

FILED

OCT 11 2022

DEPT. OF REAL ESTATE

By

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982
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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against)
12)
13)

14 NGA THI NGUYEN,
15)

16 Respondent.)
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DRE No. H-05316 SD

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between NGA THI NGUYEN ("Respondent") (license no.
17 01715758), representing herself, and the Complainant, acting by and through Diane Lee, Counsel
18 for the Department of Real Estate, as follows for the purpose of settling and disposing of the
19 Accusation filed on July 26, 2022, 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
22 held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall
23 instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation
24 and Agreement ("Stipulation").

25 2. Respondent 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
27 ("Department") in this proceeding.

1 3. Respondent understands by signing this Stipulation and Agreement, provided this
2 Stipulation and Agreement is accepted and signed by the Real Estate Commissioner, Respondent
3 is waiving Respondent's right to require the Commissioner to prove the allegations in the
4 Accusation at a contested hearing held in accordance with the provisions of the APA, and that
5 Respondent will waive other rights afforded to Respondent in connection with the hearing, such
6 as the right to present evidence in her defense and the right to cross-examine witnesses.

7 4. This Stipulation is based on the factual allegations contained in the Accusation filed in
8 this proceeding. In the interest of expedience and economy, Respondent chooses not to contest
9 these factual allegations, but to remain silent and understands that, as a result thereof, these
10 factual statements, will serve as a prima facie basis for the disciplinary action stipulated to
11 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
12 such allegations.

13 5. It is understood by the parties that the Real Estate Commissioner may adopt this
14 Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
15 Respondent's real estate license and license rights as set forth in the below "Order." In the event
16 that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be
17 void and of no effect, and Respondent shall retain the right to a hearing and proceed on the
18 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
19 made herein.

20 6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to
21 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
22 civil proceedings by the Department with respect to any matters which were not specifically
23 alleged to be causes for accusation in this proceeding.

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions, and waivers and solely for the
3 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
4 that the following determination of issues shall be made:

5 The conduct, acts or omissions of Respondent NGA THI NGUYEN, as set forth in the
6 Accusation, are a basis for discipline of Respondent's real estate license, mortgage loan
7 originator ("MLO") license endorsement, and license rights pursuant to the Real Estate Law, Part
8 1 of Division 4 of the California Business and Professions Code ("Code") sections 10166.05(c),
9 10166.051(a), 10166.051(b), 10177(d), and 10177(g).

10
11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I. SUSPENSION OF MLO LICENSE ENDORSEMENT

14 1. All MLO license endorsements and endorsement rights of Respondent under the Real
15 Estate Law are suspended for a period of one hundred and eighty (180) days from the Effective
16 Date of this Decision and Order.

17 2. If the suspension of the MLO license endorsement expires after December 31, 2022,
18 Respondent may submit a renewal application for an MLO license endorsement through the
19 NMLS during the renewal and/or reinstatement periods occurring between November 1, 2022,
20 and February 28, 2023, with the understanding that the Department reserves the rights to fully
21 investigate such renewal application for MLO license endorsement and may either approve or
22 deny such application pursuant to the normal process for endorsement investigations.

23 3. Respondent understands that if Respondent fails to submit a renewal application before
24 March 1, 2023, Respondent must submit a new application through NMLS, and may be subject
25 to payment of filing fees, background and credit checks, fingerprinting, and other NMLS
26 requirements.

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1 4. Respondent further agrees that Respondent must satisfy the Education and
2 Administrative Penalty provisions prior to reinstatement of their MLO license endorsement or
3 issuance of another MLO license endorsement.
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5 II. MORTGAGE LOAN ORIGINATION EDUCATION

6 1. Respondent shall, within ninety (90) days from the Effective Date of this Decision and
7 Order, take and complete the following mortgage loan originator education requirements:

- 8 a) Twenty (20) hours of NMLS approved pre-licensure education ("PE"), which
9 shall consist of fourteen (14) hours of federal law curriculum, three (3) hours of
10 ethics curriculum, and three (3) hours of non-traditional mortgage lending
11 curriculum. None of these twenty (20) hours of PE may be state-specific
12 curriculum;
13 b) Eight (8) hours of continuing education ("CE"), which shall consist of four (4)
14 hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2)
15 hours of non-traditional mortgage lending curriculum. None of these eight (8)
16 hours of CE may be state-specific curriculum.

