

FILED

OCT - 3 2011

1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0781

DEPARTMENT OF REAL ESTATE  
By P. Jones

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

10 In the Matter of the Accusation of )  
11 ELITE REAL ESTATE ASSOCIATES ARDEN, )  
12 HA THI DO, and CRISELDA CENTENO, )  
13 Respondents. )

No. H-5442 SAC

STIPULATION AND AGREEMENT

14 It is hereby stipulated by and between CRISELDA CENTENO (hereinafter  
15 "Respondent"), and the Complainant, acting by and through Truly Sughrue, Counsel for the  
16 Department of Real Estate, as follows for the purpose of settling and disposing the Accusation  
17 filed on August 16, 2010 in this matter:

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

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

26 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the  
27 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

1 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
2 acknowledges that she understands that by withdrawing said Notice of Defense she will thereby  
3 waive her right to require the Commissioner to prove the allegations in the Accusation at a  
4 contested hearing held in accordance with the provisions of the APA, and that she will waive  
5 other rights afforded to her in connection with the hearing such as the right to present evidence in  
6 defense of the allegations in the Accusation and the right to cross-examine witnesses.

7 4. Respondent, pursuant to the limitations set forth below, hereby admits that  
8 the factual allegations in the Accusation filed in this proceeding are true and correct and the Real  
9 Estate Commissioner shall not be required to provide further evidence to prove such allegations.

10 5. It is understood by the parties that the Real Estate Commissioner may  
11 adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty  
12 and sanctions on the real estate licenses and license rights of Respondent as set forth in the below  
13 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and  
14 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing  
15 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by

16 6. The Order or any subsequent Order of the Real Estate Commissioner made  
17 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any  
18 further administrative or civil proceedings by the Department of Real Estate (hereinafter  
19 "Department") with respect to any matters which were not specifically alleged to be causes for  
20 accusation in this proceeding.

21 \* \* \*

#### 22 DETERMINATION OF ISSUES

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

26 I

27 The acts and omissions of Respondent as described in the Accusation are  
grounds for the suspension or revocation of Respondent licenses and license rights under  
Section 10177(d) of the Code in conjunction with Sections 10085 and 10146 of the Code and

1 Section 2970 and 2972 of Title 10 of the California Code of Regulations (hereinafter  
2 "Regulations"), and Sections 10176(a) and 10176(i) of the Code.

3 \* \* \*

4 ORDER

5 I

- 6 A. All real estate license(s) and license rights of Respondent are revoked.
- 7 B. A restricted real estate salesperson license shall be issued to Respondent pursuant to  
8 Section 10156.6 of the Code if within ninety (90) days of the effective date of the Order,  
9 Respondent makes application therefore and pays to the Department the appropriate fee for  
10 said license.
- 11 C. The restricted license issued to Respondent shall be subject to all of the provisions of  
12 Section 10156.7 of the Code and to the following conditions and limitations imposed under  
13 authority of Section 10156.6 of said Code:
- 14 1) The restricted license issued to Respondent may be suspended prior to hearing by  
15 order of the Real Estate Commissioner in the event of Respondent's conviction or plea  
16 of nolo contendere to a crime which bears a substantial relationship to Respondent's  
17 fitness or capacity as a real estate licensee.
- 18 2) The restricted license may be suspended prior to hearing by Order of the Real Estate  
19 Commissioner on evidence satisfactory to the Commissioner that Respondent has  
20 violated provisions of the California Real Estate Law, the Subdivided Lands Law,  
21 Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
22 license.
- 23 3) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate  
24 license, nor the removal of any of the conditions of the restricted license, until two (2)  
25 years have elapsed from the effective date of this Order.
- 26 4) Respondent shall submit with any application for license under an employing broker,  
27 or any application for transfer to a new employing broker, a statement signed by the  
prospective employing real estate broker on a form approved by the Department of  
Real Estate which shall certify:

1 (a) That the employing broker has read the Decision of the Commissioner which  
2 granted the right to a restricted license; and

3 (b) That the employing broker will exercise close supervision over the performance  
4 by the restricted licensee relating to activities for which a real estate license is  
5 required.

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

14 E. Respondent shall, within six (6) months from the effective date of this Decision, take and  
15 pass the Professional Responsibility Examination administered by the Department.  
16 including the payment of the appropriate examination fee. If Respondent fails to satisfy  
17 this condition, the Commissioner may order suspension of the restricted license until  
18 Respondent passes the examination.

