

1 DEIDRE L. JOHNSON, Counsel
2 State Bar No. 66322
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6 Telephone: (916) 227-0789

FILED
MAY 10 2002

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

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

11 * * *

12 To:)	
)	
13 APEXWAY CORP., individually)	NO. H-8116 SF
14 and doing business as)	
15 IQ FINANCIAL;)	<u>ORDER TO DESIST</u>
16 CALIFORNIA BETTER HOME &)	<u>AND REFRAIN</u>
17 FINANCE, INC.;)	(B&P \$10086)
)	
18 MAY HAN; ANN NGOC DO; and)	
19 KIEU LY TRUONG LE.)	
)	

20 The Real Estate Commissioner of the State of California
21 has determined from the findings herein set forth below that you,
22 APEXWAY CORP., individually and doing business as IQ FINANCIAL;
23 BETTER HOME & FINANCE, INC.; MAY HAN; and, ANN NGOC DO, have
24 violated Section 10137 of the California Business and Professions
25 Code (hereafter the Code) by employing and/or compensating an
26 unlicensed person for conduct that requires a real estate
27 license; and that you, KIEU LY TRUONG LE, also known as MIMI LE,
have violated Section 10130 of the California Business and
Professions Code by engaging in the business of a real estate

1 broker within the State of California without a real estate
2 broker or salesperson license.

3 I

4 You, APEXWAY CORP.; CALIFORNIA BETTER HOME & FINANCE;
5 INC.; MAY HAN; and, ANN NGOC DO, are presently licensed and/or
6 have license rights under the Real Estate Law, Part 1 of Division
7 4 of the Code.

8 II

9 At all times herein mentioned, you, APEXWAY CORP., were
10 and are licensed by the Department of Real Estate (hereafter the
11 Department) as a real estate broker corporation, individually and
12 doing business as IQ FINANCIAL (hereafter APEXWAY), with MAY HAN
13 as the designated broker officer.

14 III

15 At all times herein mentioned, you, CALIFORNIA BETTER
16 HOME & FINANCE, INC. (hereafter BETTER HOME) were and are
17 licensed by the Department of Real Estate (hereafter the
18 Department) as a real estate broker corporation, with ANN NGOC DO
19 as the designated broker officer until on or about January 16,
20 2001, when the designated officer license was cancelled.

21 IV

22 At no time herein were you, KIEU LY TRUONG LE, also
23 known as MIMI LE (hereafter LE), licensed by the Department as
24 either a real estate broker or salesperson.

25 V

26 At all times herein mentioned, you, APEXWAY and BETTER
27 HOME, engaged in the business of, acted in the capacity of,

1 advertised or assumed to act as a real estate broker within the
2 State of California, for or in expectation of compensation,
3 including:

4 (a) The operation and conduct of a real property sales
5 business with the public, and sold or offered to sell, bought or
6 offered to buy, solicited prospective sellers or purchasers of,
7 obtained listings of, and/or negotiated the purchase, sale or
8 exchange of real property in California under Section 10131(a)
9 of the Code; and/or,

10 (b) the operation and conduct of a mortgage loan
11 brokerage business with the public wherein lenders and/or
12 borrowers were solicited for loans secured directly or
13 collaterally by liens on real property, and wherein such loans
14 were arranged, negotiated, processed, and consummated on behalf
15 of others, under Section 10131(d) of the Code.

16 VI

17 During the three-year period immediately preceding the
18 filing of this Desist and Refrain Order, you, LE, were employed
19 or associated with APEXWAY and HAN and performed activities for
20 APEXWAY and HAN for which a real estate license is required, for
21 or in expectation of compensation. You, LE, solicited and/or
22 negotiated sales and purchases of real property and loans secured
23 by real property, for or in expectation of compensation from
24 APEXWAY and HAN, in various transactions, including but not
25 limited to the following:

26 ///

27 ///

CLOSE OF ESCROW	CLIENT	PROPERTY	COMMISSION TO IQ FINANCIAL
March 10, 2000	Andrew Phan & Giselle Tran	2762 Aqua Vista Drive, Santa Clara	Loan: \$5,052.00

VII

In or about March of 1999, you, APEXWAY and HAN, entered into an agreement with you, LE, to open a "branch" of APEXWAY at a different location on Berryessa Road in San Jose, California. For tax or other purposes, the parties agreed to form a separate corporation, BETTER HOME.

