was determined that Respondent had used REES to obtain four years of course credits from 2017 to 2020 in violation of the ROC under the in-person fraud scheme.

19.

The ROC provide in relevant part:

ROC 4: I will not divulge my login ID or password or other login credential(s) to another individual for any online course.

ROC 5: I will not seek or attempt to seek outside assistance to complete the course.

ROC 8: I will not engage in any capacity that would be contrary to good character or reputation, or engage in any behavior that would cause the public to believe that I would not operate in the mortgage loan business lawfully, honestly or fairly.

ROC 9: I will not engage in any conduct that is dishonest, fraudulent, or would adversely impact the integrity of the course(s) I am completing and the conditions for which I am seeking licensure or renewal of licensure.

20.

By using the services of another to complete her CE and receiving fraudulent course credits through a non-existent course, Respondent violated ROC 4, 5, and 9, and engaged in conduct that was dishonest, fraudulent, and that adversely impacted the integrity of the courses and the conditions and qualifications for which Respondent sought licensure or renewal of licensure.

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Interview

21.

On or about May 6, 2022, in an interview with the Department, Respondent claimed, in part, that she attended in person each and every CA-DBO SAFE Comprehensive course in which she was enrolled in in 2017, 2018, 2019, and 2020.

Financial Responsibility, Character, and General Fitness

22.

Pursuant to Code section 10166.05(c), the Commissioner must deny a MLO license endorsement if the licensee fails to meet the minimum criteria for licensure, which includes a requirement that the applicant “has demonstrated such financial responsibility, character and general fitness as to command the confidence of the community and to warrant a determination that the [MLO] will operate honestly, fairly, and efficiently within the purposes of this division.”

23.

As described in paragraphs 16 through 21 above, Respondent violated ROC 4, 5, and 9 by using the services of another, REES, to falsely obtain course credits through an in-person course that Respondent never attended for the years 2017 to 2020.

24.

In violating the ROC by using the services of another to falsely obtain course credits, Respondent does not meet the minimum criteria for licensure under Code section 10166.05(c). The conduct of Respondent, as alleged above, is grounds for the suspension or revocation of Respondent’s license, MLO license endorsement, and license rights pursuant to the provisions of Code sections 10166.051(a), 10166.051(b), 10177(d), and 10177(g) and/or 10177(j).

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25.

Code section 10166.05 provides in pertinent part, “Notwithstanding any other provision of law, the commissioner shall not issue a license endorsement to act as a mortgage loan originator to an applicant unless the commissioner makes all of the following findings:

(c) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this article.”

Code section 10166.051 provides in pertinent part, "...the commissioner may do one or more of the following, after appropriate notice and opportunity for hearing:

(b) Deny, suspend, revoke, condition, or decline to renew a mortgage loan originator license endorsement, if an application or endorsement holder fails at any time to meet the requirements of Section 10166.05 or 10166.09, or withholds information or makes a material misstatement in an application for a license endorsement or license endorsement renewal.”

Code section 10177 provides in pertinent part, “[t]he Commissioner may suspend or revoke the license of a real estate licensee, delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an applicant, who has done any of the following...

• • •

1 (d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing
2 with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and
3 regulations of the commissioner for the administration and enforcement of the Real Estate Law
4 and Chapter 1 (commencing with Section 11000) of Part 2.

5 ...

6 (g) Demonstrated negligence or incompetence in performing an act for which
7 the officer, director, or person is required to hold a license.

8 ...

9 (j) Engaged in any other conduct, whether of the same or of a different character
10 than specified in this section, that constitutes fraud or dishonest dealing.

11
12 COSTS

13 (INVESTIGATION AND ENFORCEMENT COSTS)

14 28.

15 Code section 10106, provides, in pertinent part, that in any order issued in
16 resolution of a disciplinary proceeding before the Department, the Commissioner may request
17 the administrative law judge to direct a licensee found to have committed a violation of this
18 part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the
19 case.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against the license(s), MLO endorsement, and/or license rights of Respondent NGA THI NGUYEN under the Real Estate Law, for the costs of investigation and enforcement as permitted by law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California: July 25, 2022

Veronica Kilpatrick

Veronica Kilpatrick
Supervising Special Investigator

cc: NGA THI NGUYEN
Akimax Lending, Inc
Veronica Kilpatrick
Sacto.