19 15-Aug-11  
20 DATED

21 Truly S  
22 TRULY SUGHRUE  
23 Counsel for Complainant

24 \* \* \*

25 I have read the Stipulation and Agreement, and its terms are understood by me  
26 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the  
27 California Administrative Procedure Act, 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.

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8/11/11

DATED



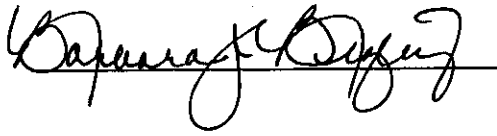
CRISELDA CENTENO  
Respondent

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on OCT 24, 2011.

IT IS SO ORDERED 9/12/11, 2011.

BARBARA J. BIGBY  
Acting Real estate Commissioner



FILED

SEP 02 2011

DEPARTMENT OF REAL ESTATE

By L. Jones

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Sacramento, CA 95818-7007  
Telephone: (916) 227-0781

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of  
ELITE REAL ESTATE ASSOCIATES  
ARDEN, HA THI DO, and CRISELDA  
CENTENO,  
Respondents.

No. H-5442 SAC

In the Matter of the Accusation of  
ELITE NORCAL CORPORATION, HA THI  
DO, and AJAY KUMAR PEGANY,  
Respondents.

No. H-~~506988~~SAC (H-5443 SAC)

STIPULATION AND  
AGREEMENT

It is hereby stipulated by and between ELITE REAL ESTATE ASSOCIATES ARDEN, ELITE NORCAL CORPORATION, and HA THI DO, (hereinafter "Respondents") represented by C. Breck Jones, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusations H-5442 SAC and H-5443 SAC filed on August 16, 2010 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusations H-5442 SAC

1 and H-5443 SAC, which hearing was to be held in accordance with the provisions of the  
 2 Administrative Procedure Act (hereinafter "APA"), shall instead and in place thereof be  
 3 submitted solely on the basis of the provisions of this Stipulation and Agreement.

4 2. Respondents have received, read, and understand the Statement to  
 5 Respondent, and the Discovery Provisions of the APA filed by the Department of Real Estate in  
 6 these proceedings.

7 3. Respondents filed a Notice of Defense on Accusations H-5442 SAC and  
 8 H-5443 SAC pursuant to Section 11505 of the Government Code for the purpose of requesting a  
 9 hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily  
 10 withdraw said Notice of Defenses. Respondents acknowledge that they understand that by  
 11 withdrawing said Notice of Defenses they will thereby waive their rights to require the  
 12 Commissioner to prove the allegations in the Accusations at a contested hearing held in  
 13 accordance with the provisions of the APA, and that they will waive other rights afforded to them  
 14 in connection with the hearing such as the right to present evidence in defense of the allegations  
 15 in the Accusations and the right to cross-examine witnesses.

16 4. Respondents pursuant to the limitations set forth below, hereby admits that  
 17 the factual allegations in the Accusations H-5442 SAC and H-5443 SAC filed in this proceeding  
 18 are true and correct and the Real Estate Commissioner shall not be required to provide further  
 19 evidence to prove such allegations.

20 5. Respondent HA THI DO (hereinafter "DO") understands that by agreeing  
 21 to this Stipulation and Agreement for Accusation H-5442 SAC, she agrees to pay, pursuant to  
 22 Section 10148 of the California Business and Professions Code (hereinafter "the Code"), the  
 23 cost of the audit, which resulted in the determination that Respondent ELITE REAL ESTATE  
 24 ASSOCIATES ARDEN (hereinafter "ELITE") committed the trust fund violation(s) found in  
 25 Paragraph II of the Determination of Issues. The amount of said costs is \$4853.50.

26 6. Respondent DO understands that by agreeing to this Stipulation and  
 27 Agreement for Accusation H-5443 SAC, she agrees to pay, pursuant to Section 10148 of the  
 Code, the cost of the audit, which resulted in the determination that Respondent ELITE  
 NORCAL CORPORATION (hereinafter "ENC") committed the trust fund violation(s) found in  
 Paragraph IV of the Determination of Issues. The amount of said costs is \$5777.28.

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7. Respondent DO further understands that by agreeing to this Stipulation and Agreement in Settlement of Accusation H-5443 SAC, the findings set forth below in the Determination of Issues become final, and that the Commissioner may charge said Respondent for the costs of any audit conducted pursuant to Section 10148 of the Code to determine if the violations have been corrected. The maximum costs of said audit shall not exceed \$5777.28.

8. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his decision in these matters thereby imposing the penalty and sanctions on the real estate licenses and license rights of Respondents as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on the Accusations under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

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

10. In lieu of proceeding with Accusation H-5442 SAC in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), ELITE wishes to voluntarily surrender its corporate real estate broker licenses issued by the Department of Real Estate (hereinafter "Department"), pursuant to Code Section 10100.2. DO is the designated broker-officer of ELITE, designated pursuant to Section 10211 of the Code, and is authorized to sign this declaration on behalf of ELITE.

11. DO understands that by so voluntarily surrendering ELITE's license, ELITE may be relicensed as a broker corporation only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. DO also understands that by so voluntarily surrendering ELITE's license, DO and ELITE agree to the following:

A. The filing of this Stipulation and Agreement shall be deemed as Respondent ELITE's declaration and petition for voluntary surrender.

B. It shall also be deemed to be an understanding and agreement by DO that she waives all rights ELITE has to require the Commissioner to prove the allegations contained



1 in the Accusation H-5442 SAC at a hearing held in accordance with the provisions of the  
 2 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that DO also  
 3 waives other rights afforded to ELITE in connection with the hearing such as the right to  
 4 discovery, the right to present evidence in defense of the allegations in the Accusation and the  
 5 right to cross-examine witnesses.

6 12. DO on behalf of ELITE further agrees that upon acceptance by the  
 7 Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence  
 8 obtained by the Department in this matter prior to the Commissioner's acceptance, and all  
 9 allegations contained in the Accusation filed in the Department Case No. H-5442 SAC, may be  
 10 considered by the Department to be true and correct for the purpose of deciding whether to grant  
 11 relicensure or reinstatement pursuant to Government Code Section 11522.

12 13. DO on behalf of ELITE freely and voluntarily surrender all ELITE's  
 13 licenses and license rights under the Real Estate Law.

14 \* \* \*

15 DETERMINATION OF ISSUES

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

19 I

20 The acts and omissions of ELITE as described in the First Cause of Action of  
 21 Accusation H-5442 SAC are grounds for the suspension or revocation of ELITE's licenses and  
 22 license rights under Section 10177(d) of the Code in conjunction with Sections 10085 and  
 23 10146 of the Code and Sections 2970 and 2972 of Title 10 of the California Code of  
 24 Regulations (hereinafter "the Regulations").

25 II

26 The acts and omissions of ELITE as described in the Second Cause of Action of  
 27 Accusation H-5442 SAC are grounds for the suspension or revocation of ELITE's licenses and  
 license rights under the following sections of the Code and Regulations:

(a) As to Paragraph 15(a), under Section 10145 of the Code and Section 2832  
 of the Regulations in conjunction with Section 10177(d) of the Code;

1 (b) As to Paragraph 15(b), under Section 2831 of the Regulations in  
2 conjunction with Section 10177(d) of the Code;

3 (c) As to Paragraph 15(c), under Section 2831.1 of the Regulations in  
4 conjunction with Section 10177(d) of the Code;

5 (d) As to Paragraph 15(d), under Section 2831.2 of the Regulations in  
6 conjunction with Section 10177(d) of the Code; and

7 (e) As to Paragraph 15(e), under 10176(e) of the Code.

8 III

9 The acts and omissions of ENC as described in the First Cause of Action of  
10 Accusation H-5443 SAC are grounds for the suspension or revocation of ENC's licenses and  
11 license rights under Section 10177(d) of the Code in conjunction with Sections 10130 and  
12 10137 of the Code.

13 IV

14 The acts and omissions of ENC as described in the Second Cause of Action of  
15 Accusation H-5443 SAC are grounds for the suspension or revocation of ENC's licenses and  
16 license rights under the following sections of the Code and Regulations:

17 (a) As to Paragraph 14, under Section 10240 of the Code in conjunction with  
18 Section 10177(d) of the Code;

19 (b) As to Paragraph 15(a), under Section 2831 of the Regulations in  
20 conjunction with Section 10177(d) of the Code;

21 (c) As to Paragraph 15(b), under Section 2726 of the Regulations in  
22 conjunction with Section 10177(d) of the Code; and

23 (d) As to Paragraph 15(c), under Section 10160 of the Code and Section 2753  
24 of the Regulations in conjunction with Section 10177(d) of the Code.

25 V

26 The acts and/or omissions of DO as described in the Third Cause of Action of  
27 Accusation H-5442 SAC, and the Third Cause of Action of Accusation H-5443 SAC is cause  
for the suspension or revocation of DO's license and/or license rights under Section 10177(h) of  
the Code.