VIII

In November of 1999, you, BETTER HOME and DO, filed a corporate real estate broker license and designated broker officer application with the Department, that showed the initial directors of BETTER HOME to be you, LE and Bao Nguyen.

IX

During the three-year period immediately preceding the filing of this Desist and Refrain Order, you, LE were employed or associated with you, BETTER HOME and DO, individually and/or as a "branch" of APEXWAY, and performed activities for BETTER HOME for which a real estate license is required, for or in expectation of compensation. You, LE solicited and/or negotiated sales and purchases of real property and/or loans secured by real property, for or in expectation of compensation from BETTER HOME, in various transactions, including but not limited to the following:

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CLOSE OF ESCROW	CLIENT	PROPERTY	COMMISSION TO BETTER HOME
October 27, 2000	Trang Phung	17725 Granada Drive, Victorville	Sale: \$11,394 Loan: \$ 6,250
January 26, 2001	Lisa Buckley	1216 San Juan Avenue, San Jose	Loan: \$5,673

X

The above acts and/or omissions of you, APEXWAY and HAN, in employing and/or compensating LE when you, LE, were not duly licensed by the Department, violate Section 10137 of the Code.

XI

The above acts and/or omissions of you, BETTER HOME and DO, in employing and/or compensating LE when LE was not duly licensed by the Department, violate Section 10137 of the Code.

XII

The above acts and/or omissions of you, LE, violate Section 10130 of the Code.

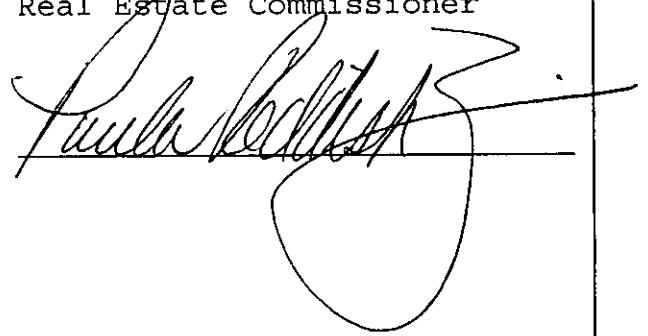
NOW, THEREFORE, YOU, APEXWAY CORP., individually and doing business as IQ FINANCIAL; BETTER HOME & FINANCE, INC.; MAY HAN; ANN NGOC DO; AND YOUR EMPLOYEES, AGENTS, SUCCESSORS AND ASSIGNS, ARE HEREBY ORDERED TO DESIST AND REFRAIN from employing and/or compensating KIEU LY TRUONG LE, also known as MIMI LE, or any other unlicensed person for acts for which a real estate license is required.

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1 FURTHER, YOU, KIEU LY TRUONG LE, also known as MIMI LE,
2 ARE HEREBY ORDERED TO DESIST AND REFRAIN from performing any and
3 all acts for which a real estate license is required until such
4 time as you may obtain the required license from the Department.

5 DATED: April 30, 2002.

6 PAULA REDDISH ZINNEMANN
7 Real Estate Commissioner

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9
10

11 cc: APEXWAY CORP
12 dba IQ FINANCIAL
13 ATTN: MAY HAN
43452 Laurel Glen Common
Fremont, CA 94539

14 CALIFORNIA BETTER HOME
15 & FINANCE, INC.
ATTN: ANN NGOC DO
16 2470 Berryessa Road, Suite I
San Jose, CA 95133; and,
17 ATTN: JONATHAN C. DO
1146 Jacklin Road
18 Milpitas, CA 95035; and,
19 ATTN: JONATHAN C. DO
864 Walker Avenue
20 Oakland, CA 94612

21 MAY HAN
43452 Laurel Glen Common
22 Fremont, CA 94539

23 ANN NGOC DO
2850 Quimby Road #150
24 San Jose, CA 95148

25 KIEU LY TRUONG LE
1326 Mayberry Lane
26 San Jose, CA 95131

ATTY/DLJ 27