17 2. Respondent may not take any of the PE or CE provided for in Paragraph 1 of this
18 Section in an online self-study format ("OSS").

19 3. For a period of three (3) years from the Effective Date of this Order, Respondent shall
20 be required to complete any additional required PE and/or CE in a format other than OSS. If
21 Respondent fails to comply with this condition, the renewal application or new application of
22 Respondent will be deemed incomplete by the Department.

23 4. If Respondent fails to timely satisfy the education provided for in Paragraph 1 of this
24 section, Respondent's MLO license endorsement shall remain suspended until Respondent
25 presents evidence satisfactory to the Commissioner of having taken and successfully completed
26 the education requirements.
27

1 5. Respondent agrees that the CE provided for in Paragraph 1 of this section is in addition
2 to any NMLS education required for licensure under the SAFE Act. The CE provided for in
3 Paragraph 1 will not count toward satisfying 2023 or 2024 standard SAFE Act CE requirements.

4 6. Respondent further agrees that the Department may exercise its examination or
5 investigative authority pursuant to the normal process for such authorized under the Real Estate
6 Law and Commissioner's Regulations in the instance a determination is made wherein
7 Respondent is found to be in violation of the education requirements under this section.

8 9 III. STAYED SUSPENSION OF REAL ESTATE LICENSE

10 All licenses and licensing rights of Respondent under the Real Estate Law, with the
11 exception of the MLO license endorsement (NMLS ID 376025) referenced in Section I above,
12 are suspended for a period of ninety (90) days from the Effective Date of this Decision;
13 provided, however, that all ninety (90) days of said suspension shall be stayed for one (1) year
14 upon the following terms and conditions:

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


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

22 23 IV. INVESTIGATION AND ENFORCEMENT COSTS

24 Respondent shall, within three (3) months of the effective date of this Decision and
25 Order, pay the sum of \$961.50 for the Commissioner's reasonable costs of the investigation
26 (\$673.50) and enforcement (\$288.00), which led to this disciplinary action. Said payment shall
27 be in the form of a cashier's check made payable to the Department of Real Estate. The payment

1 of the investigative and enforcement costs must be delivered to the Department of Real Estate,
2 Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, within three (3) months from
3 the effective date of this Decision and Order. If the costs of investigation and enforcement are
4 not paid within three (3) months from the effective date of this Decision and Order, the license
5 and license rights of Respondent shall automatically be suspended until full payment is made.

6
7 DATED: 09/22/2022



8 Diane Lee, Counsel for
9 Department of Real Estate

10 EXECUTION OF THE STIPULATION

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

18 Respondent shall mail the original signed signature page of the stipulation herein to
19 Diane Lee, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350,
20 Los Angeles, California 90013-1105.

21 In the event of time constraints before an administrative hearing, Respondent can signify
22 acceptance and approval of the terms and conditions of this Stipulation and Agreement by
23 emailing a scanned copy of the signature page, as actually signed by Respondent, to the
24 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands
25 that by electronically sending the Department a scan of Respondent's actual signature as it
26 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
27 binding on Respondent as if the Department had received the original signed Stipulation and

1 Agreement.

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

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8 DATED: 9/21/22

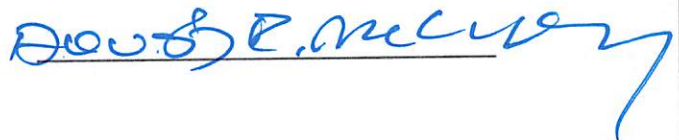

9 NGA THI NGUYEN
Respondent

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11 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
12 Respondent NGA THI NGUYEN and shall become effective at 12 o'clock noon on

13 October 31, 2022.

14 IT IS SO ORDERED 10.4.22.

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16 DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

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