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DEPARTMENT OF REAL ESTATE  
By *J. Targoff*

8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 ) No. H-7142 SAC  
14 TINA THUY NGUYEN, )  
15 ) ACCUSATION  
Respondent. )

16 The Complainant, TRICIA D. PARKHURST, a supervising special investigator  
17 of the State of California, for Accusation against Respondent TINA THUY NGUYEN  
18 (NGUYEN), is informed and alleges as follows:

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20 The Complainant makes this Accusation against Respondent in her official  
21 capacity.

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23 NGUYEN is presently licensed and/or has license rights under the California  
24 Business and Professions Code (Code) as a real estate broker.

25 3

26 NGUYEN currently holds a Mortgage Loan Originator Endorsement (MLO  
27 Endorsement).

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate broker within the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of and in expectation of compensation. Respondent leased or rented or offered to lease or rent, or places for rent, or solicited listings of places for rent or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rents from tenants.

At all times herein mentioned herein, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(a) of the Code, including the operation and conduct of a residential resale brokerage wherein Respondent bought, sold, or offered to buy or sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or business opportunities, all for or in expectation of compensation.

FIRST CAUSE OF ACTION

Complainant refers to Paragraphs 1 through 4, above, and incorporates the same herein, by reference.

Beginning on May 5, 2021, and continuing intermittently through December 31, 2021, an audit was conducted at NGUYEN’s main office located on 3000 T Street, Suite 203, Sacramento, California, where the auditor examined records for the period of January 1, 2019, through March 31, 2021 (the audit period).

While acting as a real estate broker as described in Paragraph 4, above, and within the audit period, NGUYEN accepted or received funds in trust (trust funds) from or on behalf of property owners, lessees and others in connection with property management

1 activities, deposited or caused to be deposited those funds into bank accounts maintained by  
2 NGUYEN, at Bank of America, 1515 Broadway, Sacramento, California, as described below:

TRUST ACCOUNT #1	
Account No.:	XXXXXXXXX9777
Entitled:	GTC Brokerage LLC Trust Account

BANK ACCOUNT #1	
Account No.:	XXXXXXXXX9696
Entitled:	GTC Brokerage LLC

12 and thereafter from time to time made disbursement of said trust funds.

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14 In the course of the activities described in Paragraph 4, in connection with the  
15 collection and disbursement of trust funds, it was determined that:

- 16 (a) NGUYEN failed to designate Bank Account #1 as a trust account as  
17 required by Section 2832 of Chapter 6, Title 10, California Code of  
18 Regulations (Regulations)
- 19 (b) During an accountability performed on Trust Account #1 and Bank  
20 Account #1 combined, and as of March 31, 2021, a shortage of  
21 \$12,526.18 was revealed, in violation of Section 10145 of the Code;
- 22 (c) NGUYEN failed to obtain written permission from owners of trust funds  
23 in Bank Account #1 to allow the balance to drop below accountability, in  
24 violation of Section 2832.1 of the Regulations;
- 25 (d) NGUYEN failed to maintain control records for Trust Account #1, as  
26 required by Section 2831 of the Regulations;

27 ///

1 (e) NGUYEN failed to maintain separate beneficiary records for Bank  
2 Account #1 or Trust Account #1, as required by Section 2831.1 of the  
3 Regulations; and

4 (f) NGUYEN failed to perform monthly reconciliations of the separate  
5 beneficiary records and control records for Bank Account #1 and Trust  
6 Account #1, as required by Section 2831.2 of the Regulations.

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8 The acts and/or omissions described above constitute violations of Sections 2831  
9 (control records), 2831.1 (separate beneficiary records), 2831.2 (monthly reconciliations), 2832  
10 (trust fund designation), and 2832.1 (written permission balance below accountability) of the  
11 Regulations and of Section 10145 (trust fund handling) of the Code and are grounds for  
12 discipline under Section 10177(d) (willful disregard of real estate laws) and 10177(g)  
13 (negligence/incompetence licensee) of the Code.

14 SECOND CAUSE OF ACTION

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16 Complainant refers to Paragraphs 1 through 9, above, and incorporates the same  
17 herein.

18 11

19 At no time mentioned herein, was Brent Matthew Teagle Johnson (Johnson)  
20 licensed by the Department, his real estate salesperson license having expired on June 30, 2021.  
21 Originally his license was set to expire on May 19, 2020, but the expiration date was extended  
22 to June 30, 2021 by executive order.

23 12

24 On or about November 4, 2021, Johnson acted as a dual agent for the sale that  
25 certain real property commonly known as 5904-06 Clover Manor, Sacramento. The sale on  
26 Clover Manor closed on December 17, 2021. NGUYEN compensated Johnson \$7,576.00 in  
27 commissions for handling this transaction.

1 13

2 During 2021, Johnson managed approximately twenty (20) properties, including  
3 but not limited to: 170 Olivadi Way, Sacramento, 999 Arcade Boulevard, Sacramento, 1089 6<sup>th</sup>  
4 Avenue, Sacramento, 4000 San Carlos Way, Sacramento and 1049 Jefferson Boulevard, West  
5 Sacramento.

6 14

7 Johnson solicited landlords, collected rent, forwarded rent to landlords and  
8 handled tenant complaints on behalf of owners for those properties that he managed, including  
9 those mentioned in Paragraph 11, above.

10 15

11 The acts of NGUYEN described above, constitute violations of Section 10137  
12 (Employing/Compensating Unlicensed Persons) of the Code and are grounds for discipline under  
13 Sections 10137, 10177(d) (Willful/Disregard Real Estate Law) and 10177(g)  
14 (Negligence/Incompetence Real Estate Licensee) of the Code.

15 THIRD CAUSE OF ACTION

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17 Complainant refers to Paragraphs 1 through 15, above, and incorporates the same  
18 herein.

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20 At all times herein above mentioned, NGUYEN, was responsible, as the  
21 supervising broker for Johnson, for the supervision and control of the activities conducted on  
22 behalf of NGUYEN's business by its employees. NGUYEN failed to exercise reasonable  
23 supervision and control over the property management activities of Johnson. In particular,  
24 NGUYEN permitted, ratified and/or caused the conduct described above, to occur, and failed to  
25 take reasonable steps, including but not limited to handling of trust funds, supervision of  
26 employees, and the implementation of policies, rules, and systems to ensure the compliance of  
27 the business with the Real Estate Law and the Regulations.

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The above acts and/or omissions of NGUYEN violate Section 2725 (broker supervision) of the Regulations and Section 10177(h) (broker supervision) of the Code and constitute grounds for disciplinary action under the provisions of Section 10177(d), 10177(g), and 10177(h) of the Code.

Audit Costs

The acts and/or omissions of NGUYEN as alleged above, entitle the Department to reimbursement of the costs of its audits pursuant to Section 10148(b) (audit costs for trust fund handling violations) of the Code.

Costs of Investigation and Enforcement

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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 all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.

  
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TRICIA D. PARKHURST  
Supervising Special Investigator

Dated at Sacramento California,  
this 31<sup>st</sup> day of May, 2022.

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DISCOVERY DEMAND

The Department of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Department may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.