

FILED

JUL 26 2017

BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

ANNA NGUYEN,

Respondent.

No. H-5977 SAC

ORDER DENYING REINSTATEMENT OF LICENSE

On March 6, 2014, a Decision was rendered in Case No. H-5977 SAC revoking the real estate broker license of Respondent effective April 3, 2014, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on April 3, 2014, and Respondent has held a restricted license since that time.

On May 9, 2016, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

1 I have considered the petition of Respondent and the evidence submitted in
2 support thereof.

3 The Bureau has developed criteria in Section 2911 of Title 10, California Code of
4 Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
5 reinstatement of a license. Among the criteria relevant in this proceeding are:

6 Regulation 2911(k) Correction of business practices resulting in injury to others
7 or with the potential to cause such injury.

8 On or about June 22, 2016, and continuing intermittently through July 22, 2016,
9 an audit was conducted of the records of Elk Grove Professional Service, Inc.
10 (EGPSI) Petitioner is the designated officer of EGPSI and is responsible pursuant to Section
11 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate
12 licensees, and employees of EGPSI for which a license is required . The auditor examined the
13 records for the period of May 1, 2015, through May 31, 2016. During the audit Petitioner was
14 providing property management services. During the audit period Petitioner accepted or
15 received funds in trust (trust funds) from or on behalf of owners and tenants in connection with
16 the leasing, renting, and collection of rents on real property or improvements thereon, as alleged
17 herein, and thereafter from time-to-time made disbursements of said trust funds. The trust funds
18 accepted or received by Petitioner were deposited into Account number XXXXXX2530,
19 maintained at Wells Fargo Bank. The auditor found the following trust fund handling violations
20 in relation to the trust funds deposited into the trust account:

- 21 • 2831 (failure to maintain adequate control record)
- 22 • 2831.1 (failure to maintain adequate separate records)
- 23 • 2831.2 (failure to accurately reconcile the balance of all separate beneficiary records with the
24 record of all trust funds received and disbursed)
- 25 • 10176(e) (comingling)

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1 Respondent has failed to demonstrate to my satisfaction that Respondent has
2 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
3 broker license at this time.

4 Given the violations found and the fact that Respondent has not established that
5 Respondent has satisfied Regulations 2911(k), I am not satisfied that Respondent is sufficiently
6 rehabilitated to receive a real estate broker license.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
8 reinstatement of Respondent's real estate broker license is denied.

9 This Order shall become effective at 12 o'clock noon on **AUG 16 2017**

10 IT IS SO ORDERED

7/17/17

11 WAYNE S. BELL
12 REAL ESTATE COMMISSIONER

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15 By: DANIEL J. SANDRI
16 Chief Deputy Commissioner