\*\*\*

ORDER

I

All licenses and licensing rights of Respondent ENC under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Order; provided, however, that:

1) Thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

- a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and,
- b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of this Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

II

All licenses and licensing rights of Respondent DO under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Order; provided, however, that:

1) Thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

- a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and,
- b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of this Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2) All licenses and licensing rights of Respondent DO are indefinitely suspended unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and

1 successfully completed the continuing education course on trust fund accounting and  
2 handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof  
3 of satisfaction of this requirement includes evidence that respondent has successfully  
4 completed the trust fund account and handling continuing education course within 120 days  
prior to the effective date of the Decision in this matter.

5 3) Pursuant to Section 10148 of the Code, DO shall pay the sum of \$4853.50 for the

6 Commissioner's cost of the audit which led to Accusation H-5442 SAC. Respondent shall  
7 pay such cost within sixty (60) days of receiving an invoice therefore from the  
8 Commissioner. The Commissioner may suspend Respondent's license pending a hearing  
9 held in accordance with Section 11500, et seq., of the Government Code, if payment is not  
10 timely made as provided for herein, or as provided for in a subsequent agreement between the  
11 Respondent and the Commissioner. The suspension shall remain in effect until payment is  
12 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to  
13 provide for payment, or until a decision providing otherwise is adopted following a hearing  
held pursuant to this condition.

14 4) Pursuant to Section 10148 of the Code, DO shall pay the sum of \$5777.28 for the

15 Commissioner's cost of the audit, which led to Accusation H-5443 SAC. Respondent shall  
16 pay such cost within sixty (60) days of receiving an invoice therefore from the  
17 Commissioner. The Commissioner may suspend Respondent's license pending a hearing  
18 held in accordance with Section 11500, et seq., of the Government Code, if payment is not  
19 timely made as provided for herein, or as provided for in a subsequent agreement between the  
20 Respondent and the Commissioner. The suspension shall remain in effect until payment is  
21 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to  
22 provide for payment, or until a decision providing otherwise is adopted following a hearing  
held pursuant to this condition.

23 5) Pursuant to Section 10148 of the Code, DO shall pay the Commissioner's reasonable cost, not

24 to exceed \$5777.28, for an audit to determine if Respondents have corrected the trust fund  
25 violation(s) found in Paragraph IV of the Determination of Issues. In calculating the amount  
26 of the Commissioner's reasonable cost, the Commissioner may use the estimated average  
27 hourly salary for all persons performing audits of real estate brokers, and shall include an

1 allocation for travel time to and from the auditor's place of work. Respondent shall pay such  
 2 cost within sixty (60) days of receiving an invoice therefore from the Commissioner detailing  
 3 the activities performed during the audit and the amount of time spent performing those  
 4 activities. The Commissioner may suspend Respondent's license pending a hearing held in  
 5 accordance with Section 11500, et seq., of the Government Code, if payment is not timely  
 6 made as provided for herein, or as provided for in a subsequent agreement between  
 7 Respondent and the Commissioner. The suspension shall remain in effect until payment is  
 8 made in full or until Respondent enters into an agreement satisfactory to the Commissioner to  
 9 provide for payment, or until a decision providing otherwise is adopted following a hearing  
 10 held pursuant to this condition.

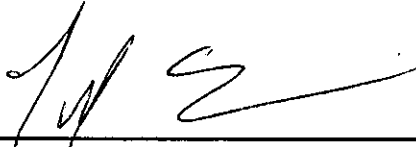
III

ELITE's petition for voluntary surrender of its corporate real estate broker

11 licenses is accepted as of the effective date of this Order as set forth below, based upon the  
 12 understanding and agreement expressed in Respondent's Declaration incorporated herein as part  
 13 of this Stipulation and Agreement. Respondent's license certificates, pocket cards and any  
 14 branch office license certificates shall be sent to the below listed address so that they reach the  
 15 Department on or before the effective date of this Order:

16  
 17 DEPARTMENT OF REAL ESTATE  
 18 Attn: Licensing Flag Section  
 19 P. O. Box 187000  
 20 Sacramento, CA 95818-7000

21 9-Aug-11  
 22 DATED

23   
 24 TRULY SUGHRUE  
 25 Counsel for Complainant

\*\*\*

26 I have read the Stipulation and Agreement, discussed it with my counsel, and its  
 27 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, and I willingly,  
 intelligently and voluntarily waive those rights, including the right of requiring the  
 Commissioner to prove the allegations in the Accusations 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.

