

FILED
OCT 29 2021
DEPARTMENT OF REAL ESTATE
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)
HOA THANH NGUYEN,) DRE No. H-07047 SAC
Respondent.)

ORDER VACATING DECISION AND SETTING ASIDE DEFAULT

On October 11, 2021, a Decision was rendered revoking the real estate salesperson license of Respondent, HOA THANH NGUYEN, effective November 02, 2021.

On October 27, 2021, good cause was presented to vacate the Decision of October 11, 2021, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

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1 NOW, THEREFORE, IT IS ORDERED that the Decision of October 11, 2021, is
2 vacated and that the Matter of the Accusation filed on May 19, 2021, is remanded to the Office of
3 Administrative Hearings.

4 This Order shall be effective immediately.

5 DATED: **OCT 28 2021**

6 DOUGLAS R. McCAULEY
7 REAL ESTATE COMMISSIONER

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10 for Doug McCauley
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FILED

OCT 13 2021

DEPARTMENT OF REAL ESTATE
By J. Targan

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:) DRE No. H-07047 SAC
HOA THANH NGUYEN,)
Respondent(s).)

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on , and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondent, HOA THANH NGUYEN ("Respondent"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate licenses and/or license rights on grounds of conviction of a crime that is substantially related to the qualifications, functions or duties of a real estate licensee and Respondent's failure to timely report said conviction.

Pursuant to Government Code Section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Government Code Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On May 19, 2021, Tricia D. Parkhurst made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to

Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on May 19, 2021.

On September 9, 2021, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("the Code") as a real estate salesperson. Respondent's real estate salesperson license expired on June 30, 2021. Pursuant to Code Section 10103, the Department retains jurisdiction.

3.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on May 19, 2021, which is incorporated herein as part of this Decision.

FAILURE TO DISCLOSE

4.

A diligent search was made of the records of the Department relating to Respondent's real estate salesperson license No. 02008850. No record or written notice was received from Respondent notifying the Department, in writing, of any arrest, conviction, indictment or license disciplinary action.

DETERMINATION OF ISSUES

1.

The allegations contained in the Accusation, constitute cause under Sections 490 and 10177(b) (conviction of a crime substantially related to the qualifications, functions or duties of a real estate licensee) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

2.

The allegation in paragraph 4, above, constitutes cause under Sections 10177(d) (willful disregard or violation of the Real Estate Law) and 10186.2 (failure to disclose) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

3.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondent HOA THANH NGUYEN under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on NOV 02 2021.

DATED: 10.11.21.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

1 Department of Real Estate
1651 Exposition, Blvd.
2 Sacramento, CA, 95815
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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA


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11 In the Matter of the Accusation of:) DRE NO. **H-07047 SAC**
12 HOA THANH NGUYEN,) DEFAULT ORDER
13 Respondent.)
14 _____)

15 Respondent HOA THANH NGUYEN, having failed to file a Notice of
16 Defense within the time required by Section 11506 of the Government Code, is now in
17 default. It is, therefore, ordered that a default be entered on the record in this matter.

18 IT IS SO ORDERED SEPTEMBER 09, 2021.

19 DOUGLAS R. McCAULEY
20 REAL ESTATE COMMISSIONER

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22 By: 
23 CHIKA SUNQUIST
24 Assistant Commissioner, Enforcement
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