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08/04/11

DATED

*Ha Thi Do*

Ha Thi Do, on behalf of  
ELITE REAL ESTATE ASSIATES  
ARDEN  
Respondent

08/04/11

DATED

*Ha Thi Do*

Ha Thi Do, on behalf of  
ELITE NORCAL CORPORATION  
Respondent

8/04/11

DATED

*Ha Thi Do*

HA THI DO  
Respondent

\*\*\*

*I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.*

Aug 3, 2011

DATED

*C. Breck Jones*

C. BRECK JONES  
Attorney for Respondents

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on **SEP 22 2011**, 2011.

IT IS SO ORDERED 8/23/11, 2011.

BARBARA J. BIGBY  
Acting Real Estate Commissioner

*Barbara J. Bigby*

FILED

AUG 16 2010

DEPARTMENT OF REAL ESTATE

*[Signature]*

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6  
7 Telephone: (916) 227-0789  
8 (916) 227-0781 (Direct)

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of

No. H-5442 SAC

ELITE REAL ESTATE  
ASSOCIATES ARDEN,  
HA THI DO, and  
CRISELDA G. CENTENO,

ACCUSATION

Respondents.

The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ELITE REAL ESTATE ASSOCIATES ARDEN, HA THI DO, and CRISELDA G. CENTENO (hereinafter "Respondents"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity.

///

///

1 2

2 Respondents are presently licensed and/or have license rights under the Real  
3 Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

4 3

5 At all times mentioned, Respondent ELITE REAL ESTATE ASSOCIATES  
6 ARDEN, (hereinafter "ELITE") was and is licensed by the State of California Department of  
7 Real Estate (hereinafter "Department") as a real estate broker corporation.

8 4

9 At all times mentioned, Respondent HA THI DO, (hereinafter "DO") was and is  
10 licensed by the Department individually and as the designated broker officer of ELITE. As said  
11 designated officer-broker, DO was and now is responsible pursuant to Section 10159.2 of the  
12 Code for the supervision of the activities of the officers, agents, real estate licensees and  
13 employees of ELITE for which a license is required.

14 5

15 At all times mentioned, Respondent CRISELDA CENTENO (hereinafter  
16 "CENTENO") was and is licensed by the Department as a real estate salesperson.

17 6

18 Whenever reference is made in an allegation in this Accusation to an act or  
19 omission of ELITE, such allegation shall be deemed to mean that the officers, directors,  
20 employees, agents and/or real estate licensees employed by or associated with ELITE committed  
21 such act or omission while engaged in the furtherance of the business or operations of such  
22 corporate Respondent and while acting within the course and scope of their authority and  
23 employment.

24 7

25 At all times mentioned, Respondents engaged in the business of, acted in the  
26 capacity of, advertised, or assumed to act as real estate brokers in the State of California, within  
27 the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate



1 resale brokerage with the public wherein, on behalf of others, for compensation or in expectation  
2 of compensation, Respondents sold and offered to sell, bought and offered to buy, solicited  
3 prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the  
4 purchase and resale of real property.

5 FIRST CAUSE OF ACTION

6 8

7 Each and every allegation in Paragraphs 1 through 7, are incorporated by this  
8 reference as if fully set forth herein.

9 9

10 In connection with the operation and conduct of the real estate activities described  
11 in Paragraph 7, CENTENO, on behalf of ELITE, engaged in the business of claiming,  
12 demanding, charging, receiving, collecting, or contracting for the collection of advance fees  
13 within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fees") of the Code  
14 including but not limited to the following:

15

Property Owner	Property Address	Date	Advance Fee
Fe and Gene Inguito	1533 Bailey Drive, Fairfield	10/2/07	\$2,500

16  
17

18 10

19 In connection with the collection and handling of said advance fee, CENTENO  
20 and ELITE:

21 (a) Failed to cause the advance fee contract and all materials used in obtaining  
22 the advance fee agreement to be submitted to the Department of Real Estate prior to use as  
23 required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of  
24 Regulations (hereinafter "the Regulations").

25 (b) Failed to immediately deliver said trust funds into a neutral escrow  
26 depository, or into a trust fund account in violation of Section 10146 of the Code.

27 ///

1 (c) Failed to furnish the principal borrower the verified accounting required by  
2 Section 10146 of the Code and Section 2972 of the Regulations.

3 11

4 The acts and/or omissions of CENTENO and ELITE described in the First Cause  
5 of Action, constitute violation of Section 10177(d) of the Code in conjunction with Sections  
6 10085 and 10146 of the Code and Sections 2970 and 2972 of the Regulations, and Sections  
7 10176(a) and 10176(i), and/or 10177(j) of the Code, and are cause for the suspension or  
8 revocation of CENTENO and ELITE license and license rights.

9 SECOND CAUSE OF ACTION

10 12

11 Each and every allegation in Paragraphs 1 through 11, inclusive, above, is  
12 incorporated by this reference as if fully set forth herein.

13 13

14 In acting as a real estate broker, as described in Paragraph 7, ELITE accepted or  
15 received funds in trust (hereinafter "trust funds") from or on behalf of lenders, investors, note  
16 purchasers, borrowers, and others in connection with the servicing, solicitation, negotiation,  
17 processing, and consummation of mortgage loan investments by ELITE.

18 14

19 The aforesaid trust funds accepted or received by ELITE were deposited or  
20 caused to be deposited by ELITE into one or more bank accounts (hereinafter "trust funds  
21 accounts") maintained by ELITE for the handling of trust funds, including but not limited  
22 to the following:

23 TITLE AND ACCOUNT NUMBERS

BANK

24 Elite Real Estate Services -  
25 Account No. 18491-40605  
26 (hereinafter "Trust #1")

Bank of America  
7707 Laguna Blvd.  
Elk Grove, CA 95758

27 ///

1  
2 In the course of activities described in Paragraph 7 and for each of the trust funds  
3 accounts identified in Paragraph 14, in connection with the collection and disbursement of said  
4 trust funds, ELITE:

5 (a) Failed to deposit trust funds into one or more trust funds accounts in the  
6 name of ELITE as trustee at a bank or other financial institution, in conformance with Section  
7 10145 of the Code and Section 2832 of the Regulations.

8 (b) Failed to maintain a written control record of all trust funds received and  
9 disbursed, containing all information required by Section 2831 of the Regulations.

10 (c) Failed to maintain separate beneficiary or transaction records containing  
11 all information required by Section 2831.1 of the Regulations.

12 (d) Failed to reconcile the balance of separate beneficiary or transaction  
13 records with the control record of trust funds received and disbursed at least once a month, and/or  
14 failed to maintain a record of such reconciliations for each account as required by Section 2831.2  
15 of the Regulations.

16 (e) Commingled with Respondent's own money or property, the money or  
17 property of others which was received or held by Respondent in trust in violation of Section  
18 10176(e) of the Code.

19  
20 The acts and/or omissions of ELITE as alleged in the Second Cause of Action  
21 constitute grounds for disciplinary action under the following provisions:

22 (a) As to Paragraph 15(a), under Section 10145 of the Code and Section 2832  
23 of the Regulations in conjunction with Section 10177(d) of the Code;

24 (b) As to Paragraph 15(b), under Section 2831 of the Regulations in  
25 conjunction with Section 10177(d) of the Code;

26 (c) As to Paragraph 15(c), under Section 2831.1 of the Regulations in  
27 conjunction with Section 10177(d) of the Code;

1 (d) As to Paragraph 15(d), under Section 2831.2 of the Regulations in  
2 conjunction with Section 10177(d) of the Code; and

3 (e) As to Paragraph 16(e), under 10176(e) of the Code.

4 THIRD CAUSE OF ACTION

5 17

6 Each and every allegation in Paragraphs 1 through 16, inclusive, above, is  
7 incorporated by this reference as if fully set forth herein.

8 18

9 Respondent DO failed to exercise reasonable supervision over the acts of  
10 Respondent ELITE in such a manner as to allow the acts and events described above to occur.

11 19

12 The acts and/or omissions of DO described in Paragraph 18, constitute failure on  
13 the part of DO, as designated broker-officer for ELITE, to exercise reasonable supervision and  
14 control over the licensed activities of ELITE required by Section 10159.2 of the Code.

15 20

16 The facts described above as to the Third Cause of Accusation constitute cause for  
17 the suspension or revocation of the licenses and license rights of Respondent DO under Section  
18 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in conjunction  
19 with Section 10177(d) of the Code.

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1                    WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
3 action against all licenses and license rights under the Real Estate Law (Part 1 of Division 4 of  
4 the Business and Professions Code) of Respondents, and for such other and further relief as may  
5 be proper under applicable provisions of law.

6  
7   
8 TRICIA SOMMERS  
9 Deputy Real Estate Commissioner

9 Dated at Sacramento, California,  
10 this 10<sup>th</sup> day of August, 2010  
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